

**Observations of the Government of the  
Netherlands regarding Communication  
ACCC/C/2021/187 from Stichting Greenpeace  
Netherlands, LAKA and WISE to the Aarhus  
Convention Compliance Committee**

## **I. Introduction**

1. On 5 September 2021, Stichting Greenpeace Netherlands, LAKA and WISE ('the communicants') submitted a communication to the Compliance Committee ('the Committee') under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ('the Convention'), which was forwarded to the Government of the Netherlands ('the Netherlands') on 20 September 2021. The communicants submitted additional information to the Committee on 19 October 2021.
2. The communication alleges a failure by the Netherlands to comply with its obligations under article 6 of the Convention in relation to licence changes for the Borssele Nuclear Power Plant ('Borssele NPP') in 2016 and 2018.<sup>1</sup> More specifically, the communication alleges that the Dutch authorities failed to provide for public participation to the extent required by article 6 prior to the decisions to authorise revisions of the Borssele NPP licence in 2016 and 2018.
3. The central premise of the communicants is to clarify the implications of the words 'where appropriate' in article 6 (10) of the Convention, as well as to prevent past non-compliance with the Convention's provisions on public participation from continuing in the form of 'salami-slicing' decisions.
4. At its 72nd meeting on 21 October 2021, the Committee determined, on a preliminary basis, that the communication was admissible in accordance with paragraph 20 of the annex to decision I/7 of the Meeting of the Parties.
5. The Secretariat of the Convention invited the Netherlands to submit any written explanations or statements by 13 May 2022 at the latest. The present letter fulfils this request within the stipulated period.
6. The Netherlands presents comments below on the facts underpinning the request for deferment (section II) and on the communicants' allegations (section III).

## **II. Request for deferment**

7. The Netherlands requests deferment of the consideration of the communication. As noted at the 72nd meeting on 19 October 2021, the Netherlands finds the current communication premature given that there are still some aspects of the earlier findings to work through under the Committee's guidance. More specifically, the Netherlands would prefer to first focus on fully implementing the findings of case ACCC/C/2014/104, which would ensure compliance with article 6 (10) of the Convention as that case addresses similar implementation issues to the pending communication.
8. The communicants state in their letter to the Committee of 5 September 2021 that 'the central premise of this communication is to clarify the implications of the words "where appropriate" in

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<sup>1</sup> The 2016 decision was related to the implementation of 11 measures that emerged from the third 10-yearly safety evaluation and the Complementary Safety margin Assessment (CSA), whereas the 2018 decision concerned the ex officio attachment of a number of safety-related conditions to the operating licence for the Borssele NPP.

art. 6(10) of the Convention'. This issue was also addressed in the first Borssele case (case ACCC/C/2014/104). The Netherlands is currently preparing additional measures to ensure compliance with article 6 (10) of the Convention in light of the latter case. The adoption of these measures would, in the Netherlands' opinion, render the pending communication redundant, for the reasons set out below.

9. As the Committee stated previously in the earlier case, in order to address the recommendation in paragraph 89 of the Committee's findings on communication ACCC/C/2014/104, the Netherlands needs to demonstrate to the Committee that, in addition to the proposed amendment to section 17 (4) of the Nuclear Energy Act (*Kernenergiewet*), 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 (10) of the Convention, the provisions of paragraphs 2 to 9 are applied in full, including the following:
  - (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.
10. Despite the Netherlands' efforts in good faith to fully implement the findings, the steps taken to date for that purpose have not yet been found to fully comply with the Committee's recommendations in the first Borssele case. In this light, the Netherlands is currently working on improving the implementation of article 6 (10) of the Convention in the Dutch Nuclear Facilities, Fissile Material and Ores Decree (*Besluit kerninstallaties, splijtstoffen en ertsen*; 'Nuclear Facilities Decree') under the Nuclear Energy Act.
11. Like the communicants, who also expressed this wish in their additional information of 19 October 2021, the Netherlands would like to obtain clarity about article 6 (10) of the Convention. The Netherlands wants to implement this provision in a clear and proper way and is in the process of following up on the first Borssele case. In this regard, it is relevant that the interpretation of this provision in particular has been evolving since the findings in the first Borssele case (dated 4 October 2018).
12. For example, in the report on compliance by the Netherlands of 27 August 2021, following the Netherlands' update of 29 March 2021 in relation to the first Borssele case, the Committee explained in more detail how the test of article 6 (10) should be performed. In that report, the Committee refers to its explanations in findings in cases ACCC/C/2014/121 EU (findings of 30 March 2020; ECE/MP.PP/C.1/2020/8), ACCC/C/2014/122 Spain (findings of 17 December 2020; CE/MP.PP/C.1/2021/7) and ACCC/C/2016/143 Czech Republic (findings of 26 July 2021; ECE/MP.PP/C.1/2021/28). These findings and the explanation in the report on compliance postdate the decisions in respect of which the communicants have now submitted a communication (12 July 2016 and 4 December 2018 respectively). The Committee's findings in the first Borssele case also date from after the 2016 decision and just before the 2018 decision. Moreover, all these findings were only recently confirmed at the October 2021 Meeting of the Parties.

13. As is known, in order to ensure proper implementation, the Netherlands has asked the Committee a number of interpretation questions regarding article 6 (10) of the Convention, partly on the basis of the aforementioned report on compliance by the Committee. More clarity about this will contribute to the correct implementation of this provision in regulations and decisions.
14. Hence, the current communication addresses implementation and legal issues similar to those that have arisen in the ongoing preparations being made in light of the first Borssele case regarding articles 6 (10) and 6 (6) of the Convention, as requested in the current communication (see for instance paragraphs 5.3, 6.1 and 6.2 of the communication). The Netherlands therefore requests the Committee to defer its consideration of the pending communication until such time as the additional measures that are in preparation following the first Borssele case have been implemented. Should the Committee nevertheless decide to consider the communication, the Netherlands would make the following observations regarding the communicants' claims.

### **III. Comments on the claims of the communicants in the communication of 5 September 2021**

#### Scope of proposed amendment

15. With reference to paragraph 6.1 of the communication, the communicants state that the Netherlands has interpreted article 6 (10) of the Convention as covering only reconsiderations or updates related to the duration of the activity. The communicants also state that the Netherlands proposed 'adaptations of legislation in order to bring duration of the activity under the obligation for public participation – not reconsiderations and updates (...)'.
16. As indicated above, this point concerns an aspect related to compliance with the first Borssele case. In response to the Committee's recommendation in its findings on the communication in this case, the amendment to section 17 (4) of the Nuclear Energy Act requires that public participation is always mandatory in the event of licence changes related to the duration of a nuclear activity. Sections 18a (2), 19 (1)-(3) and 20 of the Nuclear Energy Act were already in force at the time of the findings on communication ACCC/C/2014/104, pursuant to which public participation under the uniform public participatory procedure is required when the operating conditions for a licence for a nuclear installation are reconsidered or updated.
17. The Netherlands would like to reiterate that, with regard to reconsidering or updating the restrictions and limitations under which a licence for a nuclear installation has been granted, public participation is always mandatory on the basis of section 20 in conjunction with sections 18a (2) and 19 (1)-(3) of the Nuclear Energy Act. This clearly shows that the Netherlands does not consider the public participation obligation under article 6 of the Convention to be limited to the duration of a nuclear activity. Unofficial translations of section 18a (2), section 19 (1)-(3) and section 20 of the Nuclear Energy Act have been added in Annex I.
18. According to section 20 of the Nuclear Energy Act, part 3.4 of the General Administrative Law Act (*Algemene wet bestuursrecht*; GALA) and part 13.2 of the Environmental Management Act (*Wet milieubeheer*) apply to the preparation of a decision reconsidering or updating the operating conditions of a licence. The provisions of article 6 of the Convention have been implemented in part 3.4 of the GALA.

19. According to this part of the GALA, the competent authority must make the draft of the decision to be taken, together with the related documents that are reasonably necessary for assessment of the draft decision, available for public inspection (section 3:11 of the GALA). This includes the application for a licence (or licence change), accompanied by the information and documents required in accordance with section 4:2 of the GALA, which are submitted along with the application. Section 3:12 of the GALA contains additional requirements on timely public notification of the draft decision and requirements on the content of the notice. The competent authority must, furthermore, add any new relevant documents and information to the documents that have already been deposited for public inspection (section 3:14 (1) of the GALA).
20. Furthermore, as mentioned above, the Netherlands would like to recall that the content and scope of the proposed amendment to the Nuclear Facilities Decree are broader than only the duration of the activity,<sup>2</sup> because it covers the reconsideration or updating of the operating conditions attached to a licence for a nuclear installation.<sup>3</sup> The scope of the proposed amendment in the first Borssele case therefore goes beyond the specific issue of the duration of a nuclear activity.

#### 2016 and 2018 licensing decisions

21. The communication concerns the licensing decisions of 12 July 2016 and 4 December 2018 with regard to the Borssele NPP. The 2016 decision concerns the implementation of 11 measures that emerged from the third 10-yearly safety evaluation and the Complementary Safety margin Assessment (CSA), also known as the European robustness study or the stress test. The 2018 decision is of an administrative nature and concerns the ex officio attachment of a number of safety-related conditions to the operating licence for the Borssele NPP. On 2 May 2018<sup>4</sup> and 27 January 2021<sup>5</sup>, the Administrative Jurisdiction Division of the Council of State (*Afdeling Bestuursrechtspraak van de Raad van State*) found that the decisions did not entail the reconsideration or updating of the duration of a nuclear activity or require an environmental impact assessment (EIA).
22. The communicants argue in paragraphs 5.1 and 6.2 of the communication that application of art. 6(10) was appropriate for the licence changes of 2016 and 2018. The Netherlands considers that it applied the provisions of article 6 (10), and in particular article 6 (2) to (9), '*mutatis mutandis*' to these licence changes'.
23. The Netherlands would recall that both the 2016 decision and the 2018 decision were preceded by the public participation procedure on the basis of sections 17 and 20 of the Nuclear Energy Act, to which part 3.4 of the GALA applies. As mentioned above, the provisions of article 6 of the Convention have been implemented in part 3.4 of the GALA. Therefore, relevant documents and information relating to the draft decision, and which were necessary to make the right decision, were made available for public inspection and it was possible for anyone to participate and to submit views on the respective draft decisions.

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<sup>2</sup> The Netherlands' additional information, communication ACCC/C/2014/104, 27 May 2021.

<sup>3</sup> Comments of the Netherlands on the draft report of the Aarhus Convention Compliance Committee on the progress to implement its findings and recommendations on communication ACCC/C/2014/104, paragraphs 13 and 14.

<sup>4</sup> ECLI:NL:RVS:2018:1448.

<sup>5</sup> ECLI:NL:RVS:2021:174.

24. The communicants submit in paragraph 5.2 of their communication that there has been non-compliance with article 6 (4) of the Convention in conjunction with articles 9 (2) and 9 (4). The Netherlands interprets this point to be directed against recital 7.5 of the decision of the Administrative Jurisdiction Division of the Council of State ('Council of State') of 2 May 2018. In that decision, the Council of State ruled against Greenpeace's application for suspension of the proceedings regarding the Borssele NPP licence change in 2016. Greenpeace's request for suspension at that time was therefore dealt with in substance by an independent judge. This means that the requirements regarding access to justice of article 9 (2) and (4) of the Convention (effective legal protection and, where necessary, legal redress) were met.
25. The communicants submit in paragraph 5.4 of the communication that the Netherlands was non-compliant with article 6 (8) of the Convention, by giving the impression that the Netherlands simply put aside submissions and information related to environmental issues as irrelevant. However, the competent authority has the legal obligation to respond in a transparent, detailed and reasoned manner to opinions submitted in response to the draft Nuclear Energy Act licences. All of Greenpeace's views were given serious consideration and the responses were extensively substantiated. This was also done in the public participation procedure with respect to the Borssele licence of 2013. The Committee stated in paragraph 86 of its findings report in the first Borssele case:
- 'the Committee commends the format used in the 18 March 2013 decision to summarize, group and respond to the comments received from the public and considers that such a format may serve as a useful example for Convention Parties on how to deal with comments received from the public in the text of a decision subject to article 6 in a well-structured, clear and sufficiently detailed way.'*
- This also applies to Greenpeace's views in the public participation procedures with respect to the licences from 2016 and 2018. Hence, the Netherlands' competent authority took due account of the views and addressed them in accordance with article 6 (8) of the Convention.
26. Annex II provides a description of the different steps in the licensing procedures in relation to public participation regarding the 2016 and 2018 decisions. This includes the environmental information which was made available and subject to public inspection in the procedures for both decisions, so that everyone was in a position to submit views.
27. Accordingly, the Netherlands is of the opinion that both licence changes in 2016 and 2018 were granted after a public participation process had taken place in a timely manner and on the basis of all relevant environmental information regarding these changes, in line with the requirements of the Convention.

#### Issue of rectification

28. The communicants submit in paragraphs 5.3, 6.2 and 6.3 of their communication that due to the Netherlands' earlier non-compliance with article 6 of the Convention, the Netherlands should have rectified that situation in the licence revisions of 2016 and 2018.
29. Firstly, it is important to note that the Committee's recommendations are forward-looking. This follows from the nature of the review of compliance conducted by the Committee and the Meeting of the Parties. The nature of this review procedure is apparent from Decision I/7 of the

Meeting of the Parties, which mentions the characteristics as set out in Article 15 of the Convention: non-confrontational, non-judicial and consultative. Secondly, the decisions of the Meeting of the Parties with regard to compliance of Parties also look to the future. It follows from the nature of the review regime that any deficiencies in domestic regulation and implementation must be corrected for the purposes of future implementation and decision-making.

30. Contrary to what the communicants state, the 2016 and 2018 licences are not about extending the design lifetime of the Borssele NPP, as was the case in 2013. Hence, earlier non-compliance could not have been remedied by these decisions. This means that, with regard to the 2016 and 2018 decisions, this is not a question of salami-tactics decision-making in relation to earlier decision-making on design lifetime extension. Every decision on a licence change has its own procedure and assessment framework, which must comply with the Convention. Also, contrary to what the communicants state, it was not necessary to draft an environmental impact statement in relation to the Borssele licence in 2013, as the Council of State of the Netherlands has concluded with regard to the 2016 and 2018 decisions.
31. In general, public participation in the Netherlands is required for changes to licences for nuclear installations, but public participation in such cases is limited to the particular licence change at hand. Earlier licence changes that have been granted for an activity are not a subject of discussion in an ongoing licensing procedure and cannot be challenged. This means, firstly, that the applicant is required to submit all environmental information relevant to the application for a licence change and, secondly, that the submitted environmental information only relates to, and is restricted to, the licence change that is being applied for.
32. As explained above, both licence changes were granted after a public participation process had taken place in line with the requirements of the Convention, in a timely manner and on the basis of all relevant environmental information regarding the licence changes. Also, at the time of the licencing procedures in 2016 and 2018, the Netherlands was unable to include new insights of the Committee regarding article 6 (10)<sup>6</sup> in the decision-making process, so for that reason alone rectification, if at all necessary, was not possible. If there were any deficiencies in the decision-making process with respect to the license changes of 2016 and 2018, the Netherlands could not reasonably have known this.
33. As is known, the Netherlands still has a number of interpretation questions in order to ensure proper implementation of article 6 (10) of the Convention. More clarity about this will contribute to the correct implementation of this provision in regulations and decisions. The Netherlands remains fully and genuinely committed to complying with its obligations under the Convention.

#### **IV. Conclusion**

34. On the basis of the above considerations, the Netherlands concludes that all requirements for public participation under article 6 of the Convention were complied with in the licensing procedure for both the 2016 decision and the 2018 decision.

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<sup>6</sup> ACCC/C/2014/121 EU (findings of 30 March 2020; ECE/MP.PP/C.1/2020/8), ACCC/C/2014/122 Spain (findings of 17 December 2020; ECE/MP.PP/C.1/2021/7) and ACCC/C/2016/143 Czech Republic (findings of 26 July 2021; ECE/MP.PP/C.1/2021/28).





## Annex I

### Unofficial translations of sections 18a, 19 and 20 of the Nuclear Energy Act

#### Section 18a

1. The competent authority will regularly review whether the restrictions and conditions to which a license is subject are still adequate in view of developments in the field of technical capabilities for the protection of people, animals, plants or goods.
2. The competent authority will amend the restrictions subject to which the license has been granted and the conditions attached to the license, supplement them or withdraw them, or attach restrictions or conditions to the license, in so far as it appears that the adverse effects which the activity in question causes for people, animals, plants or goods may be further limited in view of the development of technical capabilities for their protection.
3. Rules may be laid down by order in council in the interests of the protection of people, animals, plants or goods concerning the manner in which subsection 1 is applied with regard to categories of acts designated therein. The order may stipulate that rules laid down therein apply only in categories of cases designated therein.
4. Sections 15b to 15e apply *mutatis mutandis* with regard to the decision on the matter and the content of those restrictions and conditions.

#### Section 19

1. The competent authority may amend, supplement or withdraw the restrictions and conditions to which a license is subject or attach restrictions or conditions to the license to protect the interests designated by or pursuant to section 15b.
2. Any person, with the exception of the license holder, may request the competent authority to amend a license subject to the provisions of subsection 1 in the interests of the protection of people, animals, plants or goods.
3. At the request of the license holder, the competent authority may amend, supplement or withdraw the restrictions and conditions to which a license is subject, or attach restrictions or conditions to the license.
4. In a case as referred to in section 15b, subsection 4, as soon as possible after the order in council in question has been revoked, the competent authority will withdraw the conditions to which a license is subject pursuant to that order. Those conditions will continue to apply until the decision revoking them takes effect.

#### Section 20

1. When preparing a decision pursuant to section 18a, subsection 2 or section 19, subsection 1, 2 or 3, part 3.4 of the General Administrative Law Act applies and division 3.5 of the Environmental Permitting (General Provisions) Act and part 13.2 of the Environmental Management Act apply *mutatis mutandis*, except in cases as referred to in section 17, subsection 2.
2. If a request is made as referred to in section 19, subsection 2, the competent authority will notify the relevant license holder thereof. The latter will be regarded as a co-applicant, in so far as his interest so requires.

## Annex II

### 2016 revision of the licence for the Borssele NPP

- The revision licence for the Borssele NPP in 2016 related to the agreement of 11 measures, which resulted from the 10-yearly safety evaluation and the stress test. These measures, which were aimed at improving nuclear safety, required a licence change. At the request of the competent authority, and in addition to an application for a change permit, EPZ also applied for a revision licence, in which the changes and the previous licences were brought together in one updated licence covering the entire facility.
- Because the changes requested by EPZ concerned systems for the prevention or control of serious accidents, the changes were subject to an EIA assessment on the basis of category D 22.3 (4°) of the schedule (*bijlage*) to the Environmental Impact Assessment Decree (*Besluit milieueffectrapportage*). On this basis, the competent authority evaluated whether an EIA had to be drafted when preparing the application for this licence under the Nuclear Energy Act, because of possible significant adverse effects that the activity could have on the environment.
- EPZ issued an EIA notice on 24 July 2015 and submitted it to the Authority for Nuclear Safety and Radiation Protection (ANVS) pursuant to section 7.16 of the Environmental Management Act with regard to the intended implementation of 11 safety measures in the installation.
- The substantive evaluation of the EIA notice concluded that no significant adverse environmental impact was to be expected as a result of the proposed changes. The intended changes would have little or no impact on the environment or would limit the adverse effects on the environment compared with the current situation. Because no significant adverse effects on the environment were to be expected from the proposed changes, it was not necessary to perform an EIA when preparing the application for this licence.
- The outcome of this evaluation was communicated to EPZ by decision of 11 September 2015, reference ANVS-2015/3883.
- Pursuant to section 7.17 (4) of the Environmental Management Act, the decision of 11 September 2015 was announced in the Government Gazette, *de Volkskrant*, *PZC (Zeeland)*, *Bevelandse Bode*, *De Borselse Bode*, and *De Faam/De Bevelander*. The decision and the EIA notification were available for public inspection from 25 September 2015 to 5 November 2015.
  
- The EPZ licence application including annexes was received by letter of 9 December 2015. The documents concerned were as follows:
  - The licence application itself
  - Safety Report on Borssele NPP
  - Notification of Environmental Impact Assessment of Borssele NPP
  - Decision on the Notification of the Environmental Impact Assessment of Borssele NPP
  - Conceptual Improvement Plan for Borssele NPP
  - Assessment of Conceptual Improvement Plan 10EVA13-KCB, Declaration of No Objection (VGB) subject to conditions
  - Radionuclide Laboratory Annexe
  - Assessment report for amendment plans subject to a licence and safety analyses of the Borssele NPP
  - Assessment Report of the Safety Report on Borssele NPP

- Pursuant to section 17 of the Nuclear Energy Act, the uniform public preparatory procedure set out in part 3.4 of the GALA was followed for the processing of the revision licence application. The application, the draft decision, the EIA assessment decision and the other documents were notified on 6 April 2016, stating the locations where they had been deposited for public inspection and providing the public with the opportunity to participate and express views. The notice was published in the Government Gazette, in the Dutch newspapers *de Volkskrant*, *PZC* (Zeeland), *Bevelandse Bode*, *De Borselse Bode*, and *De Faam/De Bevelander*, and in the Belgian newspapers *De Standaard* and *Het Laatste Nieuws* (Gent-Oudenaarde-Eeklo), in accordance with part 3.4 of the GALA.
- In accordance with article 6 (3)-(7) of the Convention and sections 3:15 and 3:16 of the GALA, the public was able to express its views (in writing, by telephone or by email) on the draft decision and on the application including annexes for six weeks (from 7 April 2016 to 18 May 2016).
- In total, four views were received within the prescribed time limit for public consultation.
- In chapter 6 of the final decision, the Netherlands' competent authority took due account of the views and addressed them in accordance with article 6 (8) of the Convention. The views resulted in modification of the decision: the licence amendments were clarified on a number of points and an extra licence condition was added. However, the decision itself and the licence conditions were not amended.
- Similarly, in accordance with article 6 (9) of the Convention and section 3:43 of the GALA, the final decision was made public on 12 July 2016. In addition, those who had expressed their views on the draft decision were informed separately by means of a letter from the Netherlands' competent authority and received a copy of both the decision and the notification (section 3:44 (1) of the GALA).
- In accordance with section 3:45 of the GALA, the notice of the decision contained information on the possibility of appealing to the Council of State, which is the highest administrative court in the Netherlands. For six weeks, beginning on 12 July 2016, all interested parties who had previously expressed their views on the draft decision were entitled to appeal to this independent court. Appeals were also possible concerning amendments to the final decision that deviated from the draft decision.
- On 2 May 2018 the Council of State ruled that the appeals registered in this case were unfounded.
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#### *2018 Ex officio amendment of the Borssele NPP licence to implement the WENRA Reference Levels*

- The change to the licence for the Borssele NPP in 2018 related to the ex officio amendment of the licence conditions to implement the WENRA Reference Levels (RLs) in the EPZ licence. In addition, a number of licence conditions were brought into line with regulations or were amended editorially.
- For this ex officio amendment it was concluded that there was no reason to take an EIA assessment decision or to prepare an EIA. Firstly, implementing the 25 WENRA RLs in the licence for the Borssele NPP did not involve any changes to the nuclear power plant. The WENRA RLs contain a set of standards for the operation of nuclear power plants. These are additional measures of added value for nuclear safety and do not involve changes to the installation that had not been not previously licensed. This licence change therefore did not fall under one of the categories of the Environmental Impact Assessment Decree ('EIA Decree'). Secondly, the amendments did not entail any significant adverse consequences for the environment. The amendments did not concern the establishment, modification or expansion of a nuclear power plant as referred to in categories C 22.3 or D 22.3 of the EIA Decree.

- Because this was an ex officio amendment of the licence, it did not involve an application from the Borssele NPP licence holder. On 10 April 2018, the licence holder was informed by letter that its licence based on Nuclear Energy Act would be amended ex officio to implement the WENRA RLs of 24 September 2014.
- Pursuant to section 20 of the Nuclear Energy Act, the uniform public preparatory procedure set out in part 3.4 of the GALA was followed for the processing of the ex officio amendment of the licence.
- The notice of the draft licence was published in the Government Gazette, in the Dutch newspapers *de Volkskrant*, *PZC* (Zeeland), *Bevelandse Bode*, *De Borselse Bode*, and *De Faam/De Bevelander*, and in the Belgian newspapers *De Standaard* and *Het Laatste Nieuws* (Gent-Oudenaarde-Eeklo), in accordance with part 3.4 of the GALA.
- In accordance with article 6 (3)-(7) of the Convention and sections 3:15 and 3:16 of the GALA, for six weeks (from 4 October 2018 to 14 November 2018) the public was able to express its views (in writing, by telephone and by email) on the draft decision. A special telephone number was made available for asking questions on procedural and substantive matters.
- In total, three substantive views were submitted within the prescribed time limit for public consultation.
- In accordance with article 6 (8) of the Convention, the Netherlands' competent authority took due account of the views and addressed them in chapter 5 of the final decision. The views resulted in the amendment of the decision, with a number of editorial changes being made. Also, an omission was corrected by bringing one licence condition (A.2) into line with regulations.
- In accordance with article 6 (9) of the Convention and section 3:43 of the GALA, the final decision was made public on 4 December 2018. In addition, those who had expressed their views on the draft decision were informed separately by means of a letter from the Netherlands' competent authority and received a copy of both the final decision and the notice (section 3:44 (1) of the GALA).
- In accordance with part 3.4 of the GALA, the final decision was made available for public inspection for six weeks.
- In accordance with section 3:45 of the GALA, the notice of the decision contained information on the possibility of appealing to the Council of State, which is the highest administrative court in the Netherlands. For six weeks, from 14 December 2018 to 24 January 2019, all interested parties who had previously expressed their views on the draft decision were entitled to appeal to this independent court. Appeals were also possible concerning amendments to the final decision that deviated from the draft decision.
- On 27 January 2021 the Council of State ruled that the appeals registered in this case were unfounded.