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КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION  
FOR EUROPE

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Palais des Nations, Room 429-4  
CH-1211 GENEVA 10

Ref: Pre-admissibility

11 August 2017

Claus Mayr  
NABU Aachen e.V.  
Aachen  
Germany

Dear Mr. Mayr,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Belgium with provisions of the Convention in connection with the lifetime extension of nuclear power plant reactor Tihange I**

I refer to the communication submitted by you on behalf of "NABU" on 11 March 2017. The communication alleges non-compliance with article 6 of the Convention in relation to the alleged absence of public participation in the decision-making on the lifetime extension of the nuclear power plant reactor, Tihange I, near Liege.

I write to inform you that the Chair and the Vice Chair of the Compliance Committee have reviewed your communication and the additional information received from you on 24 March 2017. The Chair and Vice-Chair have requested the secretariat to ask you to reply to the following questions in order that your communication may be considered by the Committee for a determination of preliminary admissibility:

1. On what date was the decision by Belgium to extend the lifetime of Tihange I until 2025 taken?
2. Leaving aside whether or not the public in Germany were notified of any such opportunities, 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)?
3. In paragraph 7 of section IV of your communication you refer to proceedings concerning Tihange II filed by the region of Aachen, the city of Aachen and several local communities in Rhineland-Palatinate, Luxembourg and the Netherlands before the highest Belgian court. Is the decision to grant a lifetime extension to Tihange I also challenged in the proceedings before the highest Belgian court?

4. Has NABU or, to your knowledge any other individual or organization, sought to challenge in the Belgian courts the absence of an EIA procedure and/or public participation on the decision to grant the lifetime extension of Tihange I? If so, please briefly outline the date and nature of those proceedings and their outcome. If NABU did not seek to challenge the decision to grant the lifetime extension in the Belgian courts, please briefly explain why not.
5. In paragraph 8 of section IV of your communication you refer to a complaint to the European Commission filed by the regional governments of North Rhine-Westphalia and Rhineland-Palatinate concerning the prolongation of Tihange I. Are you aware of any follow-up actions that have been taken by the European Commission in response to this complaint? If so, please briefly describe.
6. Why was your communication submitted to the Compliance Committee so long after the decision to grant the lifetime extension for Tihange I was taken?

If you wish your communication to be considered for a possible determination of admissibility by the Committee at its upcoming fifty-eighth meeting (Budva, Montenegro, 10-13 September 2017), please provide your replies to the above questions **before Friday, 18 August 2017**.

If you consider that you will need a longer timeframe to reply to the above questions, please provide your reply to the above questions by **Tuesday, 7 November 2017**, in order that your communication may be considered for a possible determination of preliminary admissibility at the Committee's fifty-ninth meeting (Geneva, 12-15 December 2017).

Please do not hesitate to contact the secretariat if you have any questions regarding any of the above.

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee