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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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**Stadtverband Aachen e.V.**

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Aachen, 17 August 2017

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

Dear Ms. Marshall,  
dear ladies and gentlemen,

thank you very much for your letter dated 11 August 2017 and your questions related to our communication on 11 March 2017, and additional informations on 24 March 2017.

Please note that in some German Federal States, even Northrhine Westphalia, there are still summer holidays, so that we could not contact some of the people involved in authorities and other Environmental Organisations. Therefore the answers only represent our actual knowledge:

- 1) On what date was the decision by Belgium to extend the lifetime of Tihange I until 2025 taken?

Up to know, lacking official informations from Belgian authorities, we only have informations by German Media (Aachener Zeitung, AZ, and Aachener Nachrichten, AN) which reported in autumn 2016 that the decisions had already been taken.

After our letter dated 11 March, we got aware of a wording from the EU Commissions press release 17 March 2017, in which it says, quote:

*"In 2014 and 2015, Belgium concluded two agreements with Engie-Electrabel and EDF Belgium to prolong the operational lifetime of the nuclear reactors Doel 1 and Doel 2 (owned by Engie-Electrabel) and Tihange (owned by Engie-Electrabel together with EDF Belgium)"*

See link:

[http://europa.eu/rapid/press-release\\_IP-17-662\\_en.htm](http://europa.eu/rapid/press-release_IP-17-662_en.htm)

- 2) Did the Belgian authorities provide any opportunities for the public in Belgium to participate in the decision-making to grant the lifetime extension for Tihange I (even if not in the form of an EIA procedure)?

As far as we understand from other German and Belgian NGOs, as well as from personal friends in Eupen (Belgium, near the Tihange nuclear power plant), there was also no participation or even information of the Belgian public, before the Government took the decision for lifetime extension (of Tihange I as well as of the nuclear power blocks Doel I and Doel II).

Also in Aachen media, which very often report e.g. about the problems in the Tihange reactors (I, but also II and III), never any public informations or consultations were reported.

To sum up, as far as we know, neither an environmental impact assessment (national or transborder) nor a consultation of the public, as required under Belgian, European and international law, were carried out.

- 3) Is the decision to grant a lifetime extension to Tihange I also challenged in the proceedings (of the Aachen region and other local communities in North Rhine-Westphalia, Rhineland-Palatinate, Luxembourg and the Netherlands) before the highest Belgian Court?

No. As far as we are informed by media (as the region of Aachen never published its file), this file only deals with the reactor Tihange II.

- 4) Filing complaints at Belgian Courts by NABU, or by other organizations or individuals?

As NABU-Stadtverband Aachen is a local branch of NABU, as far as we are informed we have no access to Belgian Courts.

Even the access to German Courts is very restricted, as you know from the complaint of NABU and ClientEarth (ACCC/C/2008/31). E.g., following German Law, only the Federal organization (NABU-Bundesverband) or the Federal State organizations (NABU-Landesverbände) have a right to complaint at national or regional Courts.

As far as we are informed, several Belgian NGOs filed complaints. Please note that we have no more details, as the responsible colleagues are still on vacation:

- Greenpeace Belgium filed a civil lawsuit against the prolongation of Tihange I and Doel I + II and an administrative case against the executive decisions for the prolongation of Doel I and II. Due to recent informations, they lost the lawsuit, but hope for a revision.
- The Belgian Environmental umbrella organisations BBL and IEW filed a constitutional case against the prolongation of Doel I and II.
- The Cross-border environmental organisation Benegora Leefmilieu (NL) filed an administrative case against the prolongation of Doel I and II.

Additionally, there were two complaints to the European Commission (by Greenpeace Belgium and Renewable Energy Suppliers, as far as we know) against Belgian State Aid for the prolongation of the running times of Tihange I and Doel I + II (see question 1). Both complaints were, as far we are informed, rejected by the European Commission.

- 5) Follow-up actions taken by the European Commission in response to the complaint filed by the Federal States of North Rhine-Westphalia and Rhineland-Palatinate against Tihange I (and Doel I and II)?

We have, so far, only articles in Aachen media (Aachener Zeitung, Aachener Nachrichten) from summer 2016 in which the North Rhine-Westphalian Minister for the Environment (at that time Mr. Johannes Remmel) is quoted that the European Commission has rejected the complaint, quote:

*“Mitte Juli hat die EU-Kommission auf diese Beschwerde geantwortet und erklärt, dass sie bislang keine klaren Anhaltspunkte für einen Verstoß gegen EU-Recht sehe. Wir lassen uns davon aber nicht abhalten und gehen weiter in den Diskurs mit der EU-Kommission“ (AZ/AN, 26 August 2016, p. 27).*

Since then, there were no public available informations concerning this complaint. As this is a case between Commission and complainant, we have no more informations about that.

- 6) Why was NABUs communication submitted to the Compliance Committee so long after the decision to grant the lifetime extension for Tihange I was taken?

As a local NGO working on a voluntary basis, and given only few publicly available informations concerning the decisions of the Belgian Government in Germany, it took some time from the news in German media about the prolongation of the lifetime of Tihange I in autumn 2016, to collect informations and prepare the complaint.

Additionally, we heard by rumour in early March 2017, that the European Commission was planning to give “green light” to the Belgian State Aid for Tihange I (which was officially confirmed by the EU Commissions press release 17 March).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Claus Mayr', with a stylized, flowing script.

Claus Mayr, chairman

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\*\* NABU is, with more than 1.800 members in Aachen, about 80.000 members in NRW, and more than 620.000 members and supporters in Germany the biggest and oldest (founded in 1899) environmental NGO in Germany\*\*

Because of the missing EIA (both national and transborder) for the lifetime extension of Tihange I, NABU-Stadtverband Aachen will also send a copy of this letter, following our letter 11 March 2017, to the Espoo Implementation Committee:

Espoo Implementation Committee, Secretary to the Espoo Convention Secretariat,  
Ms. Tea Aulavuo, United Nations Economic Commission for Europe  
Office 319, Palais des Nations  
8-14 avenue de la Paix  
CH - 1211 Geneva 10, Switzerland