

From: Chceme Zdravu Krajinu <chcemezdravukrajinu@gmail.com>
Sent: Monday, July 19, 2021 10:25 PM
To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>
Subject: Re: Decision VI/8i (Slovakia) - to the communicants and observers

Dear Fiona or sir or madam,

taking into account that, as stated in the paragraph 35 of the draft report, "*the Compliance Committee does not consider any of the matters raised [in our observer statement and its update] to fall within the scope of its review of decision VI/8i*", we provide only the following two comments. If there is a suitable opportunity in the future, we will provide also an appropriate reaction to the statements of the Slovak republic and the Nuclear regulatory authority from 6, 18 and 21 June 2021.

Firstly, there is a small typo at the beginning of the paragraph 35 of the draft report - the correct version should be "*In his statements of 30 May and 2 June 2021*" (instead of "*In his statements of 28 and 30 May 2021*").

Secondly, the Slovak republic claims in its statement delivered at the Committee's 71st meeting on 7 July 2021 that "*The Slovak Republic, as a Party to the Aarhus Convention, has been continuously trying to implement the pillars and provisions of the Aarhus Convention into its legal framework to the fullest extent possible.*" Based on the available information and our own experience we fail to agree with this statement. Even if taking into account only the recent development of the Slovak legislation directly related to the nuclear sector, there is evidence one can consider to be contradictory to the above mentioned statement of the Slovak republic. For example, we consider the new Building Act(s) proposed by the Deputy Prime Minister for Legislation and Strategic Planning to be a textbook example of fundamental non-compliance with the Aarhus convention (for more details see the section I. of our observer statement dated 30 May 2021. Although the original proposal was withdrawn in mid June 2021, after only a few minor changes the acts were proposed again on 30 June 2021). The proposed amendment of the Atomic act tailored specifically to the project of the new nuclear power plant (NPP) in Jaslovské Bohunice (instead of transparently starting a new EIA process in the future) can be considered another example. This change might lead to e.g. 10, 15, or more years between the end of the EIA process and the start of the proper authorization process of the NPP (based on the detailed project documentation). Not only the EIA from 2016 might be at least morally obsolete after such a long time, in addition the original EIA e.g. did not focus on a particular reactor type - it took into account properties of a set of 6 reference PWR type NPPs (the reactor type has not been selected yet). For more details see the section II. of our observer statement dated 30 May 2021 and its update dated 2 June 2021. Since both the above mentioned legislative changes are proposed either by the Deputy Prime Minister or by four coalition MPs representing approval of all four government parties of the proposal, it is difficult to interpret them differently than the actions of the Slovak republic (represented by its government).

On top of that, the withdrawal of the postal and telecommunication secret from the set of reasons allowing declaring documents as confidential according to the Atomic act could have been adopted months ago if proposed as a single legislative change instead of a small supplement to a contextually unrelated amendment of the Geology act (the corresponding legislative process seems to be stuck) or to the controversial amendment of the Atomic act mentioned above. Also, the withdrawal of the postal and telecommunication secret should not be taken as granted, as there is still a long way until the corresponding legislative changes are adopted, if it happens at all.

Last, but not least, we would like to thank the Compliance Committee and its team for its Slovakia related activities, which contributed to some improvement of the situation in our country. Hopefully,

this development will not be reversed by adoption of the new Building Act(s), the amendment of the Atomic act tailored to the new Bohunice NPP project or similar legislative changes.

Kind regards,

Michal Daniška

director of the Slovak NGO (civic association) Chceme zdravú krajinu (We want a healthy country)

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