



**ÖKOBÜRO**  
ALLIANZ DER UMWELTBEWEGUNG

A-1070 Wien, Neustiftgasse 36/3a  
T: +43 1 524 93 77  
F: +43 1 524 93 77-20  
E: [office@oekobuero.at](mailto:office@oekobuero.at)  
[www.oekobuero.at](http://www.oekobuero.at)

ZVR 873642346

### **Aarhus Convention Secretariat**

c/o Fiona Marshall  
Palais des Nations  
8-14 avenue de la Paix  
1211 Geneva 10, Switzerland

Vienna, 30 October 2019

**Regarding:** Decision VI/8e on compliance by the Czech Republic with its obligations under the Aarhus Convention; statement regarding the second progress report

Dear Ms. Marshall,

GLOBAL 2000 and OEKOBUERO appreciate the opportunity to comment on the second progress report of the Czech Republic on the implementation of decision VI/8e.

Regarding the obstacles for public participation in EIA procedures as well as notification of the public, we would like to inform the Committee of the following two recent legislative amendments.

#### **1. Amendments to EIA law 100/2001 Coll (326/2017 Coll)**

An amendment to the EIA Act introduced a list of follow-up procedures in which the EIA decision has to be taken into consideration. Although this is certainly a positive development, important procedures according to certain laws are not listed, e.g. the Czech Atomic Bill. The EIA statement is therefore still not a part of those procedures and public participation is not guaranteed in those procedures.

The Government can decide on exceptions from the legal requirement to conduct an EIA.

Before the amendments, members of the public had the following possibilities during an EIA procedure:

- submit a statement to the EIA announcement (20 days deadline)
- submit a statement to the EIA documentation (30 days deadline)
- submit a statement to the final expert statement (30 days deadline) and make a statement at the public hearing.

The EIA amendment, however, reduced the possibilities for the public as the final expert statement will not be published at all during the EIA procedure, but only at the end together with the (final) EIA



statement. The public lost its chance to make a statement on the expert statement, which is a document for the competent EIA authority. As the expert statement is a document for the binding final EIA statement, it would be appropriate to give the public a chance to submit comments.

The next EIA phase is the public hearing. Before the amendment, the hearing was obligatory although the authority could skip it, if no negative comment on the documentation was submitted. Now, a general rule was introduced according to which no hearing must be conducted. The negative statement needs to be submitted from the public as defined in § 3(h) EIA Act. It remains unclear, if this right to submit statements includes municipalities and city districts.

Furthermore, the EIA statement's validity was prolonged from five to seven years.

## **2. Amendment to the Building Act (225/2017 Coll.)**

The building permit is a follow-up procedure to the EIA. The amendment of the Building Act brought changes which harm public participation with new rules clearly serving to obstruct public participation. Inter alia, a rather complex system of gathering signatures was introduced in a short period of time (and limited to 18 month validity).

At any time, we stand ready to submit further information regarding the two mentioned amendments if needed.

Sincerely,

---

**Thomas Mördinger**  
OEKOBÜERO – Alliance of the  
Austrian Environmental Movement

---

**Reinhard UHRIG**  
GLOBAL 2000 / Friends of the Earth Austria