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Secretary to the Aarhus Convention
Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
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Aachen, 11. March 2017

Complaint against the prolongation of the running time of nuclear reactor Tihange I near Liege, Belgium, without transborder EIA and transborder public participation

Dear ladies and gentlemen,

the Aachen branch of NABU, the Nature and Biodiversity Conservation Union in Germany, complains about the decision of the Belgian Government and its responsible authority FANC to allow the prolongation of the nuclear reactor Tihange I, one of three reactors in this nuclear power plant, only app. 65 kilometers from the city of Aachen, Germany, without a transborder Environmental Impact Assessment (EIA) under the Espoo Convention and public participation under the Aarhus Convention.

I. Information on correspondent submitting this communication

Aachen local branch of NABU, Claus Mayr (chairman), Preusweg 128a,
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II. Party concerned

Belgium

III. Length of communication

4 pages

IV. Facts of the communication

- 1) The decision for lifetime extension of the nuclear power plant Tihange (in total 3 reactors), unit I, was done without public participation and without a national or a transboundary Environmental Impact Assessment (EIA) procedure.

The history of the nuclear power plant Tihange and its three reactors I, II and III can be found here (in German):

https://de.wikipedia.org/wiki/Kernkraftwerk_Tihange

- 2) The reactor Tihange I was built from 1970 to 1975, and officially started in October 1975. It was originally planned to close it in 2015 at latest. Meanwhile Belgium decided to prolongate its running time until 2025, which means ten years longer. Following recent media informations, the party of the responsible Minister Jan Jambon has even asked to prolongate the running times for later than 2025 (AZ/AN, 4. February 2017).
- 3) Because of the missing EIA for the lifetime extension of Tihange I, NABU Aachen will send a copy of this complaint to the Espoo Implementation Committee.
- 4) A plant lifetime extension is either a modification of the original decision under Art. 6 (1a) of the Aarhus Convention and therefore should be done under a public participation procedure – or, if it is not seen as a modification - under Art. 6 (10) of the Aarhus Convention art. (10).
- 5) Because there was no clear publication in Germany about the decision and the way that led to this decision of this lifetime extension and because there was no notification of Germany or the German public under the obligations of the Espoo Convention, German public was only informed by regional German media.
- 6) German media, especially “Aachener Zeitung” (AZ) and “Aachener Nachrichten” (AN) meanwhile report nearly on a daily basis about technical problems of the reactors Tihange I (at moment closed) and Tihange 2 (with a lot of technical problems), and have created a special file: <http://www.aachener-zeitung.de/dossier/tihange>
- 7) Following the mentioned media, the region of Aachen, the city of Aachen, and several local communities in Rhineland-Palatinate, Luxembourg and the Netherlands (City of Maastricht) have filed a law case at the highest Belgian Court against the reactor Tihange II: <http://www.aachener-zeitung.de/dossier/tihange>
- 8) Due to media informations, the regional governments of Northrhine-Westfalia (NRW) and Rhineland-Palatinate (RP) have filed a EU complaint at the European Commission against the prolongation of the running time of reactor Tihange I, as well as against the prolongation of the running times for the reactors I and II of the Doel nuclear power plant near Antwerp, for another ten years until 2025, which also was allowed by the Belgian authorities without a transborder EIA and transborder public participation (AZ/AN, 4. June 2016).

V. Provisions of the Convention alleged to be in non-compliance

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

VI. Nature of alleged non-compliance

The Espoo Convention Implementation Committee already decided that the lifetime extension of a nuclear power plant falls under the Espoo Convention. But a nuclear power plant also falls under the Aarhus Convention. To do no Environmental Impact Assessment procedure violates also the Aarhus Convention in Art. 6(1a), (...proposed activities listed in annex I) or alternatively Art. 6(10) (...updates the operating conditions for an activity...).

Tihange I is now 42 years old and got lifetime extension until 2025, eventually longer (see IV, 2). The other units II are 34 (from construction in 1976 already 41) and III are 32 (from construction in 1978 already 39) years old, and for all lifetime extension is planned at least until 2025.

VII. Use of domestic remedies

Because there was no clear publication in Germany about the decisions and the way that led to these decisions of lifetime prolongations, and because there were no notifications of Germany under the obligations of the Espoo Convention, neither for Tihange I nor for Doel I and II, we could only use those informations provided by German media.

VIII. Use of other international procedure

Information to the Espoo Implementation Committee on March 11, 2017

IX. Confidentiality

None.

X. Supporting documentation

See special file (in German) under: <http://www.aachener-zeitung.de/dossier/tihange>

Wikipedia on Tihange (in English):
https://en.wikipedia.org/wiki/Tihange_Nuclear_Power_Station

XI. Signature



Claus Mayr, chairman

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** NABU is, with more than 1.700 members in Aachen, about 79.000 members in NRW, and more than 620.000 members and supporters in Germany the biggest and oldest (founded in 1899) environmental NGO in Germany**

cc: Espoo Implementation Committee, Secretary to the Espoo Convention Secretariat,
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