

From: Jan Haverkamp [REDACTED]
Sent: Tuesday, February 20, 2024 10:26 AM
To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>
Cc: Bouman, N.W.M. (Nicolette) - DGM [REDACTED]; Duin, Michelle [REDACTED]; gev [MINBUZA] [REDACTED]; [REDACTED] greenpeace@un.org; jan.haverkamp@un.org; bkloostr@un.org; summer_kern@un.org; attracta@un.org; p.cox@un.org
Subject: Re: Decision VII/8m (Netherlands) - letter to the Party concerned enclosing Committee's first progress review

Dear Fiona,

Thank you for this progress review.

Unfortunately, I am on such short notice not able to participate in today's Committee meeting.

In the name of the communicants of ACCC/C/2014/104, ACCC/C/2014/124 as well as ACCC/C/2021/187, we would like to submit for this session the following viewpoints.

In spite of the Committee's findings in ACCC/C/2014/104 and in spite of the ACCC's general findings on compliance, paragraph 63 and 64 for the 7th MoP in 2021 concerning the need for public participation before periodic safety reviews, the Netherlands have not organised public participation on the environment for the currently ongoing periodic safety review (10EVA23), due in 2023, of the Borssele nuclear power station, in spite of discussions with the responsible authority, the Dutch nuclear regulatory authority ANVS, in 2022 on the subject.

This piles up on the fact that also license changes after 2013 were not submitted to any public participation concerning the environment (see case ACCC/2021/187).

With that, the criteria mentioned in paragraph 21 of this progress review have clearly not been fulfilled. It is not sufficient, when a Party promises to rectify a non-compliance situation in some far future when there is nothing standing in the way of the Party on the basis of existing legislation and regulations to implement its obligations under the Aarhus Convention in the meantime. The Party has refrained from doing so, in spite of having been pointed to possibilities by the communicants from ACCC/C/2014/104 and ACCC/C/2021/187.

This means in practice, that the Borssele NPP operates already for over a decade without viewpoints from the public concerning environmental impacts being solicited and taken into due account.

We see this as further confirmation of the conclusion of the ACCC in paragraph 35 of the review.

Based on the observations from the ACCC under paragraphs 41 to 47, we as communicants also subscribe to the conclusions from the Committee in paragraph 48 of the review.

We kindly request the Committee to add the fact that the Netherlands seem to not implement its obligations under art. 6 of the Convention during the currently ongoing periodic safety review 10EVA23 of the Borssele NPP as one of the reasons for its conclusion that the Netherlands are not fulfilling yet their obligations under the Convention.

With kind regards,

Jan Haverkamp

representing Greenpeace Nederland and WISE Nederland