

**ATT**  
**IMPLEMENTATION COMMITTEE,**  
**CONVENTION ON ENVIRONMENTAL**  
**IMPACT ASSESSMENT IN A**  
**TRANSBOUNDARY CONTEXT**  
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**SUBJECT:** Non-compliance of the Espoo Convention by the Member State Spain

Ms. Tea Aulavuo,  
Secretary to the Espoo Convention, UNECE

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Pessoas – Animais – Natureza (PAN), a political party with a seat in the Portuguese Parliament, with the NIPC 509779662 and headquarters at the Avenida Almirante Reis, 81-B, 1150-012 Lisboa - Portugal, represented here by André Silva as its Member of Parliament and legal representative, hereby presents a situation that may be deemed as a non-compliance of the Espoo Convention, requesting therefore the appropriate follow up.

This is requested on the following terms and grounds:

**I. GENERAL PROVISIONS**

1. The reactor I of the Almaraz Nuclear Power Plant, in Spain, is in operation since 1981, and the reactor II of the above-mentioned plant is in operation since 1983.
2. Since then, there has been a succession of level 1 incidents per the International Nuclear Event Scale, the last of which happened in July 2016, with the safety

authority finding and acknowledging that there was a violation of the operational limits of a nuclear power plant.

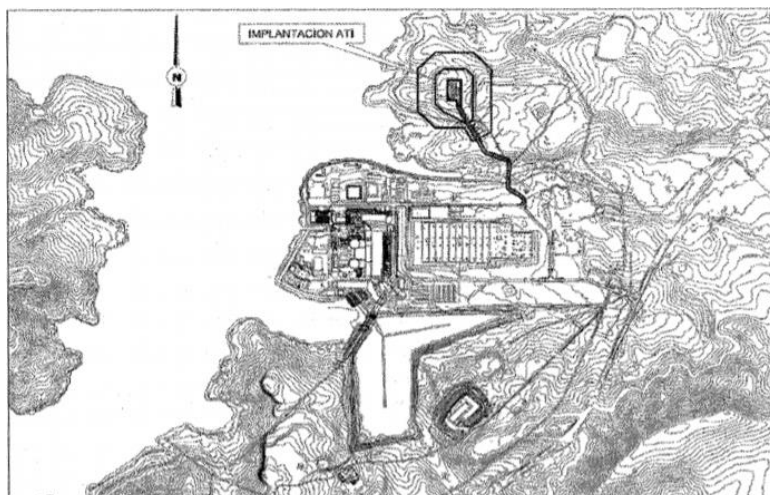
3. In the Almaraz Nuclear Power Plant's 33 years of life, the incidents and failures have amounted to 2800, making environmentalists warn to the threat that the existence of this nuclear facility poses and to its harmful side-effects.
4. In the year 2020, the Almaraz Nuclear Power Plant will reach the deadline of its operating life license, which can then be extended until 2030 or, in case it isn't extended, the nuclear facility must be dismantled.
5. For that license extension to take place there is a previous need to build an individual temporary storage (ATT) for radioactive waste.

## **II. OF THE NEED TO BUILD AN INDIVIDUAL TEMPORARY STORAGE FOR RADIOACTIVE WASTE**

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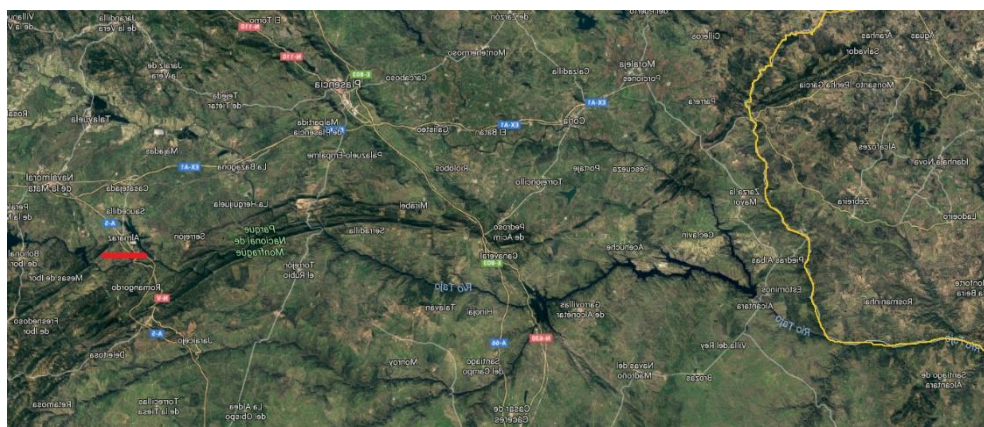
6. The Radioactive Waste Management Plan approved by the Spanish Council of Ministers on 23 of June 2006 indicated that, in the specific case of the Almaraz Nuclear Power Plant, there is a need to build an individual temporary storage in face of the irradiated nuclear fuel and other nuclear waste.
7. The irradiated nuclear fuel generated at the two units of the Almaraz Nuclear Power Plant is stored under water in the fuel pools.
8. Technical info on the pools states that they will reach their full capacity in August 2017, in the case of unit I, and in December 2019, in the case of unit II.
9. The deployment of an individual temporary storage involves, necessarily, a modification in the design of the Nuclear Power Plant itself, as shown in the image below:



10. The ATI will be built in the vicinity of the Almaraz Nuclear Power Plant and both are on a geological fault and in an area adjacent to the Tagus river.

### III. OF THE NON-COMPLIANCE OF THE ESPOO CONVENTION

11. The Espoo Convention establishes the obligations of the Parties in the environmental impact assessment of certain activities in an early planning phase.
12. Namely, the legal obligation of notification and consultation in respect of all the projects that are likely to cause a significant transboundary environmental impact.
13. In the *sub indice* case, the Spanish State, a Contracting Party of the Espoo Convention, internally decided to build a temporary deposit for nuclear waste 100Km from the border of the Portuguese State, also a Contracting Party of the above-mentioned Convention, as shown in the image below.



14. Given that Article 3 of the Espoo Convention stipulates that if a proposed activity included in Appendix I is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify about this activity any Party which it considers may be affected as early as possible and no later than when informing its own public.
15. In the list of activities of Appendix I, number 3 refers to installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.
16. It is precisely this activity that appears on Appendix 1 that Spain wants to build and that, under the terms of the above-mentioned Article 3, requires notification with the indication of a reasonable time within which the affected Party must inform if it intends to participate in the environmental impact assessment procedure.
17. Since there was no such notification, the whole procedure laid out in the subsequent articles is flawed.
18. After all, in meetings between the Spanish and the Portuguese Governments, an understanding was not reached, namely about the obligation to conduct an Environmental Impact Assessment (EIA), as foreseen in the Espoo Convention as well as the Directive n° 2011/92/EU of 13 of December 2011, modified by the 2014/52/EU of 16 of April 2014.
19. Espoo Convention's Article 3, number 7 stipulates that: *“When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in*

*Appendix I, and when no notification has taken place in accordance with paragraph 1 of this Article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact.”*

20. Proceeding to its number 8: *“The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin (...).”*
21. Now, in the case at issue Spain understands that it is not required to fulfill such requisites because *in maxime* Portugal should conduct the EIA.
22. However, under the terms of the Espoo Convention in its Articles 4 and 5, such an obligation is requested to the Party of origin, since that Party holds the necessary information to conduct the assessment.
23. Without this EIA, the Portuguese State will remain uncertain of the real transboundary environmental impact and, in that sense, we need the intervention of the Committee to review the situation herein stated.
24. The case of the Almaraz Nuclear Power Plant is similar to a case that was brought to the Committee attention about the extension of the lifetime of the nuclear power plant of Rivne, in Ukraine, in which the Committee found that the extension of the lifetime of a nuclear power plant should be considered a significant change in an activity and, therefore, subject to the provisions of the Convention.

Therefore, we ask the Committee to take the initiative to start an investigation, in the face of a potential violation of the Convention by the Kingdom of Spain.

Best regards,



André Silva