

Draft Plan of Action for Decision VIII/8d (Czechia)

Through paragraph 4 (a) of decision VIII/8d concerning the compliance of Czechia, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2026 regarding the implementation of the recommendations contained in that decision. The text of decision VIII/8d is available at: https://unece.org/sites/default/files/2026-04/Aarhus_MoP8_VIII_8d_Czechia_aec.pdf.

A. Description of the process by which the plan of action has been prepared

The draft plan of action was prepared by the Ministry of the Environment in consultation with other competent public authorities. The draft (in both Czech and English) will be published on the website of the Ministry of the Environment without undue delay, together with an invitation to submit comments within [*minimum of four weeks from the date of publication on the Ministry's website*]. At the same time, the communicants and observers will be informed of this opportunity through the secretariat of the Aarhus Convention. All comments received will be duly considered, and the action plan will be revised accordingly before being finalized. The final version of the action plan will subsequently be published on the website of the Ministry of the Environment.

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

1. Regarding paragraph 3 (a) of decision VIII/8d

On 9 February 2023, following the plan of action prepared for the previous implementation period, Czechia has asked for advice from the Compliance Committee regarding further implementation of the requirements contained in paragraph 2 (b) of decision VII/8e (the same requirements are now reflected in paragraph 3 (a) of decision VIII/8d). The Committee provided its advice, containing further guidance on the interpretation of those requirements, on 26 August 2025 (ECE/MP.PP/C.1/2025/22).¹ Subsequently, at the Meeting of the Parties, the Czech Republic made the following statement:

“With regard to the request to provide a legal framework that ensures effective notification of the public concerned under Article 6 (2) of the Aarhus Convention, we have asked the Committee for a specification of its recommendations, and we are grateful for its willingness to provide it. The advice it has provided helped us understand the outcome the Committee is aiming for. At the same time, we are concerned about the lack of weight given to the use of modern digital means in its advice, and we believe that the promotion of its broad interpretation will be very difficult

¹ Committee’s advice is available at: unece.org/sites/default/files/2026-01/ECE.MP_PP_C.1.2025.22.E.pdf.

in practice, especially in the absence of connection with the instruments and processes under the Espoo Convention.”²

The recommendations in the Committee's response provide useful guidance for further implementation of the requirements set out in the decision of the Meeting of the Parties. At the same time, as already indicated in the statement delivered at the Meeting of the Parties, we consider some of those recommendations to be difficult to implement in practice and are not convinced that they would produce results commensurate with the resources required for their implementation. We therefore consider it necessary to emphasize, at a minimum, the following:

- The objective of Czechia in this matter is to arrive at a solution that ensures compliance with the requirements set out in the decision of the Meeting of the Parties to the Aarhus Convention while remaining proportionate. The solution ultimately adopted should strike an appropriate balance and take due account of other relevant considerations.
- To begin with, we consider the breadth of the requirements to be problematic. In essence, they appear to require not only the use of all the means of notification referred to in paragraph 64 of the Maastricht Recommendations (which are recommendatory in nature and, although they establish a standard towards which Parties should seek to progress where circumstances permit, they cannot, in our view, be understood as requiring Parties to employ all of the means listed therein³), but also, where considered necessary, the use of additional means beyond those recommendations (see, for example, paragraph 18 of the Committee's advice).
- As stated not only at the Meeting of the Parties but also in our comments on the Committee's draft advice, we find it particularly concerning that the Committee appears to downplay the importance of official public administration information systems as the principal means of notifying the public concerned (see, in particular, paragraphs 27–31 of the advice, as well as paragraphs 37–39). While we welcome the Committee's partial shift in approach reflected in paragraph 29, we cannot agree with the qualification contained in the final sentence of that paragraph, nor with the reasoning in paragraph 30, which, from the perspective of practical implementation, effectively negates that positive development. Furthermore, we consider the Committee's conclusion regarding the (non-)use of the official notice boards of public authorities (see paragraph 32 of the advice) to be unsupported and wholly unacceptable.
- Last but not least, the requirements concerning the notification of the public concerned in another country by the Party of origin also present a significant challenge, as they depart from the procedures established under the Espoo Convention (see, in particular, paragraphs 45–46 of the Committee's advice). All of the Committee's recommendations concerning the notification of the public in other countries will need to be discussed with those countries (i.e. the Czech Republic's neighbouring countries). In particular, we continue to regard the recommendation to publish notices in the printed press abroad as problematic, especially in cases when this is not currently a customary means of notifying the public concerned under article 6 (2) of the Aarhus Convention.
- Overall, the recommendations call for significant changes with far-reaching implications. It will therefore be necessary to carefully consider other relevant factors, including legal certainty for investors, the practical feasibility of the proposed measures for the competent authorities, and the efficiency (timeliness) of permitting procedures.

² Full text of the statement is available at: <https://unece.org/environment/documents/2026/01/presentations/pp-mop-8-statements-czechia-agenda-item-6-d>.

³ See, in particular, the opening wording of paragraph 64 ("As a guide ..."), paragraph 63 (b) ("As a good practice"), as well as the introductory wording of paragraph 66 ("If one of the chosen ways of informing the public about its possibilities to participate is via local newspapers ...").

Notwithstanding the above concerns, the Committee's advice has contributed to a better understanding of the objectives to be achieved. In particular, we agree that the use of appropriate “active” means of notification capable of ensuring the timely notification of the public concerned can significantly enhance the effectiveness of public notification. The individual recommendations contained in the Committee's advice will therefore serve as the basis for further analysis and consultations.

Against this background, the measures proposed in the plan of action are primarily aimed at gathering additional information, on the basis of which further course of action will be proposed in the first progress report. At the same time, the possibilities for the further development of the CENIA information system will be examined, including the potential integration of a notification system into that or another (future) information system. The objective of these measures is to identify a solution capable of ensuring effective notification within the meaning of article 6 (2) of the Aarhus Convention, while making use of means that can reasonably be regarded as proportionate in light of their overall costs and benefits. **The specific measures proposed are set out in the table below.**

2. Regarding paragraph 3 (b) of decision VIII/8d

Significant legislative changes relating to this recommendation entered into force on 1 July 2025. Amendments to Act No. 263/2016 Coll., the Atomic Act, introduced by Act No. 83/2025 Coll., expanded opportunities for public participation in licensing proceedings under the Atomic Act and further enhanced the overall transparency of procedures relating to the peaceful use of nuclear energy. The amendments broadened the scope of information that must be made publicly available to include information on the initiation of administrative proceedings concerning the issuance of licences for activities related to the use of nuclear energy, as well as information on periodic safety reviews. In addition, a new explicit obligation was introduced requiring licence holders to make publicly available, by means of remote access, information on all facts of relevance to nuclear safety, radiation protection, technical safety, radiation monitoring, emergency preparedness and response, and nuclear security that arise in the course of the licensed activity.

Accordingly, where the operating conditions of a licence under the Atomic Act are reconsidered, this should always result either in the issuance of one of the licences referred to in section 9(1) of the Atomic Act, the approval of amended documentation relating to the licensed activity, or the adoption of a new decision pursuant to section 22 of the Atomic Act. Under the clarified wording of sections 19(1) and 24(3) of the Atomic Act, public participation is available in each of these procedures. The public is therefore able to obtain information about such proceedings through the website of the State Office for Nuclear Safety ("SONS"). In the longer term, the publication of this information on the SONS website is intended to evolve into a dedicated open-data database, enabling users to access, process and reuse the information in a machine-readable format. The SONS also disseminates information on proceedings of particular significance for nuclear safety through its social media channels. This practice will continue and will be expressly reflected in the internal rules of the SONS.

The SONS will also publish the conclusions of periodic safety reviews. Where members of the public become aware from those conclusions that some form of administrative intervention may be necessary, they will be able to initiate administrative proceedings before the SONS. In order to facilitate public access to the initiation of such proceedings, model submissions for this type of procedure will be made available through the SONS portal, thereby providing the public with a simple means of initiating proceedings where appropriate. Such administrative proceedings may result in the imposition of remedial measures pursuant to section 204 of the Atomic Act or, in extreme cases, in the revocation of the licence to carry out the relevant activity pursuant to section 22 of the Atomic Act. Participation in these proceedings is ensured by the Atomic Act in conjunction with the general provisions on participation in administrative proceedings contained in Act No. 500/2004 Coll., the Administrative Procedure Code. In addition to the licence holder concerned, other affected persons are also parties to such proceedings.

For these reasons, we consider this recommendation to have been fully implemented from a legislative perspective and that, in cases involving the reconsideration of the operating conditions of a licence issued under the Atomic Act, the requirements of Article 6 (2)-(9) of the Aarhus Convention are ensured. At the same time, it must be acknowledged that these new opportunities have not yet been used by the public, and therefore their actual effects in terms of the implementation of the Aarhus Convention remain unclear. Further amendments would therefore be premature at this stage, as they could not be undertaken with an adequate understanding of the practical needs and any shortcomings of the current regulatory framework.

In order to support the effective implementation of these legislative amendments in the light of the proposed recommendation, additional regulatory and administrative measures will be adopted to raise public awareness of these rights and to explicitly incorporate their proper application into the administrative practice of the SONS in its capacity as the nuclear regulatory authority. **The specific measures proposed are set out in the table below.**

As the Czech Republic participates in a number of international organisations active in the field of the peaceful use of nuclear energy (including WENRA, IAEA, NEA OECD and EURATOM), it will also seek to promote the coordination of approaches to engagement with the public within these organisations, with a view to achieving, to the extent possible, a consistent approach across the nuclear sector. In this regard, reference may again be made to the statement delivered by the Czech Republic at the Meeting of the Parties in connection with the present case:

*“Regarding the request to provide public participation under Article 6 (10) of the Aarhus Convention when the operation conditions are reconsidered during the 10-year periodic safety reviews of nuclear power plants, we also welcome all additional clarifications provided by the Committee during this intersessional period. In this context, we must highlight that the Committee's findings in this matter are currently being discussed by the Western European Nuclear Regulators Association due to possible conflict with requirements of international nuclear law. In view of this, we expect that it might be necessary to reconsider and further discuss their implications and possible unintended consequences.”*⁴

⁴ Full text of the statement is available at: <https://unece.org/environment/documents/2026/01/presentations/pp-mop-8-statements-czechia-agenda-item-6-d>.

Recommendation: Para. 3 (a) (i) of decision VIII/8d	In paragraph 3 (a) (i) of decision VIII/8d, the Meeting of the Parties requests the Party concerned to: (a) 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;
Short description of the measure(s) proposed to fulfil recommendation and how each measure will contribute to doing so	The need for, and possible scope of, any amendments to the legal framework will be assessed on the basis of additional information: 1. An analysis of the means used to notify the public concerned in other States that are Parties to the Aarhus Convention (drawing on national implementation reports etc.). 2. Consultations with representatives of selected States regarding the various notification tools used in those States, with particular emphasis on their effectiveness and practical experience with their application. 3. Consultations with selected representatives of non-governmental organizations (NGOs) regarding their views on which means of notification would be particularly suitable. At the same time, the possibilities for modernising the EIA information system (the CENIA portal) will be examined, including, inter alia, the possibility of introducing a notification mechanism.
Outline of the main steps that need to be taken to implement the proposed measure(s), including timeframe by when each step is expected to be completed	1. An analysis of the means used to notify the public concerned in other States that are Parties to the Aarhus Convention (drawing on national implementation reports etc.). 2. Consultations with representatives of selected States regarding the various notification tools used in those States, with particular emphasis on their effectiveness and practical experience with their application. 3. Consultations with selected representatives of non-governmental organizations (NGOs) regarding their views on which means of notification would be particularly suitable. 4. Assessment of the possibilities for modernising the EIA information system, including, inter alia, the introduction of a notification mechanism. The results of steps 1 to 4, together with any follow-up proposals, will be reflected in the first progress report (i.e. by 1 October 2027).
List of the government departments and other actors whose involvement will be needed to implement each of the above steps	Ministry of Environment + CENIA (ministerial organisation of the Ministry of Environment)
Final date by when implementation of recommendation is expected to be completed	1 October 2028

Recommendation: Para. 3 (a) (ii) a. of decision VIII/8d	In paragraph 3 (a) (ii) a. of decision VIII/8d, the Meeting of the Parties requests the Party concerned to: (a) Demonstrate that it provides: (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;
Short description of the measure(s) proposed to fulfil recommendation and how each measure will contribute to doing so	The need for specific measures will be assessed on the basis of additional information: 1. Consultations with representatives of Germany, Austria, Slovakia and Poland regarding their practical experience with notifying the public concerned of proposed activities with transboundary impacts and regarding possible improvements to the current procedures with a view to enhancing the effectiveness of notification. 2. A request addressed to the communicants and observers in case ACCC/C/2012/71 (Czech Republic) seeking their views on which means of notification would, from their perspective as members of the public in another State, be particularly appropriate.
Outline of the main steps that need to be taken to implement the proposed measure(s), including timeframe by when each step is expected to be completed	1. Consultations with representatives of Germany, Austria, Slovakia and Poland regarding their practical experience with notifying the public concerned of proposed activities with transboundary impacts and regarding possible improvements to the current procedures with a view to enhancing the effectiveness of notification. 2. A request addressed to the communicants and observers in case ACCC/C/2012/71 (Czech Republic) seeking their views on which means of notification would, from their perspective as members of the public in another State, be particularly appropriate. The results of the consultations, together with any follow-up proposals, will be reflected in the first progress report (i.e. by 1 October 2027).
List of the government departments and other actors whose involvement will be needed to implement each of the above steps	Ministry of Environment
Final date by when implementation of recommendation is expected to be completed	1 October 2028

Recommendation: Para. 3 (a) (ii) b. of decision VIII/8d	In paragraph 3 (a) (ii) b. of decision VIII/8d, the Meeting of the Parties requests the Party concerned to: (a) Demonstrate that it provides: (ii) The necessary arrangements to ensure that: 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 Temelín nuclear power plant;
Short description of the measure(s) proposed to fulfil recommendation and how each measure will contribute to doing so	According to the information currently available to us, no subsequent permitting procedures have yet been initiated in respect of the proposed activity. Any further steps during the project development and permitting phase fall entirely within the responsibility of the developer. Public participation in the subsequent procedures is ensured under the current legal framework of the Czech Republic. Proceedings concerning the permit for the proposed activity under the Building Act constitute subsequent procedures for these purposes. Non-governmental organizations (both domestic and foreign) that meet the requirements laid down in Act No. 100/2001 Coll., on Environmental Impact Assessment, are entitled to participate in such proceedings with all the rights of a party to the proceedings and, where appropriate, may also bring an action before the administrative courts challenging the decision adopted.
Outline of the main steps that need to be taken to implement the proposed measure(s), including timeframe by when each step is expected to be completed	-
List of the government departments and other actors whose involvement will be needed to implement each of the above steps	-
Final date by when implementation of recommendation is expected to be completed	-

Recommendation: Para. 3 (b) of decision VIII/8d	In paragraph 3 (b) of decision VIII/8d, the Meeting of the Parties recommends that the Party concerned to: (b) Take the necessary legislative, regulatory, administrative or other measures to ensure that 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.
Short description of the measure(s) proposed to fulfil recommendation and how each measure will contribute to doing so	1. The SONS internal documentation (which is binding on all SONS staff) will be amended to explicitly incorporate the rules governing administrative proceedings laid down in the Atomic Act and the Act on Administrative Procedure, including the rules on participation in proceedings, the relationship between successive procedures and the obligation to publish information on such proceedings. The purpose of these amendments is to ensure a consistent administrative practice within the SONS and among its officials, while clearly emphasizing the objective of achieving the highest possible level of transparency in procedures under the Atomic Act, in accordance with the legal framework of the Czech Republic. The SONS internal documentation will also establish, in a systematic manner, rules governing the dissemination of information to the public, with a view to ensuring that the public is effectively informed of all significant regulatory activities relating to the peaceful use of nuclear energy. Accordingly, the internal documentation will not only describe the statutory transparency obligations but will also go beyond those requirements by providing for additional means of informing the public. This will ensure that information on significant regulatory activities is made available not only through the SONS website, as required by the Atomic Act, but also through other communication channels, in line with the recommendation, including, for example, the SONS social media channels, communications by senior management, and the media. The enhanced transparency framework will also be subject to international review as part of the IRRS follow-up mission conducted under the auspices of the International Atomic Energy Agency (IAEA) in 2027. One of the issues to be examined during the mission will be the extent to which the recent legislative and regulatory changes have strengthened transparency in procedures relating to the peaceful use of nuclear energy. 2. In addition to these regulatory measures, practical engagement with the public will also be further strengthened. A comprehensive guidance document for the public will be finalized and published, explaining the rights available to the public under the Atomic Act and related legislation, including the right to obtain information, to participate in administrative proceedings etc. This document, together with other relevant information, will be actively promoted through all communication channels available to the SONS and will remain permanently accessible to the public. 3. In addition, the SONS, acting in its capacity as a consulted (affected) authority or expert body, will actively participate in procedures conducted under other legislation, in particular the Environmental Impact Assessment Act and the Building Act. Within the framework of these procedures, the SONS will provide the public with explanations of the technical aspects of the peaceful use of nuclear energy, its role, and the opportunities available to the public to pursue its interests. As the construction of new nuclear installations is currently being considered in the Czech Republic, the SONS will use this opportunity to further strengthen public awareness and engagement. At every appropriate opportunity, it will explain the above issues to the public and seek to promote the effective and well-informed participation of all potentially affected stakeholders. To this end, the SONS intends to further strengthen its public communication activities and to implement systematic public information campaigns on a permanent basis, part of which will also focus on the operation of existing nuclear installations.

Outline of the main steps that need to be taken to implement the proposed measure(s), including timeframe by when each step is expected to be completed	1. Adoption of internal SONS documentation establishing rules for the conduct of administrative proceedings under the amended Atomic Act legislation (Internal Management Document on Administrative Procedures (VDS)) and for communication with the public in accordance with that legislation and the recommendations under the Convention (SONS Communication Strategy), with a view to ensuring the broadest and most effective way. 2. Further development of the SONS portal and website to enable the public to easily access relevant information on pending administrative proceedings and, where appropriate, to initiate follow-up procedures. 3. Publication of comprehensive guidance materials, followed by continuous public information campaigns on the rights of the public under the Atomic Act and related legislation. 4. Meetings, workshops and other forms of systematic communication with the public aimed at presenting forthcoming licensing activities in the nuclear sector while also providing information on the rights available to the public in relation to those procedures. 5. An international expert mission to assess the level of transparency of procedures under the Atomic Act and related legislation. Implementation of the proposed measures will be carried out on an ongoing basis. Information on the implementation of these measures will be provided in the first progress report and in the final progress report.
List of the government departments and other actors whose involvement will be needed to implement each of the above steps	State Office for Nuclear Safety (SONS)
Final date by when implementation of recommendation is expected to be completed	1 October 2028