

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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Ref. EIC/IC/INFO/22 Spain: Construction of a temporary spent fuel storage facility at the Almaraz nuclear power plant

9 October 2019

Dear Ms. do Carmo Figueira,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its forty-fifth session, held in Geneva from 10 to 13 September 2019, the Committee continued its consideration of the information it had gathered concerning the planned construction of a temporary spent-fuel storage facility at the Almaraz nuclear power plant in Spain further to the information provided by the Portuguese political party Pessoas-Animais-Natureza on 27 January 2017.

It recalled its previous finding that at the time when Spain had carried out its domestic environmental impact assessment procedure of the planned construction of the temporary spent fuel storage facility in Almaraz, the second amendment to the Convention had not been in force and that consequently, that activity did not at the time fall under the Convention, i.e. was not listed in appendix I of the Convention.

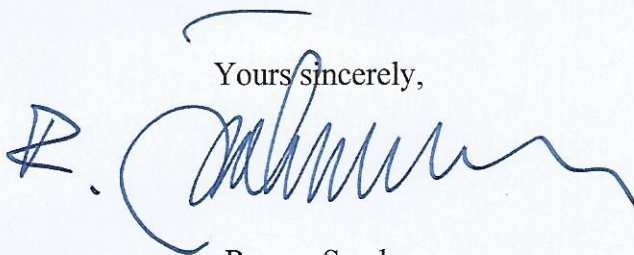
The Committee also recalled that through a mediation exercise led by the European Union, Spain and Portugal had reached an agreement on 21 February 2017 and had issued a joint statement regarding the activity on 29 April 2017. Based on the analysis of the information received from Portugal on 9 March and from Spain on 5 April 2019, the Committee noted that the bilateral process carried out further to the agreement of 21 February 2017 did not foresee the application of the Convention. Although Portugal would have preferred to be officially notified under the Convention, it had accepted the proposed alternative procedure on an exceptional basis, since under that procedure the two Parties had been able to exchange information and views regarding the activity and to foresee mitigation measures.

Ms. Maria do Carmo Figueira
Focal Point for Administrative Matters
regarding the Espoo Convention
Portuguese Agency for Environment
Amadora, Portugal

I am now writing to you, at the request of the Committee, to inform the Government of Portugal that, in light of the above, the Committee concluded that at the present stage there was no need for it to pursue further its information gathering regarding the issue. Nevertheless, for future reference, the Committee emphasized that when a Party requests another Party to enter into discussions on whether one or more proposed activities not listed in appendix I was or were likely to cause a significant adverse transboundary impact, Parties had an obligation to carry out such discussions in accordance with article 2(5) of the Convention.

The Committee also requested your agreement that the correspondence between the Committee and the Government of Portugal be placed on the Convention's website, as an illustration of the Committee's approach to information gathering; if there is no reply to this request by 11 November 2019, the Committee would understand that you agree with publication.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R. Svedas', with a large, stylized flourish extending from the end.

Romas Svedas
Chair of the Implementation Committee