

From: Albert Koers [REDACTED]
Sent: Thursday, June 10, 2021 3:56 PM
To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>
Cc: noortje-van.Rijssen@minbuza.nl; nicolette.bouwman@minienw.nl; Rene Lefeber [MINBUZA] <rene.lefeber@minbuza.nl>
Subject: Request extension Netherlands

Dear Ms Marshall,

Please consider this a formal communication of the NLVOW to the Aarhus Compliance Committee. It concerns the request of the Netherlands Government for an extension of the deadline set by the Committee in its letter of 19 May on certain questions to the Communicant and the Party concerned.

The NLVOW hereby lodges its objection to the request as such and, if the Committee were to consider agreeing with the request, to the length of the requested extension, that is: for a period of 8 weeks.

In the letter of 9 Juni 2021 of the Ministry of Foreign Affairs the request for an extension is based on two grounds: (1) the time it takes to translate the 2010 national renewable energy action plan (NREAP); and (2) the need to carefully examine the public participation procedures followed for "some of the older plans and policies both at the national and provincial level".

In a later letter of the same day the Ministry acknowledges that an English version of the NREAP is already available and it provides a link to the website where that version can be found. That an English version is already available is not amazing as under EU Directive 2009/28/EC all member States were obliged to submit a NREAP to the EU for review. What is truly amazing is that the Ministry of Foreign Affairs (and the other Ministries involved) claimed that an English version was not available, especially as a most simple Google search with the words "national renewable action plan netherlands 2010" would have led immediately and directly to several websites with an English version of the NREAP of the Netherlands.

I take it that the (newly discovered) availability of an English version implies that the first ground for the requested extension is no longer relevant.

On the second ground: the question of the Compliance Committee refers exclusively to public participation in relation to the NREAP. Accordingly, an examination of "some of the older plans and policies both at the national and provincial level" falls outside the scope of the question of the Committee. This ground is therefore invalid as a basis for granting an extension.

However, knowing from personal experience how the NREAP was prepared at the time, I submit that the Government wishes to expand the scope of the question to "some of the older plans and policies" for one single reason: to confuse the issue. That is: to obscure the fact that for the NREAP there was no public participation at all and that, at best, for a few of the older plans, there had been some minimal forms of public participation. Which, apparently, the Netherlands now wishes to advertise as public participation in relation to the NREAP. This ignores that fact that when these older plans and policies were discussed, EU Directive 2009/28/EU was still a thing of the future, while the Netherlands NREAP was a thing of the future beyond that future.

Accordingly, the request for an extension by the Netherlands is without grounds and should therefore be rejected by the Aarhus Compliance Committee.

Yours sincerely,

[REDACTED]

Prof. em. dr. Albert W. Koers