



Aarhus Convention Compliance Committee  
Attn. Ms Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

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**Via e-mail only**

Date 19 February 2016  
Re Ref. Communication ACCC/C/2014/104  
Borssele nuclear power plant

Dear Ms Marshall,

In the letter from Greenpeace of 20 January 2016 to the Aarhus Convention Compliance Committee in connection with communication ACCC/C/2014/104, reference is made to a "decision in 1993 to close the Borssele nuclear power plant in 2003".

I assume that reference is made to the political decision in 1994 to close the Borssele nuclear power plant ultimately in 2004. I would like to observe that this decision is not related to the subject matter of communication ACCC/C/2014/104, i.e. the decision on the extension of the design lifetime of the Borssele nuclear power plant in 2012. This last decision does not concern the closure of the Borssele nuclear power plant, but the adaptation of its Safety Report.

In addition, I would like to use this opportunity to clarify that the decision of 1994 was a non-binding, political decision following the adoption of a motion by parliament. A number of legal, financial and political developments led to a reconsideration of this political decision to close the Borssele nuclear power plant in the years following the adoption of the motion.

A letter of the State Secretary for Housing, Spatial Planning and the Environment of 29 April 2005 (House of Representatives 2004-2005, 30 000, no. 5) provides a good overview of the political and legal developments concerning the Borssele nuclear power plant during the period of 1973 – 2005, of which the political decision of 1994 as cited by Greenpeace was one. An English translation of this letter is enclosed for your information. This letter, read in combination with the letter of 10 January 2006 on the outcome of further investigations into the consequences of ending or continuing the operation of the Borssele nuclear power plant after 2013, presented to the Aarhus Convention Compliance Committee on 15 December 2015, demonstrates the reconsideration of the political decision to close the Borssele nuclear power plant in 2013. Both letters also show that the operating license of the Borssele nuclear power plant was never limited in time.

Hence, I would like to convey that my Government's position remains as expressed previously with respect to communication ACCC/C/2014/104.



Yours sincerely,



Liesbeth Lijnzaad  
Legal Adviser

**Date**  
19 February 2016