

ACCC C/104  
OPENING STATEMENT OF THE COMMUNICANT

Having re-read the communication from Greenpeace, having read the responses of the Kingdom of the Netherlands, we would like to summarise the situation:

1. We have concluded that a decision was taken to keep this project in operation longer (until 2033) than the public knew it was envisioned on the basis of a political decision to close it in 2013. We conclude that before such a decision is taken its ongoing impacts on the environment for its new remaining life-time should be re-assessed. Not only because over time the project may have changed considerably in small increments that do not include any environmental assessment – for instance recently after the Fukushima stress tests. But because also that the environment has changed over time – e.g. human population, presence of protected natural habitat areas, physical threats to projects from extreme natural events or malevolent attack, etc.. I want to stress: for the entire foreseen rest of its life-time.
2. We have concluded that life-time extension of this nuclear power plant is either in principle a new activity under Annex I paragraph 1 of the Convention (Aarhus 6(1a)). If not, the word "extension" as mentioned in paragraph 22 of Annex I includes a change of the project's life-time and/or operational time. And if not that, it is at least an update of the operation conditions as mentioned under art. 6(10).
3. We have concluded that life-time extension of this nuclear power station is a change to the project, even in the absence of any physical works. (Although not relevant for this gremium, we follow with that the argumentation of the Espoo Convention Implementation Committee (ECIC) in its 25th Session and in its conclusions from its 30th session).
4. We have concluded that without the contested decision to grant an extended life-time for the Borssele, operation of Borssele would have to be ceased – and therefore that this is a decision concerning the environment of a project mentioned in Annex I. The definition of "decision" in the Aarhus Convention is not limited only to formal licensing processes. (Also this argumentation is in line with the ECIC in its 25th Session and in its conclusions from its 30th session)

On basis of these conclusions there is no doubt that a public participation process addressing all relevant environmental issues should have been undertaken in the run-up to permitting the Borssele NPP a longer operation time than its initial technical life-time of 40 years. That such public participation addressing all relevant environmental issues should be carried out at the latest during the periodic safety review running up to 40 years of operation of the power plant. In this, the environmental dynamic including potential environmental impacts should be assessed for the proposed prolonged life-time, including a comparison with the zero-option and policies / measures to enable such a zero-option. Only in this way the quality of the decision for life-time extension can be enhanced in quality considering its impact on the environment and health.

Without this public participation in compliance with art. 6 of the Convention, the potential of environmental NGOs to fulfil their watchdog function is strongly undermined, as is the potential of the public to add relevant information to increase the quality of decisions.

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