

**Initiative information
to the Aarhus Convention Compliance Committee
concerning the Second progress review of the implementation of decision VI/8i on compliance by
Slovakia with its obligations under the Convention¹**

submitted by

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via e-mail to aarhus.compliance@un.org (CC: public.participation@un.org; on 1 October 2020 by
Peter Mihók (mihok@cepta.sk)

Bratislava / Banská Bystrica, 1 October 2020

Dear members of the Aarhus Convention Compliance Committee,

we would like to share with you information which you might find relevant with regard to the *Second progress review of the implementation of decision VI/8i on compliance by Slovakia with its obligations under the Convention* (further referred as ‘your second progress review’):

1. In July 2020, the Ministry of Justice (MoJ) of Slovakia, in the so called preliminary information³, officially informed the public that it started to prepare an amendment of the Freedom of Information Act (further acronymed FOIA. In your second progress review, you stressed that Slovakia *has not yet fulfilled the requirements of paragraph 2 of decision VI/8i*. However, the MoJ has not mentioned this in its preliminary information about the planned FOIA amendment in any way. Instead, the MoJ only informed that it planned to amend the FOIA in order to transpose the Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.
2. In response to the facts summarised in the paragraph 1 above, we submitted an official impetus to the MoJ (within the existing legal framework and legal deadline, by email) on 3 August 2020. In our four pages long text (in the Slovak language), we reminded the MoJ that the program document of the political party ‘OLaNO’ (which formed the current Slovak Government) contained the proposal of the *abolishment of the currently existing legal possibility to classify all documents in permit procedures in the commercial nuclear sector on a "flat-rate basis", because it is in conflict with European law and the Constitution. Only those selected parts of these documents that contain confidential or very sensitive information should be classified*⁴. In this impetus to the MoJ, we also referred to your second progress review. The MoJ confirmed to us the receipt of this impetus on 3 August 2020, but has not provided any feedback to us regarding it yet. In the Annex 1, we attach an electronic copy of this impetus (unfortunately, we do not have capacities to translate this text to English).
3. On 22 September 2020, Ms. Dana Mareková (as a citizen of Slovakia, affiliated with the Austrian NGOs Global 2000 a Wiener Plattform Atomkraftfrei) sent a letter to the State secretary of the Ministry of Environment (MoE) Mr. Juraj Smatana (CC: 1. Minister of Justice Mr. Mária Kolíková, 2. State secretary of the Ministry of Economy Mr. Karol Galek). In this seven pages long letter (in the Slovak language), she summarised her point of view about an up-to-date application of the Aarhus Convention in Slovakia in relation to the commercial nuclear sector, referring also to your second progress review, and also to the part of the program document of the political party

¹ https://www.unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8i_Slovakia/Correspondence_with_Party/Secnd_progress_report/Second_progress_review_on_VI.8i_Slovakia_adopted.pdf

² www.ochranari.sk;

³ <https://www.slov-lex.sk/legislativne-procesy/SK/PI/2020/146>

⁴ https://www.obycajniludia.sk/wp-content/uploads/2020/02/OLANO_program_2020_FINAL_online.pdf, p. 109, item 11.

'OLaNO' quoted in the paragraph 2 of this document. In this letter, Ms. Mareková requested the State secretary of the MoE to remove legislative and application barriers in the application of the Aarhus Convention in a nuclear sector in Slovakia (as explained in her letter). This letter was signed also by the Slovak NGOs CEPTA and Via Iuris, the Slovak office of Greenpeace CEE, the Slovak Civic initiative *Chceme zdravú krajinu* (*We want a healthy country*), and also by Mr. Peter Mihók (i.e. the main author of this document). In the Annex 2, we attach an electronic copy of this impetus (unfortunately, we do not have capacities to translate this text to English).

4. On 22 September 2020, the Minister of Environment of the Slovak Republic, Mr. Ján Budaj, held a press conference on the issues dealt with in this document. According to the media, he stressed that Slovakia was breaching the Aarhus convention⁵. Even though the Minister claimed that the MoE would initiate the FOIA amendment in order to make it respect the international legislation⁶ [12], he did not specify when such an amendment would be made⁷.
5. Today, i.e. on 1 October 2020, we submitted an official proposal to the MoJ (within the existing legal framework), in which we requested the MoJ to amend the FOIA (within an ongoing amendment preparation process) in a way which would revoke FOIA amendments from 2010 – 2019 (dealt with by the Aarhus Convention Compliance Committee) in order to allow transparency of nuclear sector information under the FOIA as in April 2010 or before. Also in this proposal, we referred to your second progress review (and also to the part of the program document of the political party 'OLaNO' quoted in the paragraph 2 of this document). This our proposal to the MoJ was also supported/signed by 32 Slovak citizens (members of the informal Slovak association of environmentalists⁸). In the Annexes 3 and 4, we attach an electronic copy of this impetus (unfortunately, we do not have capacities to translate this text to English).

We hope that you would find this initiative information useful, and hereby allow you to share it to anyone concerned, and/or post it on the UNECE or any other website. We do not expect a reply, as we hereby only share to you the information about what we did at the Slovak national level. We are looking forward to reading the third progress review of the implementation of decision VI/8i on compliance by Slovakia with its obligations under the Convention, which we will consider as a response to our initiative contact with you.

We would like to thank you very much for all your Slovakia-related work so far, and also thank you in advance for all your future work on the issues dealt with in this document!



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⁵ See for ex.: <https://spravy.pravda.sk/domace/clanok/563557-budaj-chce-odtajnit-informacie-o-jadrovej-energetike/>, or <https://domov.sme.sk/c/22493612/budaj-kritizoval-utajovanie-informacii-o-jadrovej-energetike.html>.

⁶ See for ex.: <https://domov.sme.sk/c/22493612/budaj-kritizoval-utajovanie-informacii-o-jadrovej-energetike.html>.

⁷ See for ex.: <https://www.aktuality.sk/clanok/823992/budaj-sa-pustil-do-pellegriniho-za-jadro-co-bude-s-odpadom-z-talianska-nevedno/>.

⁸ www.ochranari.sk.

⁹ www.cepta.sk

¹⁰ <http://www.nuclear-transparency-watch.eu>

¹¹ www.chcemezdravukrajinu.sk