



**Opening statement of**

**THE NETHERLANDS**

50<sup>th</sup> meeting of the Aarhus Convention Compliance Committee  
Discussion of the Communication concerning compliance by the Netherlands in connection  
with decision-making on the extension of the design lifetime of the Borssele nuclear power  
plant (ACCC/C/2014/104)

**8 October 2015**

## INTRODUCTORY STATEMENT ON BEHALF OF THE NETHERLANDS

### ***Head of delegation The Netherlands – Noortje van Rijssen***

- Mr Chairman, distinguished members of the Committee, ladies and gentlemen,
- It is an honour for me to address your distinguished Committee on the occasion of the discussion of the Communication concerning compliance by the Netherlands in connection with decision-making on the extension of the design lifetime of the Borssele nuclear power plant. My delegation is looking forward to a productive exchange of views.
- We are all at your disposal to answer any questions you may have on the implementation of the Convention, and will do so to the best of our ability.
- Mister Chairman, this communication concerns the only active nuclear power plant in the Netherlands, the Borssele NPP. It has been in operation since 1973 on the basis of a license issued for an indefinite period, providing insights in the environmental impacts for the operating lifetime of the Borssele NPP.
- In general, environmental effects are taken into account during licensing procedures on the basis of the Netherlands' Nuclear Energy Act and decisions taken in respect of nuclear power plants

always involve public participation. The interests to be taken into account are explicitly stated in the Nuclear Energy Act, including the protection of people, animals, plants and goods.

- Since 1973, the operating license of the Borssele NPP has been amended several times and on every occasion the public had the opportunity to participate in the decision-making process. Moreover, in 1994 a revision licensing procedure, including an environmental impact assessment, for the Borssele NPP was carried out covering not only the proposed modification of the installation at the time, but the operation of the installation as a whole. Therefore, even before the existence of the Aarhus Convention, national legislation provided for public participation in the preparation of a decision on the amendment of the license.
- Although the operating license for the Borssele NPP was not limited in time, political discussions in the period 1995 until 2006 led to an agreement, approved by parliament, to set the ultimate shut-down date at 31 December 2033. This ultimate shut-down date was later incorporated in the Netherlands' Nuclear Energy Act. The conclusion therefore is that this agreement and its formalization in law led to a restriction of the operating time of the Borssele NPP and not to an extension.
- In the past, the design of nuclear power plants was generally based on a **design** lifetime of 30 or 40 years. A **design** lifetime of

40 years was also taken as a starting point for the design of the Borssele NPP in several safety-related analyses and records of evidence in the Safety Report.

- The Borssele NPP, just like all nuclear installations, has to operate safely during its lifetime. At all times, it has to fulfil the safety requirements as laid down in legislation, in regulations and in license conditions. The license-holder of the Borssele NPP is obliged to continuously assess and evaluate the nuclear safety of its installation. A major instrument for continuous improvement is the periodic safety review, conducted by the license-holder at least every ten years.
- To extend the design lifetime of 40 years to 60 years, the license-holder had to demonstrate that the Borssele NPP could operate safely until the end of 2033 within the relevant technical parameters. In the license application under the Nuclear Energy Act, the license-holder provided the substantiation for a design lifetime of 60 years for the Borssele NPP. As a result, an update of the Safety Report was necessary and therefore a change to the operating license was required. From the update of the Safety Report no environmental impacts were to be expected because there was no change or extension of the installation as such.
- No environmental impact assessment was foreseen for the decision to amend the design lifetime of the Borssele NPP to the

shut-down date of 2033, since this decision did not include the extension of the operating license of the NPP. As stated before, the operating license was issued for an ~~u~~indefinite period provided that the installation could operate safely during its lifetime.

- The extension of the design lifetime only concerned the update of the Safety Report. There was no change in the operation of the Borssele NPP and there were no more or less favourable environmental ~~impact~~effects than those considered in previous licenses.
- Even if no environmental impact assessment is foreseen, public participation in relation to licensing procedures in the Netherlands includes issues relating to the potential impact on the environment. The draft decision to extend the design lifetime of the Borssele NPP was not limited to technical safety and ~~included~~elaborated on environmental aspects.
- As stated before, in the Netherlands decisions taken in respect of nuclear installations involve public participation, including environmental information concerned. In the licensing procedure for the extension of the design lifetime of the Borssele NPP, all requirements for public participation under Article 6 of the Convention have been complied with.

- Finally, I would like to recall the fact that the Implementation Committee under the Espoo Convention is currently undertaking an inquiry procedure on the extension of the design lifetime of the Borssele NPP. We consider that your Committee should take into account the related process of determining whether the activity was likely to have a significant transboundary environmental impact and to decide on the question of compliance with the part of Article 6, paragraph 2(e), of the Convention relating to environmental impact assessment in a transboundary context in the light of the findings of the inquiry procedure under the Espoo Convention.
- Mr Chairman, distinguished members of the Committee, thank you for your attention. We are open to your remarks and questions. Let me end by saying that we are looking forward to a constructive dialogue with your Committee.