

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Seventh session

Geneva, 18–20 October 2021

Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)*

Decision VII/8e concerning compliance by Czechia with its obligations under the Convention

Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VI/8e with regard to compliance by Czechia,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8e concerning compliance by Czechia,³ and the findings of the Committee on communication ACCC/C/2016/143 concerning public participation in decision-making and access to justice regarding the extension of the lifetime of Dukovany nuclear power plant,⁴

Encouraged by the willingness of Czechia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that the Party concerned has not yet met the requirements of paragraphs 3 or 6 of decision VI/8e, nor has made any apparent progress in that direction;

* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2017/2/Add.1.

³ ECE/MP.PP/2021/50, forthcoming.

⁴ ECE/MP.PP/C.1/2021/28, forthcoming.

2. *Reaffirms* decision VI/8e and requests the Party concerned to:
 - (a) Take the necessary legislative, regulatory and administrative measures to ensure that:
 - (i) Members of the public are granted access to administrative or judicial procedures to challenge acts and omissions by an operator or competent authority when an operator contravenes provisions of national law relating to noise;
 - (ii) The Party concerned, in future, submits plans and programmes similar in nature to the National Investment Plan to public participation, as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;
 - (b) Demonstrate that it provides:
 - (i) A legal framework to ensure that, when selecting means of notifying the public under article 6 (2), public authorities are required to select such means as will ensure effective notification of the public concerned, bearing in mind the nature of the proposed activity and including, in the case of proposed activities with potential transboundary impacts, the public concerned outside the territory of the Party concerned;
 - (ii) The necessary arrangements to ensure that:
 - a. When conducting transboundary procedures in cooperation with the authorities of affected countries, the competent public authorities make the necessary efforts to ensure that the public concerned in the affected countries is in fact notified in an effective manner;
 - b. There will be proper possibilities for the public concerned, including the public outside the territory of the Party concerned, to participate at the subsequent stages of the multistage decision-making procedure regarding Temelin nuclear power plant;
3. *Decides*, in the light of the lack of engagement and concrete action of the Party concerned during the intersessional period, to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (a) and (b) above and has notified the secretariat of this fact by 1 October 2023;
4. *Requests* the Committee to establish the successful fulfilment of paragraph 2 (a) and (b) above for the purposes of paragraph 3 above;
5. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/143 that:
 - (a) By not providing for public participation meeting the requirements of article 6 (2)–(9) in the decision-making to grant the first reactor of Dukovany nuclear power plant an indefinite operating permit, the Party concerned failed to comply with article 6 (10) of the Convention;
 - (b) By establishing a legal framework that does not provide for public participation meeting the requirements of article 6 (2)–(9) in each of the 10-year periodic safety reviews for the first reactor of Dukovany nuclear power plant, the Party concerned fails to comply with article 6 (10) of the Convention;
 - (c) By failing to provide environmental non-governmental organizations with access to a review procedure to challenge the substantive or procedural legality of decisions, acts and omissions under the 1997 and 2016 Atomic Acts subject to article 6 of the Convention, the Party concerned fails to comply with article 9 (2) of the Convention;
6. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that:
 - (a) When the operating conditions of a permit issued under the 1997 or 2016 Atomic Act, or any legislation that supersedes the 2016 Atomic Act, are reconsidered within the meaning of article 6 (10) of the Convention, the provisions of article 6 (2)–(9) will be

applied *mutatis mutandis* and where appropriate, bearing in mind the objectives of the Convention. This includes, but is not limited to, the reconsideration of the duration of the permit or the 10-year periodic safety reviews;

(b) Members of the public concerned meeting the requirements of article 9 (2), including environmental non-governmental organizations, have access to a review procedure to challenge the substantive or procedural legality of decisions, acts and omissions under the 1997 or 2016 Atomic Act, or any subsequent legislation, that are subject to the provisions of article 6 of the Convention;

7. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2 and 6 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2 and 6 above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2 and 6 above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2 and 6 above is to be considered;

8. *Undertakes* to review the situation at its eighth session.
