To: **The Aarhus Convention Compliance Committee**
Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland

e-mail:aarhus.compliance@un.org

Amsterdam, 5 September 2021

Dear members of the Aarhus Convention Compliance Committee,

Stichting Greenpeace Nederland, WISE and LAKA hereby send you a communication about non-compliance by the Netherlands with the Aarhus Convention art. 6(10) in conjunction with art. 6(1a) and Annex I (1) and (22); art. 6(4) in conjunction with Art. 9(2) and art. 9(4); art. 6(6) and art. 6(8), because of the lack of public participation concerning the environment before certain decisions on license changes of nuclear power plants.

The Communicants already pointed out these issues in the compliance review by the ACCC concerning its findings on ACCC/C/2014/104, because they deemed it closely related to that case. However, the ACCC, while not precluding the possibility to examine these matters if put before it in a future communication, considered these allegations to fall outside the scope of that review, which it restricted to reconsiderations and updates of the duration of nuclear-related activities within the scope of article 6 of the Convention.[1] For that reason, we bring this communication to the attention of the Committee.

This communication concerns basic interpretations of the Convention and its implementation that also may affect many other cases in future. The central premise is to clarify the implications of the words “where appropriate” in art. 6(10) of the Convention, as well as to prevent that in cases where non-compliance with the Convention concerning public participation has taken place in the past, non-compliance can continue in the form of salami-slicing decisions.
We are convinced that in the spirit of the Aarhus Convention, each decision on activities as meant in art. 6(1a) of the Convention in principle has to be informed by public participation on environmental issues according to art. 6 of the Convention. We agree,

1 ACCC, ACCC/C/2014/104, Report of the Compliance Committee - Compliance by the Netherlands with its obligations under the Convention, par. 25; https://unece.org/sites/default/files/2021-08/C104_Netherlands_report_to_MOP7_advance_unedited.pdf

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that this does not necessarily mean that before minor decisions also always a round of public participation on the environment has to take place, but argue that the decision at least has to take into due account information from a full process of public participation on the environment that is valid for the period that is relevant for the decision, as well as valid for the reach and potential impacts of the decision. Where appropriate and *mutatis mutandis*, this may be an earlier environmental impact assessment or comparable procedure to a decision in the recent past. We argue that in case such information is not available, either because earlier procedures did not cover the activity operation period covered, or impacts caused by the decision, or because of non-compliance with the Convention during earlier public participation procedures, it is appropriate that such decisions – most certainly ones influencing licensing criteria – under art. 6(10) have to be preceded by public participation under art. 6 of the Convention.

We argue that in the case of license changes to the Borssele nuclear power plant (KCB) in 2016 and 2018, the decisions were not informed by public participation on environmental issues covering the period of operation of the nuclear power plant (NPP), due to non-compliance with the Convention before the decision to change the operation period in 2013 (case ACCC/C/2014/104). Because of that, those decisions were sub-optimal and in our view important safety issues have not been addressed adequately – an issue that has direct potential impact on the environment. By not insisting on public participation concerning the environment, Dutch authorities continued a situation of non-compliance that started in 2006 with a lack of public participation before a covenant covering operation of the NPP between 2013 and 2033. Those authorities also indicated that they will continue this practice in upcoming decisions, like those around the 10-year safety review in 2023.

We set out our communication in detail hereunder, and kindly ask the Commission for its findings on this situation.

We are available for any further questions,

Sincerely,

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treasurer

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II. Party concerned

2. The Netherlands

III. Facts of the communication

3.1 The operator of the Borssele NPP, EPZ requested on 9 December 2015 a license for changes in the nuclear power plant Borssele and operation of the NPP after such changes. The changes consist of 11 measures resulting from the 10-yearly safety evaluation 10EVA13 and the Complementary Safety margin Assessment (CSA), also known as the European post-Fukushima nuclear stress tests.

3.2 On 12 July 2016, the Minister of Infrastructure and Environment granted a license revision under the Nuclear Energy Law (Kernenergiewet – kew) for the nuclear power plant Borssele (KCB).

3.3 Greenpeace Nederland and LAKA appealed against this decision at the *Raad van State* (Council of State – the highest administrative appeal body), among others on the basis of the Aarhus Convention on the grounds that this license revision was not informed by public participation on environmental issues.

3.4 The *Raad van State* reached a verdict on 2 May 2018.[2] At that time, the 11 measures already had been implemented. These measures include:
1) automatic operation of the reserve emergency cooling water system and the reserve fuel storage basin cooling system;
2) placing additional battery capacity on the second emergency power grid;
3) making specific valves of the control- and cooling system operational from the emergency operator room;
4) installation of links to the reserve suppletion system;
5) installation of hook-up points for a mobile diesel generator;
6) adaptation of the fuel storage basin cooling system;
7) installation of a separation in the nuclear inundation system and a reverse pumping possibility for the reactor pit;
8) installation of a second independent connection to the outside grid;
9) installation of external cooling of the reactor pressure vessel;
10) isolation of the volume management system;
11) expansion of regulations and limitations of the regulation rod control system.

3.5 In its judgement, the *Raad van State* argued that on 11 September 2015, the Minister decided that no EIA had to be made for this license revision. According to the Minister, no important negative impacts for the environment were to be expected from the proposed changes.
Changes or expansions of nuclear power stations are in the Dutch EIA regulation (*Besluit m.e.r.*)[3] identified in the Annex, part D under 22.3 as activities that need to be judged by the authorities whether they need an environmental impact assessment (including public participation on environmental issues) or not. This is in contrast with thermal power stations and wind turbines, where changes or expansions fall under the Annex, part C, which means that an EIA is compulsory (without further judgement by the authority).
Greenpeace argued in its appeal that this is against, among others, the categorisation of nuclear power stations as an activity under Annex I of the Aarhus Convention, which would on the basis of Annex I(1) and (22) of the Convention mean that changes to nuclear power stations would have to fall, like thermal and wind power stations, under te Annex, part C of the Dutch EIA regulation (*Besluit m.e.r.*), automatically requiring public participation on environmental issues as described under art. 6 of the Convention.
Contrary to this, the *Raad van State* concluded in its judgement par. 7.5 that "*Different than Greenpeace argues, it does not follow from the Espoo Convention and the Aarhus Convention that changes to a licensed nuclear power station automatically should need an EIA report. The inclusion of this activity in part D of the Annex of the Dutch EIA regulation (Besluit m.e.r.) is in accordance with these conventions and art. 4, second paragraph of the EIA Regulation. There is no reason to find that the EIA Directive in that point is not rightly implemented.*"
The *Raad van State* judgement did not take into account that Greenpeace made in its plea a difference between the Espoo Convention and EIA Directive (which both oblige an EIA procedure, also for changes to projects) on one hand, and the Aarhus Convention on the

2 ECLI:NL:RVS:2018:1448; https://www.raadvanstate.nl/uitspraken/@6891/201606786-1-a1/#highlight=201606786%2f1
3 Besluit milieueffectrapportage; https://wetten.overheid.nl/BWBR0006788/2020-12-18#Bijlage

other, which obliges to public participation on environmental issues for changes to activities under art. 6 in conjunction with Annex I (1) and Annex I (22) of the Convention. The *Raad van State* furthermore sheds doubt on whether Greenpeace and LAKA may directly refer to the Espoo and Aarhus Convention.

3.6 On 4 December 2018, the Dutch nuclear regulatory agency, the Authority Nuclear Safety and Radiation Protection (*Autoriteit Nucleaire Veiligheid en Stralingsbescherming* – ANVS), granted another license revision to the KCB. This time, it was for the implementation of changes in the international guidelines for nuclear safety from WENRA, also triggered by the European post-Fukushima nuclear stress tests, and the implementation of the Radiation Protection Regulation of Euratom into the Dutch Regulation Basic Norms Radiation Protection (*Besluit basisveiligheidsnormen stralingsbescherming* – Bbs). Although the Authority could have demanded physical changes in order to bring the KCB in line with the new license criteria, it decided this was not necessary, because necessary measures in its view already had been implemented.

3.7 *The Vereniging World Information Service on Energy* (further: WISE) and *Stichting Greenpeace Nederland* appealed against this decision to the *Raad van State*.
They argued, among others, that also this change in license was not informed by public participation on environmental issues, referring now also to the findings of the ACCC in the case ACCC/C/2014/104 and its conclusion that the earlier license change in 2013 should have been preceded by public participation concerning the environment on the basis of art. 6(10) of the Convention. WISE pointed out in the procedure that art. 6(10) requires the implementation of art. 6(2) to (9) for any reconsideration or update of the activity, *mutatis mutandis* and where appropriate. The *Raad* did not want to go into this argumentation or ask for advice from the ACCC or the European Court of Justice on the question whether in this case the obligation in art. 6(10) of the Aarhus Convention was indeed appropriate.
WISE also pointed out once more that changes in nuclear power stations are wrongly included in the Annex, part D 22.3 of the Dutch EIA Regulation (*Besluit m.e.r.*) and not in part C, as they would have to be, among others on the basis of Aarhus Annex I (1) in conjunction with Annex I (22) (see also above, 3.5).
Greenpeace and WISE furthermore argued, that had the Authority demanded an environmental impact assessment or inclusion of public participation on the environment, this could have led to new insights within the Authority for the levels of risk that the NPP is posing vis-á-vis the environment and health, and that the newly included guidelines in the license could have led in that case to the need for concrete physical and/or organisational changes to the NPP in order to reduce the chance on a severe accident with potential impact on the environment to an acceptable level. Therefore, they argued, the by the authority accepted lack of physical changes attached to this license change is in itself not a reason not to carry out an EIA or public participation on environmental issues. A lack of need for physical or organisational changes can in our view only be concluded after an EIA or public participation on environmental issues has been carried out – so, not as a prerequisite, but as an outcome. WISE pointed out further, that the Authority required an implementation plan of the conditions in the reviewed license. When there would be no changes necessary at all, there would be no need for an implementation plan. Hence, it is clear that the changes in license were more than merely paper-shuffling.

3.8 Apart from these issues, WISE and Greenpeace also argued that any review of license as such also has impact on the duration of operation of a nuclear power station. Only when the NPP fulfils the criteria of the reviewed license, is it allowed to operate. If it

cannot fulfil certain of the criteria, it would not be allowed to operate. The whole essence of licensing is to determine whether or not, and when, under which criteria and circumstances the operation of a nuclear power plant is legally acceptable. For that reason, Greenpeace and WISE argued that in the light of the findings of the ACCC in ACCC/C/2014/104, on the basis of art. 6(10) of the Convention, even when only applied to operation duration, the decision on a license change should be informed by, and take into due account public participation on environmental issues.

3.9 Concluding, Greenpeace and WISE argued that the license changes of 2015 and 2018 are part of a multi-layered decision procedure that started in 2006, *de facto* enabling the operation of Borssele from 2013 to 2033. With that, on the basis of the findings of the ACCC in ACCC/C/2014/104, also these license changes should have been informed by public participation on environmental issues. They argued that, had an EIA or other form of public participation on the environment taken place and been taken into due account in an earlier phase, in a form that would also cover the operation time of these new license changes, and the (potential) impact of these license changes, it might have been concluded, on the basis of Aarhus art. 6(10), that a new round of public participation on environmental issues would not have been appropriate (because, all this information already had been generated and reflected upon and would be available to be taken into due account). But given the fact that no such procedure had been carried out before (according to the findings of the ACCC in ACCC/C/2014/104), these license change decisions lacked essential information for the decision makers, and hence, public participation on the environment should have been carried out at the earliest opportunity to make up for this lack.
In order to remedy the lack of information from public participation on environmental issues for the period between 2013 and 2033 – also to remedy this lack for any upcoming decisions concerning the KCB – public participation on environmental issues should in this case cover the (potential) impacts of operation of KCB in the entire period of 2013 to 2033. Not providing all relevant information on impacts of operation of the KCB between 2013 and 2033 for that reason constitutes in our view non-compliance with art. 6(6) of the Convention.

3.10 On 27 January 2021, the *Raad van State* rejected the appeal from Greenpeace and WISE.[4]

3.11 The Communicants consider the following lack of compliance with the Convention: Because the Minister ruled on the basis of the Dutch EIA Regulation (*Besluit m.e.r.*) part C of the Annex that there was no need for an EIA, we conclude a lack of compliance with art. 6(1a) in conjunction with Annex I (1) and (22) of the Convention. This, in turn, led to non-compliance with art. 6(10), which obliges authorities to carry out public participation on the environment in line with art. 6 (2 – 9) of the Convention in the case of reconsiderations or updates of the activity (which license changes undoubtedly are), *mutatis mutandis* and when appropriate. This in turn led the authorities to be further in non-compliance with art. 6(4) to provide for public participation on environmental issues when all options are open (including measures to be taken and/or the form and content of criteria taken up in the changed license); with art. 6(6) by not providing the public the required information in the existing public consultation; and with art. 6(8) by not taking given input on issues concerning the environment into due account (all input on environmental issues was explicitly put aside during the procedure as not relevant).

4 ECLI:NL:RVS:2021:174; https://www.raadvanstate.nl/uitspraken/@124173/201900720-1-r4/#highlight=201900720%2f1%2f

IV. Provisions of the Convention with which non-compliance is alleged

4.1 Non-compliance with art. 6(10) in conjunction with art. 6(1a) and with Annex I (1) and (22)

4.2 Non-compliance with art. 6(4) of the Convention in conjunction with Art. 9(2) and art. 9(4)

4.3 Non-compliance with art. 6(6)

4.4 Non-compliance with art. 6(8)

V. Nature of alleged non-compliance

5.1 Non-compliance with art. 6(10) in conjunction with art. 6(1a) and with Annex I (1) and (22)

Art. 6(1): Each Party: a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I.

Annex I (1): 1. Energy sector: […] Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors […]

Annex I (22): 22. Any change to or extension of activities, where such a change or extension in itself meets the criteria/thresholds set out in this annex, shall be subject to article 6, paragraph 1 (a) of this Convention. Any other change or extension of activities shall be subject to article 6, paragraph 1 (b) of this Convention.

Art. 6(10): Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.

The activity “nuclear power stations” falls as activity under Annex I (1). The activity as such has environmental impacts (emissions of radioactive substances into air and water; production of solid radioactive waste; the need for uranium mining and processing, causing emissions of radioactive and toxic substances into the environment) and potential environmental impacts (especially in the case of a severe accident with emissions of substantial amounts of radioactive substances). In earlier findings (among others ACCC/C/2013/91), nuclear power was defined by the ACCC as an ultra-hazardous activity and an activity that has impacts because of the activity itself. Hence, “nuclear power stations” are activities referred to in paragraph 1 of article 6, and more importantly art. 6(1a).

Art. 6(10) obliges public authorities to apply paragraphs 2 to 9 of article 6 *mutatis mutandis* and where appropriate to reconsiderations and updates to the activity. License changes are updates to the activity, as well as reconsiderations (the activity will need to fulfil new license criteria, and if the activity does not meet these criteria, it is not allowed to operate further – the licensee must prove that the new criteria are met in some form or another). In principle, on the basis of art. 6(10), these reconsiderations and updates have the be informed by public participation on environmental issues.

We argue that the obligation under art. 6(10) was in these two cases appropriate, because they concerned important updates to the license, and there had in the past not been any other public participation procedure based on all relevant environmental information that could be taken into due account during these license changes.

5.2 Non-compliance with art. 6(4) of the Convention in conjunction with Art. 9(2) and art. 9(4)

Art. 6(4): Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

Art. 9(2): Each Party shall, within the framework of its national legislation, ensure that members of the public concerned (a) Having a sufficient interest or, alternatively,
(b) Maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition, have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject
to the provisions of article 6 […]

Art. 9(4): In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, […]

At the moment of the *Raad van State* judgement on the appeal, the 11 measures of the 2016 license change already had been implemented without there having been public participation on environmental issues informing the decision whether these measures were adequate. Public participation should have taken place before the decision to implement these measures was taken. Greenpeace asked for that reason for injunctive relief during the appeal, so that a round of public participation informed by all relevant environmental information still could take place before the license change would be reconsidered. This was not granted because the *Raad van State* did not uphold the appeal from Greenpeace.

5.3 Non-compliance with art. 6(6)

Art. 6(6): Each Party shall require the competent public authorities to give the public concerned access for examination, […] to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, […]. The relevant information shall include at least, […]:
(a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;
(b) A description of the significant effects of the proposed activity on the environment;
(c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;
(d) A non-technical summary of the above;
(e) An outline of the main alternatives studied by the applicant; and
(f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.

Before each of the license changes in 2016 and 2018, a round of public participation took place, but only about the proposed 11 measures (2016) and the text of the administrative license change (2018), not about environmental issues. That is, the information about the environment as mentioned in art. 6(6) was not provided to the public: e.g. no systematic overview of estimates of expected residues and emissions; no systematic description of the significant effects; only limited measures envisaged to prevent and/or reduce the effects; no description of main alternatives; no access to all available main reports and advice issued to the public authority. Given the lack of information, it was not possible for the communicants to give sensible input on environmental issues in the public participation procedure.

Even further, because there is in general no environmental information available that has been submitted to public participation about (potential) impacts of the operation of the

KCB between 2013 and 2033, it is impossible to judge the license changes from 2016 and 2018 within the general frame of the remaining operation period of the KCB. We therefore argue that the information that should have been provided under art. 6(6) constitutes all relevant information concerning the operation of the KCB in the period between 2013 and 2033.

5.4 Non-compliance with art. 6(8)

Art. 6(8): `Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.`
In spite of lack of information, the communicants did submit ahead of the license change decisions some information, viewpoints and questions that related to environmental issues to the limited public participation procedure, including nuclear safety issues (which relate to the environmental impact of the activity). However, these pieces of information, viewpoints and questions were put aside as not relevant. This included submissions on the lack of information on changes in the environment (human population density, potentially impacted Natura2000 areas, etc.), on production of emissions and radioactive wastes, on potential alternatives, on the structure of oversight of changes, and others.

6. Non-compliance by the Party concerns general principles, which we will elaborate hereunder.

6.1 Non-compliance with art. 6(10) – limitation of interpretation of art. 6(10) by the Party Concerned

The Party Concerned was earlier found in non-compliance with art. 6(10) of the Convention in case ACCC/C/2014/104, where the reconsideration or update to the activity concerned the operation duration of the KCB. Since the ACCC found the Party in non-compliance, the Party has interpreted this as that art. 6(10) only covers reconsiderations or updates related to the duration of the activity, and it proposed adaptations of legislation in order to bring duration of the activity under the obligation for public participation – not reconsiderations and updates, *mutatis mutandes* and where appropriate. The Party Concerned argued during the appeal of the 2018 license change that the findings of the ACCC in ACCC/C/2014/104 were irrelevant to the 2018 license change, because these findings and art. 6(10) only related to reconsiderations or updates of duration of the activity.
Art. 6(10), however, does not give any reason to limit its validity to reconsiderations or updates concerning duration of the activity only. It is relevant for any reconsideration or update, *mutatis mutandis* and where appropriate.

6.2 Non-compliance with art. 6(10) – Appropriateness of the need for public participation according to art. 6(2-9)

A key question in these two cases of license change is whether it is appropriate to demand public participation under art. 6(2-9). The ACCC already argued in its findings ACCC/C/2014/104, that "*that, except in cases where a change to the permitted duration is for a minimal time and obviously would have insignificant or no effects on the environment, it is appropriate for extensions of duration to be subject to the provisions of article 6.*"
We argue, that the basic premise of article 6 of the Convention is the implementation of the pre-ambule of the Convention that recognises, '*in the field of the environment, improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable*

public authorities to take due account of such concerns." This implies that decisions, minor and larger ones, will benefit in quality, if they are informed by improved access to information and public participation in decision making in the field of the environment. On this basis, we interpret the phrase "where appropriate" in art. 6(10) that only in cases where public participation as described in art. 6(2-10) will not add to the quality of the decision making, art. 6(10) does not apply. This could be, as the Committee describes, a minimal change in the duration of operation. It could also be a minimal change in an operation license.
However, in the cases of the license changes of 2016 and 2018, we argue that provision of all the information as required under art. 6(6) of the Convention and public participation as prescribed in art. 6(2-9) would have benefited the quality of the decision and possibly induced significant changes to the license revisions. We therefore argue that application of art. 6(10) is appropriate in these cases.
This even more, because of the lack of a valid EIA / lack of provision of sufficient information and of public participation concerning the environment for the operation period between 2013 and 2033. Even if one would consider the license changes of 2016 and 2018 minor (which in our view they most certainly are not), the responsible authorities could not benefit from, and take into due account any previous EIA or public participation procedure when drafting their decisions. For that reason, application of art. 6(10) is even more appropriate.

6.3 Remedy to missing public participation on the environment due to earlier non-compliance with the Convention
In its findings ACCC/C/2014/104, paragraph 88, the Compliance Committee found the Netherlands in non-compliance with the Convention for failing to provide for public participation and the necessary environmental information before the life-time extension decision that *de facto* became active with the approval of the Long Term Operation license revision in 2013. This means that there is no valid information submitted to public participation on the table for the operation time between 2013 and 2033, that could be taken into due account in decisions taken during that time.
In 2023, the Dutch authorities will submit the KCB to its next 10 year safety evaluation – the 10EVA23. Also this process, which will enable operation between 2023 and 2033, is currently not foreseen to be informed by or will be able to take into due account an EIA or public participation on the environment in accordance with Aarhus Convention art. 6.
We argue that in case a Party has been found in non-compliance concerning carrying out public participation under art. 6 of the Convention, it should repair that situation at the earliest opportunity. We argue that the license revisions of 2016 and 2018 were such opportunities where the lack of public participation on the environment for the operation of the KCB in the period 2013 to 2033 could have been remedied. The Netherlands, unfortunately, did not pick up this opportunity and are not likely to do so in the coming year before the 10EVA23 either. This means that the KCB continues to operate without taking into due account any public participation on the environment, likely until 2033.
Not remedying this situation at the earliest opportunity leads in our view to further non-compliance with every decision taken in respect to art. 6(10) in conjunction with art. 6(1) and Annex I, art. 6(6) (the lack of information made available for the public) and art. 6(8) of the Convention.

VI. Use of domestic remedies

7. The communicants have in both cases appealed the license change decision of the Minister at the *Raad van State*.

The argumentation before the *Raad van State* was based on the lack of compliance with the Aarhus Convention, the EU EIA and Habitat Directives and the Espoo Convention, wrong implementation of these Conventions and Directives into Dutch law (the categorisation of changes to nuclear power stations in part D of the *Besluit m.e.r.* instead of in part C), and content arguments concerning nuclear safety and potential environmental impact based on the Dutch nuclear power law (*Kernenergiewet – kew*), the Law on Environmental Protection (*Wet milieubescherming - wmb*) and the Dutch EIA Regulation (*Besluit m.e.r.*).

In both cases, the *Raad van State* dismissed the appeal on the grounds of there not being an obligation for an EIA (*sic!*). The *Raad* in both cases also doubted the right of the communicants to refer to the Aarhus Convention as body of law (direct applicability).

There is only one round of appeal possible in these administrative decision procedures and there are no other domestic remedies available.

8. Not applicable

VII. Use of other international procedures

9. Concerning the lack of EIA before the LTO-license decision of 2013, the Implementation Committee of the Espoo Convention has started investigations after communication by the Communicants. The Communicants updated the Espoo Convention IC on the developments around the 2016 and 2018 license revisions. This process was delayed by the attempt of the Espoo Convention Parties to create guidelines for the use of the Convention in nuclear life-time extension decisions, and is still ongoing.

VIII. Confidentiality

10. The information in this communication may be made public.

IX. Supporting documentation (copies, not originals)

11 Relevant passages from the supporting documentation have been included in translation into the main text.

11.1 Relevant for paragraph 3.1 to 3.5: Raad van State, Uitspraak 201606786/1/A1

11.2 Relevant for paragraph 3.6 to 3.10: Raad van State, Uitspraak 201900720/1/R4

11.3 Relevant for paragraph 3.5: Besluit milieueffectrapportage

12. not applicable

13. Relevant passages from the supporting documentation under 11.1 and 11.2 have been included in translation into the main text.

13.3 Translation of the relevant parts of the Besluit m.e.r follow here:

Part C. Activities, plans and decisions, in respect of which the preparation of an environmental impact assessment is obligatory

C 22.1 The construction, modification or extension of thermal power stations and other combustion plants

C 22.2 The construction, modification or extension of a wind turbine park

C 22.3 The construction of a nuclear power station and other nuclear reactors

Part D. Activities, plans and decisions to which the procedure as referred to in Articles 7.16 to 7.20 of the Act applies

D 22.3 The modification or extension of a nuclear power plant and other nuclear reactors

X. Signature

14.

3 September 2021

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