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Sent: Tuesday, September 6, 2022 10:50 AM
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Subject: Re: Decision VII/8m (Netherlands) - letter to Party concerned and communicant enclosing Committee's draft advice

Dear members of the ACCC,

Please, find hereby my comments on your draft advice to the Netherlands concerning the implementation of paragraph 3(1) of decision VII/8m. These comments are included in the text attached as 'comments'.

I observe that there is potential confusion about the fact that the ACCC, in its assessment of case ACCC/C/2014/104, first tested whether the conditions of art. 6(10) were met and then concluded that - because these were met - assessment of necessity of public participation on the basis of Annex I(22) in conjunction with art. 6(1) was no longer necessary. This is the other way around than the ACCC argues in paragraph 20 of this advice.

I do argue, however, that the order of testing is probably in practice irrelevant to the outcome and that there are good reasons first to test under art. 6(10) as the ACCC did.

Furthermore, I would like to highlight that when describing basic parameters of an activity, especially for nuclear power stations, inclusion of all (organisational and technical) safety measures to reduce the risk of severe accidents leading to substantial emissions of radioactive (or other toxic) substances into the environment into the basic parameters is important. Especially, and not only in the nuclear sector, because safety measures are often considered by certain authorities as a technical, but not environmental issue.

For my detailed comments, I refer to the attached document.

In the hope of being helpful, with kind regards,

Jan Haverkamp