

24 May 2023

Ms. Nicoletta Bouman
Ministry of Infrastructure and Water Management
The Netherlands

Mr. R.G.J. Dercksen
The Netherlands

Dear Ms. Bouman,
Dear Mr. Dercksen,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Netherlands with respect to public participation in decision-making on wind farms (ACCC/C/2020/181)

I refer to my letter of 14 April 2023 inviting the Party concerned and the communicants to participate in the hearing to discuss the substance of the above communication to be held at the Palais des Nations, Geneva, on Wednesday, 14 June 2023. I take the opportunity to thank both parties for having confirmed their participation in the hearing.

In preparation for the hearing, the Committee has identified a small number of questions which it considers would be useful to clarify with the Party concerned and the communicants in writing prior to the hearing. To this end, please find **enclosed** the questions prepared by the Committee for your attention.

The Committee would accordingly be grateful to receive your replies to the enclosed questions by **Monday, 12 June 2023**. Please send your replies to aarhus.compliance@un.org, copying the other party.

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

Yours sincerely,



Fiona Marshall

Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Kingdom of the Netherlands to the United Nations Office and other international organizations in Geneva

Enc: Questions from the Committee to the Party concerned and communicants

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To the Party concerned:

1. Please provide the text of the 2013 administrative agreement between the central government and the Province of Utrecht, through which the Province of Utrecht committed to realize 65.5mW of operational wind capacity by 2020.¹
2. Please describe the opportunities, if any, that the public had to comment on the commitment made by the Province of Utrecht in 2013 to increase its wind energy generating capacity from 50 mW to 65.5 mW, prior to the Province of Utrecht making that commitment.
3. At paragraph 54 of its response to the communication, the Party concerned states: “The Provincial Spatial Policy Strategy is the successor to the provincial regional plan”. Does the Party concerned therefore accept that the Provincial Spatial Policy Strategy 2013-2028 (PSSV) is a plan or programme subject to the requirements of article 7 of the Convention?

To the communicants:

1. Do you allege that Windpark Autena is an activity subject to article 6 of the Convention and if so, on what legal basis?
2. Please provide English translations of the relevant excerpts of any documents which, in your view, demonstrate that, by the time of the first revision to the PSSV on 10 March 2014, the location for Windpark Autena had already been definitively decided and could not be changed.

¹ See Structuurvisie Windenergie op land 2014, p. 19.