



**Public participation
undesirable**

Shadow Report on the Implementation of the Aarhus Convention
Czech Republic 2017



PUBLIC PARTICIPATION UNDESIRABLE

CZECH REPUBLIC

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Access to information

- 2 different acts – different regimes
- Not too many obstacles in application
- **Existing issues:**
 - *Long time to get requested information*
 - *Politically sensitive cases*
 - *State/municipalities do not have information*
- ČEZ case – access to information from companies governed by state/municipalities denied

Public participation since 2018

	EIA projects (cca 100 projects/year)	Non-EIA projects (most of the projects)
Individuals	Only owners of houses, lands, flats (regulated by Building Act) No tenants	Only owners of houses, lands, flats (regulated by Building Act) No tenants
NGOs	NGOs: <ul style="list-style-type: none">- Older than 3 years- More than 200 supporters (signatures for activity concerning the project); not used in practice	Till 2017 – all environmental NGOs Since 2017 – no NGOs at all

Access to justice

- Art. 9/1 – Access to information: not many problems
- Art. 9/2
 - *Participating public (not NGOs in non-EIA projects)*
 - *NGOs – access to substantial (new!) and procedural judicial review*
- Art. 9/3 – Almost not used
- Suspensive effect: Better than before, but far from ideal
- No judicial review of inactivity of state bodies

Progress within 2014-2017

- Less EIA projects (city development, parking spaces, etc.) – 2015 amendment
- + NGOs – access both to substantial (new!) and procedural judicial review
- + Judicial review of EIA screening and scoping

Negative legislative changes since 2018

■ EIA:

- *Cancellation of the obligation to organize a public hearing*
- *Cancellation of the option to oblige an investor to present variants of the projects*
- *Shortening deadlines for submitting comments*
- *No possibility to participate in authorization of nuclear facilities*

■ Buiding act:

- *No NGOs participation in decision making on non-EIA projects*
- *Easier changes of the spatial plans*