



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL ENVIRONMENT  
Directorate A - Legal Affairs and Cohesion  
ENV.A.2 - Compliance promotion, governance and legal issues  
Acting Head of Unit

Brussels, 3.1.05.2013  
ENV.A.2/SG/ym/CHAP(2013)01022

Frau Brigitte Artmann  
Kreisvorsitzende  
Buendnis 90/Die Gruenen  
KV Wunsiedel  
Am Frauenholz 22  
95615 MARKTREDWITZ  
GERMANY

Liebe Frau Artmann,

**Subject: CHAP (2013) 01022 concerning Hinkley Point Nuclear Power Station**

Your letter of 25 February enclosing a petition with regard to above mentioned project relating to a plan for the construction of two EPR reactors on the Hinkley Point C nuclear power station in the United Kingdom was registered as a formal complaint under the above mentioned reference number of which you have been notified. I have also seen the additional information you provided to supplement this complaint on 24 April 2013 in correspondence addressed to my colleague Mr Ion Codescu.

Having assessed the information provided, I cannot find grounds on which to open infringement action against the United Kingdom and Germany as you request. The main implementing instrument for the Espoo and Aarhus Conventions in this regard is indeed Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codification). Article 7 of that Directive as you correctly state, sets out the obligations with regard to projects likely to have significant effects on the environment in another Member State. However, this article is what one might term one encapsulating an intergovernmental dimension, thus opening the way for a neighbouring Member State to request consultation and participation in an impact assessment procedure where that Member State considers that a project may have such a significant cross border effect. This may also be instigated by the Member State in which the development itself is proposed. Here it appears that neither the United Kingdom nor the German Government felt that it was necessary to trigger the procedure under Article 7. The German Government indeed confirmed this to you in writing, referring in this to the Commission Opinion of 3 February 2012. (OJ C 33 7.2.2012 pg 1). Article 7 of the Directive does not provide for the cross border consultations to be opened up on the request of individual citizens and you have not provided any information on which it would appear reasonable to question the legal validity of the decision taken by these two Member States to conclude that an Article 7 procedure was not required. I will therefore be proposing to close this complaint file. However, before I do so I would like to give you an opportunity to comment. Please could I ask you to provide me with any comments you may have within one month of your receipt of this letter.

Yours sincerely,

Liam Cashman