

5 February 2018

Andrè Silva  
Pessoas – Animais – Natureza (PAN)  
Lisbon  
Portugal

Dear Mr. Silva,

**Re: Communications to the Aarhus Convention Compliance Committee concerning compliance by Spain with provisions of the Convention in connection with the construction of an individual temporary storage facility for radioactive waste for the Almaraz nuclear power plant and the extension of the lifetime of Santa Maria de Garoña nuclear power plant**

I refer to the communication submitted by you on behalf of “PAN” on 21 January 2017 in which you alleged that Spain had failed to comply with provisions of the Convention in relation to the construction of an individual temporary storage facility for radioactive waste for the Almaraz nuclear power plant.

I also refer to the communication submitted by you on behalf of “PAN” on 17 August 2017 in which you alleged that Spain had failed to comply with provisions of the Convention in relation to the lifetime extension of the nuclear power plant at Santa Maria de Garoña.

I write to inform you that the Chair and the Vice Chair of the Compliance Committee have reviewed the above communications and have requested the secretariat to invite you to resubmit them using the required format for communications available at:

[https://www.unece.org/fileadmin/DAM/env/pp/compliance/Format\\_for\\_communications\\_v13.02.2015.docx](https://www.unece.org/fileadmin/DAM/env/pp/compliance/Format_for_communications_v13.02.2015.docx) .

In addition, the Chair and the Vice-Chair identified a number of points in each of your communications that require further elaboration. These points are **enclosed** for your reference.

When resubmitting your communications in the required format, please make sure to address the enclosed points identified by the Chair and Vice-Chair and also to provide clear and complete information under each section of the format.

Finally, the Chair and Vice-Chair noted that your two communications involve the same Party concerned (i.e. Spain) and a similar subject matter. When resubmitting your communication, you are accordingly invited to combine the two communications into one communication. Please note that if you decide not to do so, the Committee may on its own initiative decide to consider the communications jointly in any event.

If you would like your communications to be considered for a possible determination of preliminary admissibility by the Committee at its sixtieth meeting (Geneva, 12-16 March 2018), we would be grateful to receive your communications resubmitted in the required format by **Thursday, 15 February 2018**. Bearing in mind that this is a short timeframe, if you consider that a longer timeframe would be necessary in order to resubmit your communications, please do so by **Monday, 28 May 2018**, in order that they might be considered for a possible determination of preliminary admissibility at the Committee's sixty-first meeting (Geneva, 2-6 July 2018).

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

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Enc: Issues to be addressed in the resubmitted communications

**Issues to be addressed in the resubmitted communications:**Communication concerning the construction of an individual temporary storage facility for radioactive waste for the Almaraz nuclear power plant

1. What is the current stage of procedure with regard to permitting and constructing the individual temporary storage facility? Please in particular specify whether the Spanish authorities have already granted development consent for the project and whether construction has already commenced.
2. In paragraph 21 of your communication, you indicate that the Spanish and Portuguese government did not reach an agreement on conducting a transboundary Environmental Impact Assessment (EIA) as foreseen under the Espoo Convention. Have the Spanish authorities prepared an EIA without a transboundary dimension prior to granting development consent for the facility? If yes, please specify the extent to which the public in Portugal was able to participate in that procedure.
3. With regard to domestic remedies, have you, or has any other individual or organization that you are aware of, sought to challenge the absence of public participation in the permitting of the individual temporary storage facility before the Spanish courts? If you have not done so, please explain why not.
4. Is the individual temporary storage facility intended for the storage of nuclear waste for more than 10 years?

Communication concerning the lifetime extension of the nuclear power plant at Santa Maria de Garoña

5. What is the current stage of the procedure to permit the extension of the nuclear power plant? Please in particular specify whether the Spanish authorities have already renewed the operating license of the facility and whether the facility is now back in operation.
6. In paragraph 11 of your communication, you indicate that the Spanish government did not inform the Portuguese government of the decision-making procedure regarding the lifetime extension. Have the Spanish authorities prepared an EIA without a transboundary dimension prior to granting development consent for the facility? If yes, please specify the extent to which the public in Portugal was able to participate in that procedure.
7. With regard to domestic remedies, have you, or has any other individual or organization that you are aware of, sought to challenge the absence of public participation in the decision-making procedure on the extension of the lifetime of the nuclear power plant before the Spanish courts? If you have not done so, please explain why not.