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in Decision-making and Access to Justice in  
Environmental Matters

### Seventh session

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Item 7 (b) of the provisional agenda

**Procedures and mechanisms facilitating the implementation of the Convention:  
Compliance mechanism**

## Report of the Compliance Committee\*

### Compliance by the Netherlands with its obligations under the Convention

#### *Summary*

This document is prepared by the Compliance Committee in accordance with the Committee's mandate set out in paragraph 35 of the annex to decision I/7 of the Meeting of the Parties on review of compliance (ECE/MP.PP/2/Add.8) and reviews the progress made by the Party concerned to implement the Committee's findings and recommendations on communication ACCC/C/2014/104 concerning the compliance of the Netherlands.

\* The present document is being issued without formal editing

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## I. Introduction<sup>1</sup>

1. On 4 October 2018, the Committee adopted its findings and recommendations on communication ACCC/C/2014/104 concerning the compliance of the Netherlands (see ECE/MP.PP/C.1/2019/3).
2. In accordance with paragraph 36 (b) of the annex to decision I/7 of the Meeting of the Parties, the Party concerned agreed that the Committee might make its recommendations to it directly, in order to address compliance matters without delay pending the seventh session of the Meeting of the Parties.

## II. Summary of follow-up

3. On 27 August 2019, the secretariat wrote to the Party concerned to invite it to provide a first progress report by 1 October 2019 on the progress it had by that date made to implement the Committee's findings and recommendations.
4. On 1 October 2019, the Party concerned submitted its first progress report on time.
5. On 30 October 2019, the communicant of communication ACCC/C/2014/104 provided its comments on the first progress report of the Party concerned.
6. After taking into account the information received, the Committee prepared its first progress review and adopted it through its electronic decision-making procedure on 26 February 2020. The first progress review was forwarded on that date to the Party concerned and the communicant of communication ACCC/C/2014/104.
7. On 10 March 2020, the Party concerned provided comments on the Committee's first progress review.
8. On 11 March 2020, the communicant of communication ACCC/C/2014/104 provided two written statements to be delivered at the open session on the follow-up procedure at the Committee's sixtieth meeting.
9. At its sixtieth meeting (Geneva, 9-13 March 2020), the Committee reviewed the implementation of the Committee's findings and recommendations on communication ACCC/C/2014/104 in open session with the participation by audio conference of representatives of the Party concerned and the communicant.
10. On 11 May 2020, the Party concerned submitted an update regarding the Committee's findings and recommendations on communication ACCC/C/2014/104, to which the communicant replied with further comments on 20 May 2020.
11. On 1 October 2020, the Party concerned submitted its second progress report on communication ACCC/C/2014/104, on time. On the same day, the secretariat forwarded the second progress report to the communicant of communication ACCC/C/2014/104 inviting its comments by 29 October 2020.

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<sup>1</sup> This text will be produced as an official United Nations document in due course. Meanwhile editorial or minor substantive changes (that is changes that have no impact on the findings and conclusions) may take place.

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12. On 28 October 2020, the communicant together with the nongovernmental organization WISE Nederland, as an observer, submitted their joint comments on the Party concerned's second progress report.
  13. On 17 February 2021, the communicant submitted an update concerning the implementation of the Committee's findings and recommendations on communication ACCC/C/2014/104.
  14. On 29 March 2021, the Party concerned submitted an update on the measures it had by then undertaken to implement the Committee's findings and recommendations on communication ACCC/C/2014/104.
  15. On 14 May 2021, the Committee requested to the Party concerned to provide some additional information.
  16. On 27 May 2021, the Party concerned submitted the requested information.
  17. The Committee completed its draft report to the seventh session of the Meeting of the Parties on the progress by the Party concerned to implement the findings and recommendations on communication ACCC/C/2014/104 through its electronic decision-making procedure on 2 July 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft report was then forwarded on that date to the Party concerned, the communicant and the observer with an invitation to provide comments by 16 July 2021.
  18. At its seventy-first meeting (Geneva online, 7-9 July 2021), the Committee reviewed the implementation of findings and recommendations on communication ACCC/C/2014/104 in open session with the participation via virtual means of representatives of the Party concerned and the communicant.
  19. On 9 July 2021, the Party concerned submitted the written version of the questions it had raised during the open session at the seventy-first meeting.
  20. On 12 and 15 July 2021, respectively, the communicant and the Party concerned submitted comments on the Committee's draft report.
  21. After taking into account the information received, the Committee finalized and adopted its report to the seventh session of the Meeting of the Parties on its findings and recommendations on communication ACCC/C/2014/104 through its electronic decision-making procedure on 23 July 2021 and thereafter requested the secretariat to send it to the Party concerned, the communicant and the observer.

### **III. Considerations and evaluation by the Committee**

22. In order to fulfil paragraph 89 of the Committee's findings and recommendations on communication ACCC/C/2014/104, the Party concerned would need to demonstrate to the Committee that it has taken the necessary legislative, regulatory and administrative measures to ensure that, when a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of paragraphs 2 to 9 of article 6 are applied.
23. The Committee welcomes the two progress reports received from the Party concerned, which were submitted on time, as well as the additional information it has provided to the Committee.

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24. The Committee also welcomes the comments and information provided by the communicant and observer WISE Nederland.

### **Scope of consideration**

25. The communicant and observer WISE Nederland contend that the Party concerned's compliance with the Convention does not only concern the obligation of public participation in the event of changes to the duration of a nuclear activity, but more generally the obligation for public participation "when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1".<sup>2</sup> In the communicant's view, the Committee's findings and recommendations go beyond the specific case of the duration of a nuclear facility as the Convention lays down this obligation, in general for reconsiderations and updates of activities mentioned in article 6(1).<sup>3</sup>

26. More specifically, the communicant and observer claim that, in 2016 and 2018, the Dutch authorities authorized further changes to the license for the Borssele nuclear power plant and that, in each case, failed to comply with article 6 (6), (8) and (10) of the Convention. They submit that the Party concerned therefore persists in failing to comply with the Convention.<sup>4</sup>

27. The Party concerned contends that both the 2016 and 2018 decisions were preceded by public participation in accordance with the uniform public preparatory procedure as set out in section 3:4 of the General Administrative Law Act (GALA).<sup>5</sup>

28. The Committee understands that the changes in 2016 and 2018 did not amount to a decision to update or reconsider the duration of the nuclear facility. Rather, the 2016 decision was related to the implementation of 11 measures that emerged from the third 10 year-safety evaluation and the Complementary Safety Margin assessment (CSA) whereas, the 2018 decision concerned the attachment of a number of safety-related conditions to the operating license for the Borssele nuclear power plant.<sup>6</sup>

29. While not precluding the possibility to examine the above matters if put before it in a future communication, the Committee considers these allegations to fall outside the scope of the present review, which is restricted to reconsiderations and updates of the duration of nuclear-related activities within the scope of article 6 of the Convention. Therefore, the Committee will not examine these matters in the context of its follow-up on its findings on communication ACCC/C/2014/104.

### **Paragraph 89 of the Committee's findings on communication ACCC/C/2014/104**

30. With regard to paragraph 89 of the Committee's findings, in its first and second progress reports the Party concerned reports that, after receiving the Committee's findings, it undertook a study to determine whether measures, legal or otherwise, should and could be taken to improve public participation in future decisions on the duration of nuclear activities (operation and design lifetime). It claims that particular emphasis was placed on decisions that are taken by covenant, through legislation or licensing.<sup>7</sup>

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<sup>2</sup> Comments on Party's update, 20 May 2020, p. 1.

<sup>3</sup> Comments on Party's update, 20 May 2020, p. 1.

<sup>4</sup> Comments on Party's second progress report, 27 October 2020, para 3; Update, 17 February 2021, p. 1, 2.

<sup>5</sup> Party's comments on the Committee's draft report, 15 July 2021, para 6.

<sup>6</sup> Update from the Party concerned, 29 March 2021, para 10.

<sup>7</sup> Party's first progress report, 1 October 2019, para. 5; Party's second progress report, 1 October 2020, para 5.

### *Covenants*

31. In its first and second progress reports, the Party concerned explains that decision-making where decisions are taken by covenants is regulated by the 2003 Instructions for Covenants and is based on the GALA.<sup>8</sup> It submits that the 2003 Instructions together with section 3:1 (2) of the GALA provide proper legislative and administrative measures to ensure public participation in covenants about nuclear activities and their duration. Thus, when drawing up a covenant, the Party concerned must ensure that public participation is arranged in a way that the public is given the opportunity to participate at an early stage, when all options are open, in accordance with article 6 (4) of the Convention.<sup>9</sup>

32. The Party concerned also reports that in the context of its advisory role under section 3 of the Nuclear Energy Act, the Authority for Nuclear Safety and Radiation Protection will pay particular attention to appropriate public participation in any future “directional agreements” (such as covenants) on the duration of nuclear activities.<sup>10</sup>

### *Legislation*

33. In its first and second progress reports, the Party concerned states that, since November 2017, online consultation is compulsory for all legislative and regulatory proposals initiated by the Government, unless they concern purely technical amendments or the implementation of European Union legislation.<sup>11</sup> A nonbinding Roadmap for Legislation sets out procedures, requirements and models for civil servants involved in the legislative process.<sup>12</sup> The Party concerned claims that if the amendment of the Nuclear Energy Act which was relevant in 2010 for the Borssele nuclear power plant had taken place today, the online consultation process would have been part of the legislative procedure.<sup>13</sup>

### *Licenses*

#### Amendment of the Nuclear Energy Act

34. In its first progress report the Party concerned reported that, in response to the Committee’s recommendation in its findings on communication ACCC/C/2014/104, and in order to ensure that in the future its uniform public preparatory procedure in section 3:4 of the GALA is always followed for licenses relating to a review or amendment of the duration of nuclear activities, it had initiated a legislative amendment of section 17 of the Nuclear Energy Act.<sup>14</sup>

35. In its second progress report, the Party concerned reports on the ongoing legislative process to amend section 17 (4) of the Nuclear Energy Act to require that public participation is always mandatory in case of license changes related to the duration (operating or design lifetime) of a nuclear facility.<sup>15</sup>

36. Section 17 (4) of the Nuclear Energy Act currently provides:

<sup>8</sup> Party’s first progress report, 1 October 2019, paras. 9-10.

<sup>9</sup> Party’s second progress report, 1 October 2020, para. 10.

<sup>10</sup> Party’s first progress report, 1 October 2019, paras. 12-13; Party’s second progress report, 1 October 2020, paras. 9 and 10..

<sup>11</sup> Party’s first progress report, 1 October 2019, paras. 14 and 16; Party’s second progress report, 1 October 2020, para. 9.

<sup>12</sup> Party’s first progress report, 1 October 2019, paras. 14 and 16, and annex C.

<sup>13</sup> Party’s first progress report, 1 October 2019, para. 16.

<sup>14</sup> Party’s first progress report, 1 October 2019, paras. 21-22.

<sup>15</sup> Party’s second progress report, 1 October 2020, para 11.

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In derogation from paragraph 1, the parts of the General Administrative Law Act, the Environmental Permitting (General Provisions) Act and the Environmental Management Act cited therein shall not apply to preparatory work for decisions on an application for amendment to a licence pursuant to Section 15 (b) or (c) that does not give rise to different or greater adverse effects for the environment than is tolerated under the existing licence, for which there is no obligation to conduct an environmental impact study as provided for in Chapter 7 of the Environmental Permitting (General Provisions) Act and which will not result in a different facility than that for which a licence was granted.<sup>16</sup>

37. As a result of the proposed amendment, the application of the “regular procedure” set out in article 17 (4) of the Nuclear Energy Act, under which the uniform public preparatory procedure and public participation do not apply, would be excluded from all license amendments that relate to the duration (operation or design lifetime) of a nuclear facility.<sup>17</sup>

38. The Party concerned states that the online consultation of the bill to amend article 17 (4) of the Nuclear Energy Act was launched on 23 April 2020.<sup>18</sup> Following the consultation which lasted six weeks, an assessment was carried out by the Ministry of Security and Justice.<sup>19</sup> The amendment was approved by the Government and submitted to the Council of State for an advisory opinion.<sup>20</sup> Once the Government has responded to the Council’s advisory opinion, the amendment will be presented to Parliament.<sup>21</sup> Considering the additional steps required, the Party concerned believes that the amendment will enter into force in mid-2022 at the earliest.<sup>22</sup>

39. The Party concerned also submits that, pursuant to section 20 of the Nuclear Energy Act, public participation under the uniform public participatory procedure is required when the operating conditions for a license for a nuclear installation are reconsidered under section 19 (1)-(3) of the Nuclear Energy Act.<sup>23</sup>

40. The Committee notes that sections 19 (1)-(3) and 20 of the Nuclear Energy Act were in force at the time that it adopted its findings on communication ACCC/C/2014/104. Moreover, the uniform public participatory procedure was in fact applied to the 18 March 2013 amendment of the license for the Borssele nuclear power plant, even though, in the view of the competent authority, it was not mandatory at the time. Nonetheless, the Committee in its findings concluded that it had not been sufficient to ensure public participation requirements under article 6.

41. Regarding the proposed amendment to section 17 (4) of the Nuclear Energy Act, as it stated in its first progress review,<sup>24</sup> the Committee welcomes the proposed amendment but does not consider it to be sufficient to address its recommendations in paragraph 89 of the findings on communication ACCC/C/2014/104. As is acknowledged by the Party concerned, the uniform public participation procedure set out in section 3:4 of the GALA was applied by the Party concerned during the 2013 license amendment. Notwithstanding that fact, the Party concerned failed to comply with article 6 (4) in conjunction with 6 (10) of the Convention.

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<sup>16</sup> Party’s response to communication, annex 2, pp. 1-2.

<sup>17</sup> Party’s first progress report, 1 October 2019, para. 22.

<sup>18</sup> Update from the Party concerned, 11 May 2020.

<sup>19</sup> Update from the Party concerned, 29 March 2021, para 5.

<sup>20</sup> Update from the Party concerned, 29 March 2021, para 5.

<sup>21</sup> Update from the Party concerned, 29 March 2021, para 5.

<sup>22</sup> Update from the Party concerned, 29 March 2021, para 7.

<sup>23</sup> Party’s questions and comments at the open session at the Committee’s seventy-first meeting, 9 July 2021, p. 2 and annex 1; Party’s comments on Committee’s draft report, 15 July 2021, p. 1 and annex 1

<sup>24</sup> Committee’s first progress review, 26 February 2020, para 19.

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42. Based on the foregoing, the Committee, while welcoming the proposed amendment of section 17 (4), finds that it will not alone be sufficient to fully address the recommendations in paragraph 89 of its findings on communication ACCC/C/2014/104.

Additional measures

43. As the Committee stated in its first progress review, in order to fulfil paragraph 89 of the Committee's findings on communication ACCC/C/2014/104, the Party concerned would need, in addition to the proposed amendment to section 17 (4) of the Nuclear Energy Act, to take the necessary legislative, regulatory and administrative measures to ensure that when a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of paragraphs 2 - 9 are to be applied in full including that:

(a) The public is given the opportunity to participate at an early stage, when all options are open and efficient public participation can take place; and

(b) The competent public authority is required to give the public concerned access to all information relevant to the decision-making that is available at the time of the public participation procedure and that the relevant information shall include at least the information listed in article 6 (6) (a)-(f) of the Convention.<sup>25</sup>

44. In its second progress report, the Party concerned reports on its intention to put in place additional measures to ensure that decisions regarding nuclear facilities always meet the requirements of the Convention, namely its proposal to amend articles 11 and 15 of the Nuclear Facilities, Fissile Material and Ores Decree (Nuclear Facilities Decree) under the Nuclear Energy Act.<sup>26</sup> The Party concerned states that the proposed amendment would guarantee that in the event of a change in the restrictions and requirements of a license for nuclear facilities with significant consequences for the environment, the information required by the Convention must be submitted by the applicant or public authority.<sup>27</sup> The Party concerned reports that, as a result of this amendment, the relevant information required by article 6 of the Convention would be available to everyone, including during the public consultation period.<sup>28</sup>

45. In a later update, the Party concerned reports that the newly proposed section 11a of the Nuclear Facilities Decree contains the requirements for an application to amend, supplement or withdraw restrictions or conditions subject to which a permit has been granted, if the application "may have" significant consequences for the environment.<sup>29</sup> Thus, if the competent authority considers that there might be potential effects for the environment, these effects should be taken into account in the decision-making, regardless of whether these effects will actually occur.<sup>30</sup>

46. The Party concerned states that the proposed section 11a will contain further requirements for an application to amend, supplement, or withdraw restrictions or conditions subject to which a license has been granted, if this may have significant consequences on the environment.<sup>31</sup> The Party concerned reports that the proposed section 11a (1) will include the requirements of article 6 (6) of the Convention, including a description of the site and the physical and technical characteristics of the proposed activity, including a forecast of the

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<sup>25</sup> Committee's first progress review, 26 February 2020, para 21.

<sup>26</sup> Party's second progress report, 1 October 2020, para. 17.

<sup>27</sup> Party's second progress report, 1 October 2020, para. 18.

<sup>28</sup> Party's second progress report, 1 October 2020, para. 18.

<sup>29</sup> Party concerned's additional information, 27 May 2021, p. 2; Party's questions and comments at the open session at the Committee's 71st meeting, 9 July 2021, p. 1; Party's comments on Committee's draft report, 15 July 2021, p. 3.

<sup>30</sup> Party's questions and comments at the open session at the Committee's 71st meeting, 9 July 2021, p. 1; Party's comments on Committee's draft report, 15 July 2021, pp. 3-4.

<sup>31</sup> Party's comments on the Committee's draft report, para 17.

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expected residues and emissions; a description of the significant environmental impacts of the proposed activity; a description of the measures envisaged to prevent or reduce the effects, including emissions; a non-technical summary of the foregoing; an outline of the main alternatives studied by the applicant; and the main reports and opinions issued.<sup>32</sup>

47. The Party concerned reports that preparations are underway to initiate a public consultation on the proposed amendment to the Nuclear Facilities Decree.<sup>33</sup> The amendment, however, is not expected to enter into force until late 2021 at the earliest.<sup>34</sup>

48. The Committee appreciates the additional steps that the Party concerned has undertaken so far to comply with the findings and recommendations on communication ACCC/C/2014/104. However, until the draft legislative text of the Nuclear Facilities Decree is put before it, the Committee is not in a position to fully assess the extent to which the legislation meets the requirements of the Convention.

49. Nonetheless, to address the questions raised by the Party concerned at the Committee's seventy-first meeting and in its comments on the draft of the present report, the Committee comments below on the Party concerned's proposal to provide for public participation in reconsiderations and updates "which may have significant consequences for the environment".

50. The Committee point out that such a threshold is not provided for in article 6 (10) of the Convention. Article 6 (10) applies to reconsiderations or updates of permitted activities which already met the thresholds set by article 6 (1) (a) or (b) of the Convention at the time they were permitted. Reconsiderations or updates of operating conditions will accordingly be subject to article 6 (10) even where they themselves do not meet the thresholds listed in annex I of the Convention or may not in themselves have a significant effect on the environment.

51. The Committee also clarifies that any reconsideration or update of an operating condition of an activity subject to article 6 is a reconsideration or update within the scope of article 6 (10). The competent authority is therefore required by article 6(10) to determine, in every case, whether public participation is "appropriate" and thus required. If indeed public participation is "appropriate", public participation meeting the requirements of article 6(2)-(9) shall be required.

52. With respect to the meaning of "where appropriate", and thus when public participation meeting the requirements of article 6(2)-(9) is required, the Committee recalls its findings in communication ACCC/C/2014/121 (European Union) in which it held:

if the reconsideration or update of an activity's operating conditions is capable of significantly changing the basic parameters of the activity, or will address significant environmental aspects of the activity not already covered by the permitting decision, and no public participation process meeting the requirements of the Convention is foreseen, this would not meet the requirements of the Convention.

...

Accordingly, when a public authority reconsiders or updates the operating conditions for an activity subject to article 6 of the Convention, except in cases where the reconsideration or update is not capable of significantly changing the basic parameters of the activity and will not address significant environmental aspects of the activity, public participation meeting the requirements of article 6 (2)–(9) is "appropriate" and thus required. It would be for a Party to demonstrate to the Committee that any possible change in the activity's parameters would not be capable of significantly

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<sup>32</sup> Party's comments on the Committee's draft report, para 17.

<sup>33</sup> Update from the Party concerned, 29 March 2021, para 6.

<sup>34</sup> Update from the Party concerned, 29 March 2021, para 7.



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changing the basic parameters of the activity and would not address significant environmental aspects of the activity.

The Committee emphasizes that it is not the actual outcome of the reconsideration or the update that is determinative of whether public participation should be carried out. Rather, in line with the Committee's findings on communication ACCC/C/2006/17 (European Community), the key criterion is whether the reconsideration or update is "capable of" changing the activity's basic parameters or will "address" significant environmental aspects of the activity. In this regard, the scope of what is to be considered "appropriate" must be even more limited if the update of the operating conditions may itself have a significant effect on the environment.<sup>35</sup> However, it is not decisive whether the operating conditions of the activity will indeed ultimately be updated or will in fact have significant environmental effects. Likewise, it is immaterial that, if the operating conditions are updated, the updated conditions could in some respects have a beneficial effect on the environment, human health and safety. The crucial point is whether the reconsideration or update is "capable of" changing the activity's basic parameters or will "address" significant environmental aspects of the activity.<sup>36</sup>

53. The "significance test", in the context of which a Party holds a certain margin of discretion, involves assessing, on a case-by-case basis, if the reconsideration or update is capable of changing the activity's basic parameters, or whether it will address significant environmental aspects of the activity.

54. Bearing in mind the above findings, the Committee considers the following points of particular relevance to the questions raised by the Party concerned:

- (a) Every reconsideration or update of an operating condition for an activity under article 6 of the Convention is subject to article 6(10). This means, that for each reconsideration or update, the competent authority must determine whether public participation is "appropriate" and thus required.
- (b) In determining whether public participation is "appropriate" and thus required, the following points should be borne in mind:
  - (i) It is not the actual outcome of the reconsideration or the update that is determinative of whether public participation should be carried out.
  - (ii) Rather, the key criterion in determining whether public participation is "appropriate" under article 6(10), and thus required, is whether the reconsideration or update is "capable of" changing the activity's basic parameters or will "address" significant environmental aspects of the activity.
  - (iii) The scope of what is to be considered "appropriate" must be even more limited if the update of the operating conditions may itself have a significant effect on the environment.
  - (iv) However, whether the operating conditions of the activity will indeed ultimately be updated or will in fact have significant environmental effects is not the decisive point. Rather, and to reiterate, it is whether the reconsideration or update is "capable of" changing the activity's basic parameters or will "address" significant environmental aspects of the activity.

55. As the Committee's previous findings make clear, the situations where public participation is "appropriate" under article 6 (10), and thus required, are not limited to those where the reconsideration or update "may have significant effects on the environment" as

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<sup>35</sup> ECE/MP.PP/C.1/2017/17, para. 85, and ECE/MP.PP/C.1/2019/3, para. 71.

<sup>36</sup> ECE/MP.PP/C.1/2020/8, paras. 101, 103 and 104.

proposed in the draft amendment to the Nuclear Facilities Decree. Moreover, it is immaterial that, if the operating conditions are updated, the updated conditions could in some respects have a beneficial effect on the environment, human health and safety.<sup>37</sup> On this point, the Committee points the Party concerned to its previous findings in which it has found that public participation under article 6(2)-(9) was “appropriate” and thus required, in the case of reconsiderations and updates resulting from developments in Best Available Techniques (BATs) conclusions,<sup>38</sup> operational safety requirements<sup>39</sup>, new or revised environmental quality standards<sup>40</sup>, monitoring requirements<sup>41</sup> and in the case of 10-year periodic safety reviews<sup>42</sup>.

56. In the light of the foregoing, the Committee considers that the proposed amendment of the Nuclear Facilities Decree, which would be restricted to changes to nuclear facilities which “may have significant consequences for the environment”, is too narrow to ensure compliance with article 6 (10) of the Convention.

57. Moreover, the Committee notes that in order to meet the Committee’s findings and recommendations on communication ACCC/C/2014/104, the Party concerned would also need to provide evidence of the legislative, regulatory and administrative measures which ensure that when a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of paragraph 2 – 9 of the Convention are applied in full.

58. The Committee appreciates the further steps that the Party concerned has undertaken to date to comply with the Committee’s recommendations. However, until the draft legislative text of the Nuclear Facilities Decree is put before it, the Committee is not in a position to fully examine the extent to which the proposed legislation would meet the requirements of the Convention.

#### Concluding remarks

59. In the light of the foregoing, the Committee, while welcoming the steps taken to date in that direction, finds that the Party concerned has not yet met the recommendation in paragraph 89 of the Committee’s findings on communication ACCC/C/2014/104.

## **IV. Conclusions**

60. The Committee, while welcoming the steps taken to date in that direction, finds that the Party concerned has not yet met the recommendation in paragraph 89 of the Committee’s findings on communication ACCC/C/2014/104.

61. The Committee recommends to the Meeting of the Parties that it endorse the Committee’s findings on communication ACCC/C/2014/104 and recommend that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that, when a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of paragraphs 2 to 9 of article 6 are applied.

62. The Committee also recommends that the Meeting of the Parties request the Party concerned:

<sup>37</sup> ECE/MP.PP/C.1/2020/8, para. 104.

<sup>38</sup> ECE/MP.PP/C.1/2020/8, paras. 105 and 108.

<sup>39</sup> ECE/MP.PP/C.1/2020/8, paras. 110-111.

<sup>40</sup> ECE/MP.PP/C.1/2020/8, paras. 115- 116.

<sup>41</sup> ECE/MP.PP/C.1/2021/7, para. 93.

<sup>42</sup> Findings on communication ACCC/C/2016/143 (Czech Republic), ECE/MP.PP/C.1/2021/28, paras. 120 and 126.

- (a) To submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendation;
  - (b) To provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendation;
  - (c) To provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendation;
  - (d) To participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendation is to be considered.
-