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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

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Ref. EIA/IC/INFO/12

14 March 2014

Dear Mr. Simpson,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991).

At its thirtieth session, held in Geneva from 25 to 27 February 2014, the Committee continued its consideration of the information it had gathered on the planned construction of the Hinkley Point C nuclear power plant by the United Kingdom of Great Britain and Northern Ireland (EIA/IC/INFO/12). The Committee reviewed the clarifications received from the Governments of Belgium, Netherlands, Norway, Spain and the United Kingdom in response to the Committee's letters of 17 December 2013

The Committee considered the responses of some Parties that had maintained that they could not exclude the significant adverse transboundary environmental impact of the proposed activity on their territory.

In addition, the Committee noted that with the exception of the informal exchanges with Ireland and transboundary procedure with Austria after its request in accordance with article 3, paragraph 7, of the Convention, the United Kingdom had failed to notify any potentially affected Party about the planned activity. The Committee further noted the information that national legislation in the United Kingdom did not provide for possibility of extension of the transboundary consultations, as presented in the transboundary procedure with Austria.

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The Committee then recalled its previous opinion that, while the Convention's primary aim, as stipulated in article 2, paragraph 1, was to "prevent, reduce and control significant adverse transboundary environmental impact from proposed activities", even a low likelihood of such an impact should trigger the obligation to notify affected Parties in accordance with article 3. This would be in accordance with the *Guidance on the Practical Application of the Espoo Convention*, paragraph 28, as endorsed by decision III/4 (ECE/MP.EIA/6, annex IV). This means that notification is necessary unless a significant adverse transboundary impact can be excluded" (decision IV/2, annex I, para. 54).

On the above grounds, the Committee found that there was a profound suspicion of non-compliance and decided to begin a Committee initiative further to paragraph 6 of the Committee's structure and functions. In line with paragraph 9 of the Committee's structure and functions, the Committee decided that the United Kingdom should be invited to the Committee's thirty-second session (9-11 December 2014) to participate in the discussion and to present information and opinions on the matter under consideration.

Invitations for your participation to the Committee's thirty-second session along with any questions that the Committee may agree upon, will be sent through the secretariat after the Committee's thirty-first session (2-4 September 2014). In the invitations you will also be invited to provide the secretariat with the names of your respective delegates as soon as possible, and be reminded of operating rule 11, paragraphs 1 to 3, and rule 15, paragraph 4, regarding the procedure for Committee initiatives.

Yours sincerely,



Vesna Kolar Planinšič
Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context