Please find below the comments of the Czech Republic on *Draft findings and recommendations with regard to communication ACCC/C/2016/143 concerning compliance by Czechia* as received via the letter of the Secretary to the Aarhus Convention Compliance Committee dated 10 June 2021.

The Czech Republic maintains all its statements provided so far to the ACCC. In addition to these statements, in the light of *Draft findings and recommendations with regard to communication ACCC/C/2016/143 concerning compliance by Czechia*, we would like to convey to the Committee the following.

General comment on the draft as a whole

In the first place the Czech Republic would like to point out that several parts of the draft would make it seem that in cases where the Czech Republic had not submitted any specific comment on a particular factual statement made by the communicant, the Committee took the position of the communicant as a fact without searching for and clarifying the factual situation itself. The Czech Republic believes the role of the Committee should be an independent fact-finder and evaluator of the case it is dealing with and should inquire about facts of the case with both sides equally.

Paragraphs 22 and 23

The Czech Republic would like to clarify the statement made here, based on the Communication, in relation to the so called „subsequent procedures" according to Act no. 100/2001 Coll., on environmental impact assessment (EIA Act) – the wording of „*These "subsequent procedures" are those with a high number of participants according to the administrative regulations.*" might imply that unless a procedure, otherwise fulfilling all the other requirements of the EIA Act to be a subsequent procedure, has a high number of participants, it cannot be considered as a such. This is not the case, as the number of participants of a procedure has no bearing on whether it should be considered as a subsequent procedure or not. A procedure fulfilling all the requisites of a subsequent procedure is always considered as „a procedure with a high number of participants" (a legal term established in general administrative regulation) which has consequences for some of the practical aspects of the procedure, mainly on the means of notification and delivery of documents during the procedure.

Following the abovementioned, the Czech Republic requests a deletion of the sentence in question („*These "subsequent procedures" are those with a high number of participants according to the administrative regulations.*") as it is in fact irrelevant – the number of participants is not and never has been a criterion of a subsequent procedure according to the EIA Act.

Paragraph 63 and 64 in connection with paragraph 109

The Czech Republic remains on its previous statement which is mentioned in these paragraphs - the permit issued in 2016 does not fall under article 6(1)(a) in conjunction with paragraph 22 of Annex I either and the Dukovany NPP has been in operation since the 1980s based on previously issued operating permits. The operating permit in question has been issued by State Office for Nuclear Safety in 2016 and has (from a material perspective) the character of a decision on renewal of the previous operating permit issued in 1986. This conclusion was recently confirmed by the judgment of the Czech Constitutional Court ref. n. II. ÚS 940/20 (same conclusions are included also in the judgement of the Supreme Administrative Court 3A 106/2017-30) which determined that

15. The administrative courts correctly applied the judicial conclusions arising from the judgment of the Supreme Administrative Court of 19 May 2011, No. 2 As 9 / 2011-154, No. 2399/2011 Coll. NSS, for the present case. According to this decision, the only participant in the procedure for permitting the operation of a nuclear facility pursuant to § 9 para. d) of the Atomic Act is an applicant (in this case ČEZ, a. s.). This also applies to the procedure for permitting the operation of an installation that is already operated on the basis of a previous permit, for which the time-limited validity expires. Although such proceedings are not followed by any other proceedings in which the public concerned could assert its interests, this is not contrary to the so-called Aarhus Convention or Section 70 of the Nature and Landscape Protection Act, as repeated permits to operate an already operated facility do not affect nature protection and the landscape in a way that would give the public the right to participate directly in the proceedings. These conclusions appear rational to the Constitutional Court and the Court found no reason to interfere in them.

16. In this regard, the Constitutional Court notes that the setting of a permit for a certain period of time aims at a regular assessment of whether the current requirements of the parties to the atomic legislation are met. It can be plausibly argued that if there were changes with an impact on nature and landscape protection, they would be caused by a change in the nuclear facility, which is treated, for example, by proceedings on change in use of the building under § 127 of the Building Act, and possibly by changing the zoning decision. The subject of the administrative procedure for a permit to operate a nuclear facility and for the approval of documentation is then the assessment of whether the applicant is able to meet the requirements of nuclear legislation in the operation of a nuclear facility (Section 207 (1) of the Atomic Act). The link to nature and landscape protection, as defined in § 2 of the Nature and Landscape Protection Act (and as establishing the legitimacy of associations in proceedings under other acts), is not directly established in these proceedings. In the case of a nuclear installation and its operation, these interests are assessed in other proceedings, such as in the framework of the zoning procedure, the construction procedure, and in the EIA process. The participation of associations dealing with nature and landscape protection is also allowed in them.

The Czech Republic fully agrees with the conclusions of the Czech Constitutional Court and furthermore states that all material changes which can be considered as reconsideration or update of the operating conditions for an activity would be covered by a permit for the carrying out of modifications affecting nuclear safety, technical safety and physical protection of a nuclear installation (article 9 (1) (h) of the Atomic Act) and in these proceedings, as it is described in the following comments (see comments to the Paragraph 130 and 134), public participation is ensured.

Paragraph 101

The persistence on the finding that any change to the permitted duration of an activity is a reconsideration or update of that activity's operating conditions contained in this paragraph is already at first sight very discriminatory and burdensome in relation to States which, in their legislation or indirectly in the relevant operation licenses, have in the past laid down a limited period for permitting of the operation of nuclear power plants. As can be seen, for example in the NEA OECD 2019 brochure - Legal Frameworks for Long-Term Operation of Nuclear Power Reactors, the approaches to the time limitation of operation license of countries differ. The fact that some countries do not have a time limit for the validity of the operating license leads to the absurd conclusion that in the case of unlimited licenses article 6(10) of the Convention is not applicable for the same type of nuclear installation for which other country has a time limit for the validity of the operating license.

Materially it is exactly the same situation, but only on the basis of formal administrative conditions established by the state would a completely different regime be applied to the same situation.

Paragraph 105

The Czech Republic disagrees with the general applicability of the findings of the Committee on communication ACCC/C/2014/104 (Netherlands), as in that case the facts of that case were significantly different from the facts in the case in question. In the Netherlands case the LTO rested in the prolongation of the operation of the nuclear power plant from 40 to 60 years, i.e. by 20 years. In case of a prolongation of an operation under thy hypothetical limit of an LTO it is absolutely plausible for the environmental impacts of such a prolongation to be either insignificant or even non-existent. On the basis of this paragraph the Committee states the non-compliance in relation to the Dukovany nuclear power plant, however in different cases such argumentation of the Committee might not stand.

Moreover, the Czech Republic finds the application of the aforementioned findings of the Committee in the Netherlands case on the assessment of whether a project could have significant environmental impacts or not, as a prerequisite for Article 6 (1) a) of the Convention to be applicable, as inappropriate, given that these findings had not been reached in this case, but were taken over from an older finding in a case against Spain (ACCC/C/2013/99).

Following the abovementioned, the Czech Republic requests a redrafting of the part in question.

Paragraphs 110-123

The Czech Republic considers the entire section of the findings of the Committee regarding periodic safety reviews as inappropriate and misleading. First and foremost, the Czech Republic finds it irregular that the Committee deals with the topic, given that no particular periodic safety review that would be in any way contested by the communicant has yet taken place. Also the fact that the Committee argues using the Espoo Convention's 2020 *Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants*, which by the time the communication and reactions on it had been submitted, was not even in existence, is not appropriate. The Czech Republic also remarks that this Guidance deals with the applicability of the Espoo Convention and was created within its context and on the basis of its text with involvement of many political views and interests of the individual State Parties to the Espoo Convention. On the other hand, IAEA documents, which are mostly ignored by the Committee, were established by the teams of the technical and legal experts with strictly neutral and expert approach. Therefore, we find it truly problematic to apply the 2020 Guidance onto the draft findings according to the Aarhus Convention.

Nature of the periodic safety review (hereinafter referred as „PSR") determines its applicability, responsible subjects and possible outcomes and results. PSR has been developed as a part of the safety assessment for activities related with utilization of nuclear facilities under unifying international expert and regulatory role of the International Atomic Energy Agency and incorporated into its safety standards. Safety standards represent not only globally recognized set of recommendations which purpose is to ensure common level of nuclear safety but also obligation of the IAEA's member states, including the Czech Republic, to comply with these recommendations and implement them into national legal and regulatory frameworks. Thus the PSR and requirements relating to it must reflect the IAEA's safety standards.

According to the IAEA Safety Glossary, 2016 Revision, June 2016, the "periodic safety review" is defined as "A systematic reassessment of the safety of an existing facility (or activity) carried out at regular intervals to deal with the cumulative effects of ageing, modifications, operating experience, technical developments and siting aspects, and aimed at ensuring a high level of safety throughout the service life of the facility (or activity).". Safety assessment, as a general category covering the PSR (which is integral part or, seen from other perspective, one of tools of it) is regulated by the IAEA SAFETY STANDARDS SERIES No. GSR Part 4 (Rev. 1), SAFETY ASSESSMENT FOR FACILITIES AND ACTIVITIES. According to its point 4.8, the safety assessment should be updated in the periodic safety review carried out at predefined intervals in accordance with regulatory requirements. Such interval is usually 10 years, however, they may be different and a PSR could be performed even more frequently, based on actual circumstances and conditions. According to point 4.2, the responsibility for carrying out the safety assessment rests with the responsible legal person; that is, the person or organization responsible for the facility or activity — generally, the person or organization authorized (licensed or registered) to operate the facility or to conduct the activity. The safety assessments and its results are to be submitted to the regulatory body as part of the licensing or authorization process (e.g. point 1.2).

A PSR for nuclear power plants is regulated specifically by the IAEA's Specific Safety Guide, No. SSG-25, Periodic Safety Review for Nuclear Power Plants, 2012. A PSR can be used for various purposes (point 2.10):

- As a systematic safety assessment carried out at regular intervals,
- In support of the decision making process for licence renewal;
- In support of the decision making process for long term operation.

As in the safety assessment's case, the operating organization bears the prime responsibility for ensuring that an adequate PSR is performed (point 2.11). A PSR identifies findings of the following types (point 2.15):

- Positive findings (that is, strengths): Where current practice is equivalent to good practices as established in current codes and standards, etc.
- Negative findings (that is, deviations): Where current practices are not of a standard equivalent to current codes and standards or industry practices, or do not meet the current licensing basis, or are inconsistent with operational documentation for the plant or operating procedures.

These findings may lead, or not, to proposals for safety improvements and an integrated implementation plan. However, such proposals, described in a PSR report must go through a regulatory review by a regulatory body and the regulatory body determines whether the licensing basis and operating conditions for the nuclear power plant remains valid or unchanged (point 2.18).

The IAEA's recommendations clearly distinguish between a PSR, as a type of safety assessment the outcomes of which are limited to informational findings with no real impacts on operating conditions, and following phases of the review process that involve proposals for safety improvements, their regulatory review and related decision making. A PSR cannot directly affect operation of a facility per se, it only provides informational base for further considerations, planning and, namely, decision making by a regulatory body. Therefore a PSR must be performed by an operator of a facility, not by a regulatory body. Moreover, a PSR does not necessarily lead to any proposals of any changes in operation. In most cases, PSR findings are only acknowledged by an operator and a regulatory body with no resulting changes or improvements.

Due to these characteristics, a PSR is obviously not a formal procedure resulting in a decision, nor administrative or other process in which third parties could in any way participate. A PSR is a systematic internal assessment activity of an operator, performed by a team of experts during a long period of time, checking a current status of a facility and its systems and resulting in a report with findings. These findings have no impact on operation itself but are used as inputs for further plans and considerations. Nevertheless, only these further plans and considerations can be subject to formal procedures and decisions. This also corresponds to the understanding expressed in the *Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants.*

Czech nuclear legal framework, as established by the act no. 263/2016 Coll., Atomic Act, and its supplementing regulations, namely decree no. 162/2017 Coll., On Requirements on Safety Assessment According to the Atomic Act, strictly comply with the aforementioned IAEA's recommendations on a safety assessment and a PSR. However, the current system has entered into force on the 1st January 2017.

Before 2017, no national legal requirements on a PSR in the Czech Republic were established. Former Act no. 18/1997 Coll. required an operator (permit holder) to verify and evaluate nuclear safety only in general manner. Lack of formal enactment led the regulatory body to limit a validity of operating permits to 10 years, even though the act itself enabled unlimited validity of permits (e.g. operating permit for LTO EDU 1 has been issued for unlimited period of time according to the act no. 18/1997 Coll.). For each re-issuance of the operating permit the operator had to perform a comprehensive safety assessment for the facility, usually (but not compulsorily) in a form of a PSR. This factual regulatory approach compensated absenting explicit implementation of the IAEA's recommendations regarding a PSR in the Czech legal framework. However, the nature of a PSR was identical with international recommendations – a PSR was only internal assessing activity of an operator with findings that could be used for preparation of improvements and updates plans and, subsequently, for decision making process of a regulatory body. A PSR itself did not result into reconsideration or update of a permit's operating conditions and was performed only optionally – an operator could use a different approach. Therefore, any participation of third parties could not be imposed by any legal act.

Act no. 263/2016 Coll., Atomic Act, requires an operator to perform a safety assessment in article 48 para 1 and in article 49 para 1 letter d). According to article 48 para 2 letter c), a safety assessment includes, among others, a PSR. Details for a PSR, including its frequency, are set down by decree no. 162/2017 Coll. All abovementioned international recommendations on a PSR and their aspects are fully respected by these regulations. It means that a PSR is performed exclusively as an internal (though compulsory) activity of an operator and an operator is obliged to utilize its findings (summarized in a PSR report) in further planning of changes in activity, if needed and as appropriate. Planning of changes in activity is another obligation of an operator and is regulated by other legal requirement, in article 49 para 1 letter e) of the Atomic Act. No involvement of a regulatory body nor decision making in a PSR is presumed or requested. However, if an operator proposes or plans safety relevant changes in activity, the Act imposes an obligation to obtain a special permit (decision) from a regulatory body in advance, according to article 9 para 1 letter h) of the Atomic Act or an amendment to existing operating permit must be decided on according to the article 22 para 1 of the Atomic Act. Nevertheless, a PSR is only one of possible sources of information for a regulatory body decision making and it does not have to result in any decision (and usually it is the case), i.e. a decision is not an outcome of a PSR.

It is obvious that a PSR itself, due to its nature, cannot qualify as a "reconsideration or update of operating conditions" within the meaning of article 6(10) of the Convention. A PSR has exclusively a fact-finding purpose, to gather informational base for further decision making activities. Its character and way of performing even prevents involvement of third parties since no normative or regulatory

act comes out from a PSR. On the contrary, such application of article 6(10) of the Convention could lead to an absurd conclusion that any PSR (i.e. every 10 years, incl. a PSR with no relation to LTO) or any other safety assessment relating to an NPP, e.g. deterministic, continual or of a special nature, would have been followed by formal proceedings and a decision and would have involved public participation. Such conclusion would be clearly discriminating in comparison with other (non-nuclear) activities and, moreover, it would significantly exceed scope, meaning and purpose of the Convention.

Moreover, article 6(10) of the Convention requires each Party to ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate. As demonstrated above, a PSR does not involve a public authority nor its considerations. A PSR precedes, not necessarily, following decision-making of a regulatory body, although in most cases no decision is required and a PSR plays only a role of regular comprehensive safety assessment with no impacts on performed activity. Key elements of article 6(10) and a whole article 6 (dealing with a public participation in decisions on specific activities) of the Convention and prerequisites for their application are not met by a PSR.

Additionally, proceedings on changes of operating permits led by a regulatory body according to the article 22 para 1 of the Atomic Act have no limitations regarding participation of the third parties. Similar fact should be concluded in relation to the proceedings on issuance a permit for carrying out of modifications affecting nuclear safety, technical safety and physical protection of a nuclear installation, as described in detail in the comments to paragraphs 130 and 134.

Following the abovementioned, the Czech Republic requests a redrafting of the whole part of the findings dealing with the issue of a PSR, including the relevant part of the recommendations, in line with the arguments mentioned here.

Paragraph 128

The conclusion contained in this paragraph is considerably restrictive and simplistic. In the Czech legal system, a dual system of defence against decisions of administrative bodies has historically developed. The first way how to challenge an issued administrative decision is an instance review within administrative proceedings. The second option is the possibility of review of the administrative decision by the administrative courts. In the first case, the appellant has a possibility to review the administrative decision via an appeal, which is heard by the superior administrative body. However, in the case of administrative decisions of the State Office for Nuclear Safety, it is a decision of an independent central state administration body, which is not subordinate to any ministry or other administrative body, therefore Act No. 500/2004 Coll., The Administrative Procedure Code, stipulates that an appeal against administrative decisions of the central administrative body will be heard by the head of this administrative body. But this does not mean automatically that this review is not independent. The Chairman of the State Office for Nuclear Safety is expressly excluded from the discussion within the administrative proceedings and therefore does not participate in any way in the formulation of the given administrative decision. A possible appeal is therefore decided by a person who did not participate in the original proceedings. The head of the State Office for Nuclear Safety also decides on the basis of the opinion of an independent appeal commission, which consists of an independent team of legal and other experts. This system is established explicitly by law. Therefore, in our opinion, this fact cannot be simply overcome by stating that an independent and impartial review is solely understood to be review by judicial bodies.

Paragraph 130 and 134

Anyone who claims that their rights have been prejudiced directly or due to the violation of their rights in the preceding proceedings by a decision (an act of an administrative authority whereby the person's rights or obligations are created, changed, nullified or bindingly determined) may seek the cancellation of such a decision, or the declaration of its nullity according to the Act no. 150/2002 Coll., Code of Administrative Justice. A complaint against a decision of an administrative authority can also be made by a party to the proceeding before the administrative authority who is not entitled to file complaint, if the party claims that his or her rights have been prejudiced in a manner that could have resulted into an illegal decision. Moreover, anyone can seek protection against inaction of an administrative authority or protection against unlawful interference, instruction or enforcement from an administrative authority according to this Act. Unlawfulness rests in failure to follow the legally required procedure or substantive violation of any obligations enumerated in the Act no. 263/2016 Coll., Atomic Act, Act no. 183/2006 Coll., On Town Planning and Building Code (Building Act), Act no. 100/2001 Coll., On Environmental Impact Assessment etc. These acts also specify who is authorized to challenge the respective decisions of competent authorities (e.g. State Office for Nuclear Safety, Ministry of Industry and Trade, Ministry of Environment etc.). In these administrative court's proceedings, a plaintiff is anyone who is entitled by that particular law and defendant is the competent authority of the state.

In the draft findings (line 132) the Committee comes to the conclusion that the Czech Republic cannot rely on conclusions contained within the judgment number 4 As 157/2013-33. The Czech Republic believes that this judgement was somehow misinterpreted and therefore submits the translation of the findings of Supreme Administrative Court number 4 As 157/2013-33 (paragraphs 29 and 30):

[29] Related to this question is whether there can be any cases in which the decision of an administrative body will reduce the rights of someone who is not a party to the administrative proceedings. In addition, the Supreme Administrative Court states that, although such a situation is extremely undesirable, it cannot be ruled out a priori that it may exceptionally occur. It is conceivable especially in cases where participation in proceedings before an administrative body is not regulated by § 27 of the Administrative Procedure Code (par. No. 1 As 80/2008 - 68, No. 1787/2009 Coll., NSS), but the participants in the proceedings are exhaustively calculated by the provisions of the Act special to the Administrative Procedure Code, as in the case under consideration. In contrast to the legal regulation of administrative justice contained in Part Five of the Code of Civil Procedure, as amended until the end of 2002, the Code of Administrative Procedure no longer combines standing to bring an action against a decision of an administrative body with participation in administrative proceedings (cf. § 250 para. Code of Civil Procedure., as amended, effective until 31 December 2002, or § 65 paragraph 1 of the Code of Administrative Justice). In its judgment of 6 February 2014, No. 4 Ads 107/2013 - 29, the Supreme Administrative Court noted that "[…] and in this conclusion [ie. that the complainant was entitled to bring an action] cannot alter the fact that the complainant was not a party to the proceedings in which the amount of the care allowance was reduced for her son. The construction of Section 65 para. 1 of the Code of Administrative Justice does not necessarily require prior participation of the plaintiff in administrative proceedings and from the point of view of standing it is therefore not relevant that the plaintiff was party of the proceedings but whether the issued decision affected its legal sphere in the sense described above. This conclusion was reached by the Supreme Administrative Court in its judgment of 22 February 2011, No. 2 Afs 4/2011 - 64, which was based on the resolution of the Enlarged Chamber of 23 March 2005, No. 6 A 25 / 2002 - 42. This new case-law then surpassed the opposite conclusion made in the resolution of the Supreme Administrative Court of 15 September 2004, No. 5 A 45/2001 - 65, to which the regional court referred in the contested resolution. "

[30] The Supreme Administrative Court therefore concludes that (in general terms) it is conceivable that the contested decision affects the legal sphere of the complainants (or some of them), even though they were not parties to the proceedings before the administrative body. In such situations, their right to bring an action cannot be made conditional on the lodging of an appeal against the contested decision of the defendant, to which they were manifestly unfounded and which would have to be rejected as inadmissible. In such a case, on the other hand, an action against a final decision of the first-instance administrative body may exceptionally be heard. Similarly, an action by the Supreme Public Prosecutor, or the Public Defender of Rights, against a final decision of the first-instance body under the conditions specified in § 66 Code of Administrative Justice can the filed.

The same conclusions are also included for example in the judgement of the Supreme Administrative Code no. 2 Afs 4/2011 – 64 or Ads 107/2013 - 29.

As it is obvious from the aforementioned wording, these judgements can be applied in general to any proceedings with no public participation – when there is no possibility for public participation in the administrative proceedings, party concerned has the right to challenge the administrative decision in front of an impartial and independent court. So this rule can be considered stable when it comes to judicial decisions and public participation (in front of an impartial and independent body) is ensured.

In the given case (the dispute as to whether NGOs are parties to the proceedings concerning the permit to operate the Dukovany Nuclear Power Plant according to the Act no. 263/2016 Coll., Atomic Act), the Supreme Administrative Court and subsequently the Constitutional Court ruled that NGOs were not parties to proceedings pursuant to the Act No. 263/2016 Coll., Atomic Act. Nevertheless that fact is indisputable and in accordance with settled case-law. As stated above, the public has the right to submit their comments in other proceedings, and issues relating to, inter alia, nuclear safety may also be raised in them (confirmed by the judgement of the Municipal Court in Prague 3A 92/2011 – 132 which states that the public is not deprived of the possibility to comment on issues of nuclear safety even in proceedings under the Building Act, because the building authority may apply for extradition in the areas of nuclear safety opinions to the State Office for Nuclear Safety). However, in line with what has been explained above, NGOs had the opportunity to challenge the decision in terms of its factual correctness and illegality before an independent judicial body – an administrative court. According to the abovementioned case law, it was not necessary for them to be participants in administrative proceedings (i.e. in this case, proceedings under the Act. No. 263/2016 Coll., Atomic Act).

Nonetheless in the proceedings in question the NGOs did not attempt to challenge the given decision itself at all, and the entire court proceedings were conducted only in terms of their participation in the administrative proceedings under the Atomic Act. Therefore, the Czech Republic cannot be accused of incorrect implementation of the Aarhus Convention on the sole ground that non-governmental organizations have not decided to use the means provided to them by the legal system of the Czech Republic in the light of the relevant and settled case law. Therefore, had non-governmental organizations not just brought the dispute before the courts as to whether they are a party to the proceedings, but rather used the two-month statutory period to file an action against a decision to challenge the material or legal aspects of this decision, they would have been entitled to an independent review of the decision on the permit for operation of the four units of the Dukovany Nuclear Power Plant. NGOs clearly had this opportunity and did not use it at all (in none of the four cases of the permitting of operation of the four units of the Dukovany Nuclear Power Plant). Therefore, the Czech Republic cannot be blamed for incorrect implementation of the Aarhus Convention when the communicants did not utilize all of their legal opportunities to challenge the administrative decision, and the Czech Republic therefore finds the conclusions of the Committee in paragraphs 130

and 134 to be incorrect and unfounded. In addition, non-governmental organizations could have also used the subsidiary option provided for in Section 66 of Act No. 150/2002 Coll., The Code of Administrative Procedure, which allows actions to be brought through the Public Defender of Rights or the Attorney General.

Following the abovementioned, the Czech Republic requests a rewording of relevant paragraphs of the draft.

Paragraph 138

The Czech Republic finds the wording of the recommendations to be unclear, in particular in relation to the formulation „*or any subsequent legislation*“, the meaning of which is not clarified anywhere in the text. The Czech Republic wonders whether it means any implementing legislation to the Atomic Act (such as decrees of the government or the relevant regulatory authority), or any other legislation – the issue here being that it case the latter was true, it would imply a significant extension of the scope of the Convention that would not be in line with its provisions.

Following the abovementioned, the Czech Republic requests either a deletion of the formulation in question or its rewording in order to clarify its meaning.