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Marktredwitz 24-04-2013

Subject: EIA NPP Hinkley Point C

- 1. UK ministry violated Espoo, Aarhus and EIA Directive because offering no public participation to German public**
- 2. German BMU violated Espoo, Aarhus and EIA Directive by refusing to demand public participating for German public after request**

Dear Ion Codescu,

- 1. UK ministry violated Espoo, Aarhus and EIA Directive because offering no public participation to German public**

The German public was informed in February 2013 by luck from Austrian public that there was an EIA Hinkley Point C with only possible participating for citizens of UK in 2012. Starting on 25 February 2013 the German public demanded to participate on EIA Hinkley Point C with the attached submission list to the UK ministry, to BMU and to EU Commission. With letter of 10-04-2013 from Mr. Liam Cashman I think I got already confirmation of EU Commission about receiving these submission lists from different persons of the public under CHAP (2013) 01022.

In these submission lists the public argues:

Dear Ladies and Gentlemen,

hereby I protest against operation and expansion of NPP Hinkley Point in the UK. Hinkley Point is an old NPP built in the years around 1960, the safety and security standard is insufficient. An accident which will devastate Europe can happen each moment. To keep this insufficient standard means, that – similar to what happened in Fukushima – radioactive impact may directly reach the sea. Hinkley Point is situated on the southwest coast of the UK directly to the Irish Sea in a dense populated area. It is a constant threat to the population and to tourists, apart from the long-term consequences of a meltdown for all Europeans. An extension of the system will multiply the hazard. A meltdown of the old reactors will affect the two planned reactors C1 and 2. I would also like to express my incomprehension that the official Environmental Impact Assessments (EIA) is not officially and publicly performed in Germany, a neighboring country. Austria got period until 03.March 2013. I expect referring to Aarhus 3(9), Espoo 2(6) and EIA Directive 85/337/EC, art. 7(5) that public participation in Germany will be granted, all documents will be translated into German so the whole German public can read it, a reasonable period of 12 weeks will be granted and a hearing date will take place in Germany easy to reach for Germans. UK citizens get it, therefore Germans have the same right to get it. If this will not happen, I expect the EU Commission to initiate immediately an infringement procedure against the UK and the Federal Republic of Germany because of discriminating the German public. Furthermore I expect that damages by nuclear fallout on my property will be covered to 100% as part of a nuclear liability.(2) This must be ensured for all citizens in Europe.(2) http://www.mng.org.uk/gh/private/20111006_NPP_Insurance_Study_Versicherungsforen.pdf

The UK ministry has violated the laws in an incredible way. This EIA has to be repeated and done as demanded by the laws. I refer here to Espoo Convention (art.2.6) and the separately attached Espoo best practice guidance ECE/MP.EIA/2011/5 and my therein included comments concerning EIA Hinkley Point C. Please take also into account the Aarhus Convention (art. 3.9) and the best practice guidance accessible at the UNECE website and at Aarhus Convention secretary in Geneva, the already existing case law as well as the EIA Directive 85/337/EC, art. 7.5.

It was not the right decision of UK only to take the Design Base Accident (DBA) into account. Also the Beyond Design Base Accident (BDA) as happened in Fukushima had to be taken into account. The United Kingdom was in the past years undoubtedly attacked by several terror attacks, even with a large airplane in Lockerby. UK was/is fighting in frontline a war against terrorism together with USA and other nations in Iraq and Afghanistan. Nobody can rule out a terror attack on Hinkley Point C. Caused by nature Beyond Design Base Accidents (BDA) cannot be ruled out too as so also mentioned by the German Ethic Commission for German Energy Transition. Therefore can Germany suffer under radioactive fallout from Hinkley Point C and therefore German citizens do have a right to participate in an EIA.

I refer here again to Espoo and the separately attached Espoo best practice guidance ECE/MP.EIA/2011/5 and my therein included comments concerning EIA Hinkley Point C. Please be so kind and contact in this question also the Implementation Committee of Espoo Convention.

Accessible to the public are the FlexRISK- Cards (from the Austrian Institute of BOKU) of Hinkley Point B. There are others freely accessible in www to the public and anybody who wishes to use them, even ministries can do so. However ministries do not want to do so. It is in the duty of the UK ministry to do itself such analysis in case of Hinkley Point C to identify the public concerned in case of a Beyond Design Base Accident (BDA). Just to rely and believe that only a Design Base Accident (DBA) might happen is not enough.

Furthermore the ministry in UK should have told the public and the natural persons who signed on the submission lists in written form why their submissions were refused, why their wish to participate was not accepted. (Aarhus 4.7)

To exclude the citizens of the neighboring states in “possible affected areas” by doing no transboundary EIA in case of an NPP is violating International and European law. (Espoo 2.6, Aarhus 3.9, Aarhus 6.4, EIA Directive 85/337/EC, art. 7.5) Czernobyl and Fukushima taught us to think the unthinkable. And in the EU Member states are living the citizens (the public) who pay and finance the European Union. And they do have rights.

Best practice is done by Hungary in EIA Paks II. Hungary informed 19 EU member states. There is no other danger for the public of being targeted in the future by an impact after a meltdown of a planned NPP in UK situated right beneath the Irish Sea and sheltered by nothing in a land that is fighting Al-Kaida in the frontline, than being targeted by the impact of a new planned NPP in Hungary in an earthquake area. (Aarhus 5.1.c)

The UK ministry has to repeat the EIA, has to inform all 19 EU member states too and the EU member states have to inform their citizens to participate (Aarhus 7) and have to accept the wish of the public to participate. The EIA has to be repeated correctly as a transboundary EIA. German citizens are neighbors in direct main wind direction from the West. The actual situation is: The public in the EU Member States is discriminated by not being offered their rights under Espoo 2.6, Aarhus 3.9 and EIA Directive 85/337/EC, art. 7.5, but worst of all by being excluded from “access to justice” against the EIA decisions. (Aarhus 9)

Therefore:

Please be so kind and tell the UK ministry they violated the laws. Please demand to repeat the EIA Hinkley Point C properly and include the public in all 19 EU member states, included Germany, which are the possible affected areas.

2. German BMU violated Espoo, Aarhus and EIA Directive by refusing to demand public participating for German public after request

As a natural person and part of the public I first had to demand my rights from BMU. I did already demand to participate on EIA Hinkley Point C from Minister Altmaier but was refused. My letter to Mr. Altmaier attached below. Answer from BMU attached separately. The BMU refers therein to the safety and security of the planned reactor, that there will be no impact expected in Germany after a Design Base Accident (DBA). The Beyond Design Base Accident (BDA) was not taken into account by BMU. Furthermore it is referred to the decision of the EU Commission concerning Hinkley Point C.

But this all wasn't a sufficient reason not to participate on EIA Hinkley Point C and to refuse to let the public participate even after demanding so from BMU after being informed by luck from the Austrian public on 25-02-2013:

Dear Ladies and Gentlemen,

hereby I protest against operation and expansion of NPP Hinkley Point in the UK. Hinkley Point is an old NPP built in the years around 1960, the safety and security standard is insufficient. An accident which will devastate Europe can happen each moment. To keep this insufficient standard means, that – similar to what happened in Fukushima – radioactive impact may directly reach the sea. Hinkley Point is situated on the southwest coast of the UK directly to the Irish Sea in a dense populated area. It is a constant threat to the population and to tourists, apart from the long-term consequences of a meltdown for all Europeans. An extension of the system will multiply the hazard. A meltdown of the old reactors will affect the two planned reactors C1 and 2. I would also like to express my incomprehension that the official Environmental Impact Assessments (EIA) is not officially and publicly performed in Germany, a neighboring country. Austria got period until 03.March 2013. I expect referring to Aarhus 3(9), Espoo 2(6) and EIA Directive 85/337/EC, art. 7(5) that public participation in Germany will be granted, all documents will be translated into German so the whole German public can read it, a reasonable period of 12 weeks will be granted and a hearing date will take place in Germany easy to reach for Germans. UK citizens get it, therefore Germans have the same right to get it. If this will not happen, I expect the EU Commission to initiate immediately an infringement procedure against the UK and the Federal Republic of Germany because of discriminating the German public. Furthermore I expect that damages by nuclear fallout on my property will be covered to 100% as part of a nuclear liability.(2) This must be ensured for all citizens in Europe.(2) http://www.mng.org.uk/gh/private/20111006_NPP_Insurance_Study_Versicherungsforen.pdf

To respect the laws in case of public participating, the German BMU should have demanded and offered an EIA procedure for the public to participating under Espoo right after its acknowledgement of an EIA Hinkley Point C!

Please see separately attached Espoo best practice guidance ECE/MP.EIA/2011/5

But BMU did not proof the situation on its own.

BMU neither prepared own Beyond Design Base Accident (BDA) cards, nor used the above mentioned FlexRISK- Cards (from the Austrian Institute of BOKU) of Hinkley Point B. It is in the duty of the BMU to do such kinds of analysis to identify the public concerned in case of a Beyond Design Base Accident (BDA). Just to rely and believe that only a Design Base Accident (DBA) without any impact might happen is not enough. The above mentioned possibility of a terror attack and the possibility of a Beyond Design Base Accident (BDA) caused by nature are also known to the BMU. The German Ethic Commission for German Energy Transition mentioned these situations too.

Therefore the German public can suffer under radioactive fallout from Hinkley Point C.

Therefore German citizens do have a right to participate in the EIA.

Therefore: Also the German BMU has violated the laws in an incredible way.

I refer here again to Espoo and the separately attached Espoo best practice guidance ECE/MP.EIA/2011/5 and my therein included comments concerning EIA Hinkley Point C. Please contact in this question also the Implementation Committee of Espoo Convention. Please take also into account the Aarhus Convention and the best practice guidance accessible at the UNECE website and at Aarhus Convention secretary in Geneva, the already existing case law as well as the EIA Directive.

Why the German Government decided not to let their citizens - the public under Aarhus and Espoo Convention - participate is unbelievable. BMU should be able to read the Conventions they did ratify. Public participating is demanded by Espoo Convention 2.6 in “possible affected areas”, by the Aarhus Convention 3.9 and by the EIA Directive 85/337/EC, art. 7.5.

Therefore:

Please be so kind and tell the German BMU they violated the laws by not allowing their citizens to participate on EIA Hinkley Point C and by not offering participating on their own, at the time when getting acknowledgment of this EIA procedure.

Thank you for your efforts and with the kind request for response.

Kind regards,

Brigitte Artmann

Attached:

1. Empty submission-list
2. Espoo best practice guidance ECE/MP.EIA/2011/5
3. Letter from BMU to me
4. Letter CHAP (2013) 01022
5. Following: My letter to Minister Altmaier

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Marktrechwitz, 28. Februar 2013

Betreff: Beteiligung der Öffentlichkeit am Umweltverträglichkeitsverfahren
(UVP) Bau und Betrieb Hinkley Point C

Sehr geehrter Herr Altmaier,

hiermit fordere ich Sie auf, die Bevölkerung am Umweltverträglichkeitsverfahren (UVP) Bau und Betrieb Hinkley Point C zu beteiligen.

Ich verweise explizit auf folgende Passage:

Espoo Convention Article 3

NOTIFICATION

7. 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. If those Parties agree that there is likely to be a significant adverse transboundary impact, the provisions of this Convention shall apply accordingly. If those Parties cannot agree whether there is likely to be a significant adverse transboundary impact, any such Party may submit that question to an inquiry commission in accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse transboundary impact, unless they agree on another method of settling this question.

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, either directly to this authority or, where appropriate, through the Party of origin.

<http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/conventioncontextenglish.pdf>

Sehr geehrter Herr Altmaier,

ich bitte darum zu begründen, warum Sie keine UVP Hinkley Point C in Deutschland bislang gewollt haben, bzw. was Sie bislang getan haben. Laut ESPOO-Konvention haben Sie auch als nicht informierter betroffener Staat, bzw. zuständiger Minister dieses Staates, Handlungsoptionen, siehe oben. Selbst wenn Sie argumentieren sollten, Sie hätten nichts vom UVP Verfahren Hinkley Point C gewusst, lässt das die Frage offen, ob Sie über die Landesgrenzen schauen, was die deutsche Botschaft in Großbritannien tut und wozu es eine deutsch/britische Kommission im Kernenergiebereich gibt. Und sollte es Ihnen bislang tatsächlich entgangen sein, so möchte ich Sie hierdurch stellvertretend für die Öffentlichkeit, die sich hier anschließen wird, ermahnen, rasch ein UVP-Verfahren in Deutschland einzuleiten!

Vorerst möchte ich klarstellen, dass sich auch Deutschland zu diesem UVP Verfahren zu notifizieren gehabt hätte. Wenn Großbritannien dies nicht von sich aus tat, so hätte das BMU dazu drängen müssen – siehe Auszug aus der ESPOO-Konvention oben. Es steht der Öffentlichkeit frei hier das BMU dazu zu drängen, als auch die Nichteinbindung Deutschlands durch Großbritannien bei der Europäischen Kommission zur Anzeige zu bringen. Der Öffentlichkeit steht auch frei die Möglichkeiten zu nutzen und gegen Deutschland und Großbritannien beim ESPOO-Komitee vorzugehen.

Formal kann der Öffentlichkeit noch eine Möglichkeit gegeben werden eine Stellungnahme abzugeben, denn formal ist die Sache noch nicht ganz zu Ende: Österreich hat – NACHDEM das UVP-Verfahren in Großbritannien eigentlich schon letztes Jahr zu Ende gekommen ist – eine Art Nachfrist bekommen. Insofern gilt die Frist zur Stellungnahme-Abgabe nur in Österreich.

Wichtig ist, dass seitens der Regierung Großbritanniens bislang noch kein Abschluss des Bewilligungsverfahrens durchgeführt worden ist. Zum heutigen

Datum ist daher festzustellen, dass die Möglichkeiten, die die ESPOO Konvention Staaten gibt, die bislang nicht am Verfahren teilgenommen haben, immer noch als aufrecht und gangbar anzusehen sind.

Es obliegt daher der deutschen Regierung vor einer Beschlussfassung durch die britische Regierung gemäß der zitierten Passagen aus der ESPOO-Konvention ein grenzüberschreitendes UVP-Verfahren zu erwirken. Gegebenenfalls wäre dies, im Falle einer Weigerung durch die britische Regierung auf den einschlägigen Klage- und Beschwerdewegen, welche ebenso in der ESPOO-Konvention vorgesehen sind, zu erwirken.

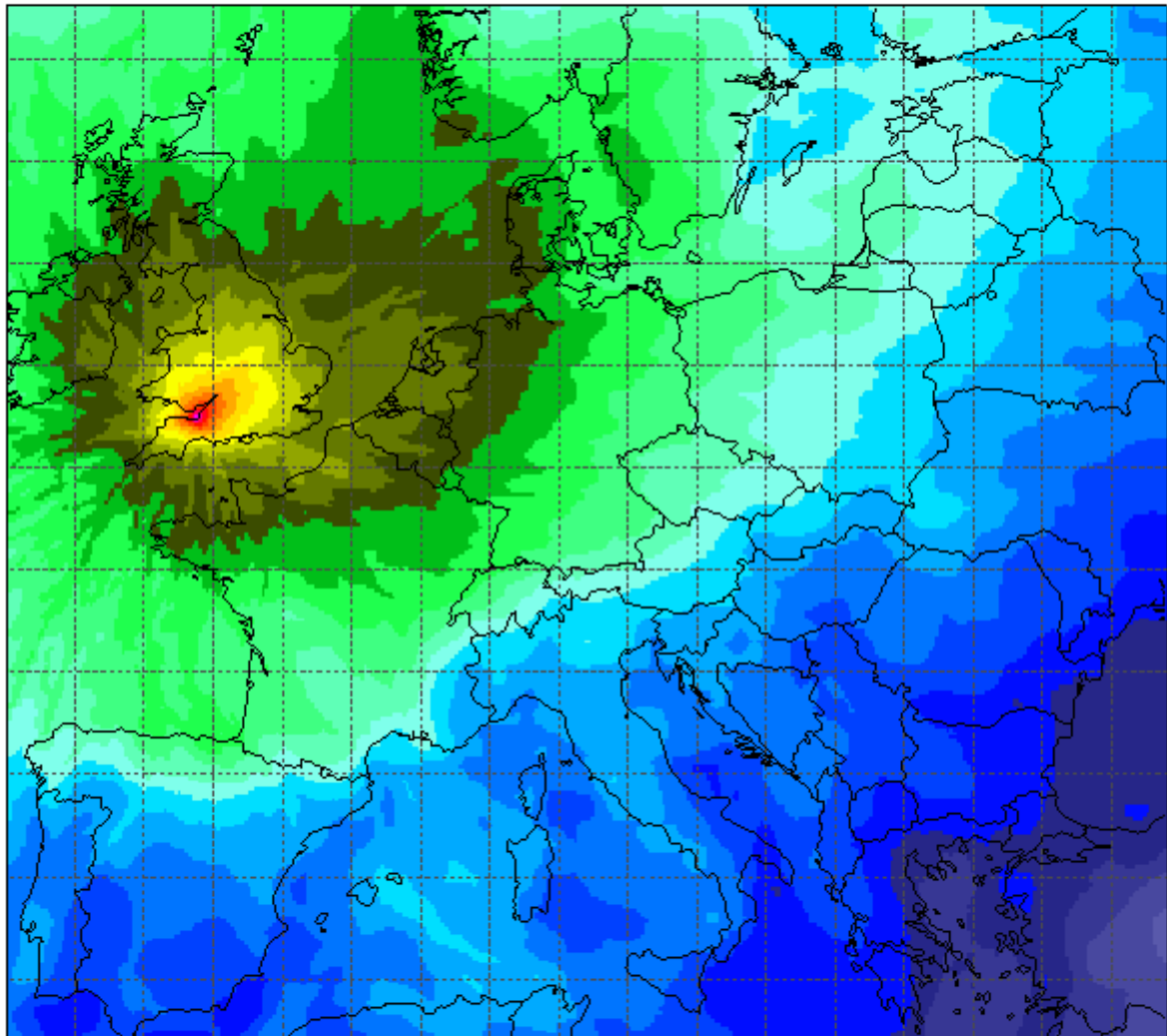
Ich behalte mir als potentiell vom Vorhaben betroffene Person ebenso alle Rechtsschritte vor sollte es zu keinem grenzüberschreitenden UVP-Verfahren kommen.

Wenn nun also die Öffentlichkeit dennoch gegen Hinkley Point C Stellung beziehen wollte, so sollte klar dargestellt werden, dass ein Unfall in Hinkley Point C durchaus negative Folgen in Deutschland nach sich ziehen kann – dies ist nicht nur über den Wasserweg, sondern auch über den Luftweg möglich. Die Möglichkeit besteht insofern, als der vorgesehene EPR-KKW-Typ grundsätzlich auch schwere Unfälle mit hohen Freisetzungen an Radioaktivität durchlaufen kann. Diesbezüglich ist die Umweltverträglichkeitserklärung leider auch nicht sehr aussagekräftig. Dass schwere Unfälle in der vorgesehenen Anlage auszuschließen sind, wird nicht nachvollziehbar belegt.

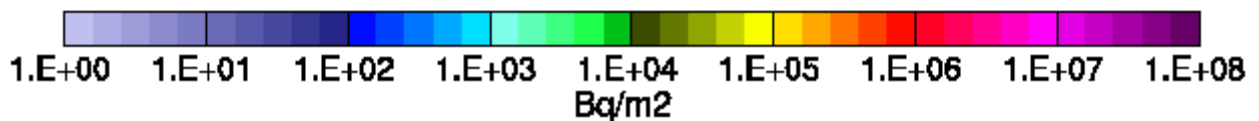
Vergleichsweise sei auf den Risikoexport vom Standort Hinkley Point-B1 hingewiesen. Da wird ganz schnell klar, dass Deutschland durchaus betroffen ist...

http://flexrisk.boku.ac.at/en/sites/hink/d1/aggr/hink_1_A_d1_cs137_gnd_avg_img.gif

Hinkley Point-B1
Average deposition of Cs-137, N= 2788
Maximum in AT 2 kBq/m²



Copyright: Project flexRISK (flexrisk.boku.ac.at), financed by Klima- + Energiefonds, Austria



Die obige Karte ist das Ergebnis der durchschnittlichen Cs137 Deposition aus Flexrisk – unter Berücksichtigung von 2788 untersuchten meteorologischen Fällen. Mit der Bitte zu beachten, dass ab ca. 650 Bq Cs 137 Deposition Maßnahmen gemäß des deutschen Strahlenschutzes angebracht sind, wie zum Beispiel dass Grasschnitt nicht verfüttert werden darf, Tiere im Stall gehalten werden müssen und je höher die Deposition desto strenger, schärfer und gravierender die Folgen.

Auch diese Artikel von Aarhus, Espoo und UVP Direktive begründen, dass die deutsche Öffentlichkeit dasselbe Recht auf gleichen Zugang und Beteiligung in

grenzübergreifenden UVP Verfahren hat wie die Öffentlichkeit in Großbritannien.

*Aarhus 3(9): Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters **without discrimination as to citizenship, nationality or domicile** and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.*

*Espoo 2(6): The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities **and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.***

*EIA Directive 85/337/EC, art. 7(5). The detailed arrangements for implementing this Article may be determined by the Member States concerned and shall be such **as to enable the public concerned in the territory of the affected Member State to participate effectively in the environmental decision-making procedures** referred to in Article 2(2) for the project.*

Niemand kann nach einem Blick auf oben angefügte Karte ernsthaft behaupten Deutschland wäre nicht betroffen, Österreich dagegen aber schon.

Österreich: Stellungnahmen zum geplanten AKW Hinkley Point möglich

http://www.umweltbundesamt.at/umweltsituation/uvpsup/espooverfahren/es_poo_uk/uvpkkwhinkleypoint/

22.2.2013

Seit Ende Jänner können ÖsterreicherInnen im Rahmen der Umweltverträglichkeitsprüfung Stellungnahmen zum geplanten Bau des britischen Atomkraftwerks Hinkley Point abgeben. Die Frist für Stellungnahmen läuft noch bis inklusive 1. März 2013.

Großbritannien hat der Republik Österreich gemäß Artikel 4 des UN/ECE Übereinkommens über die Umweltverträglichkeitsprüfung im grenzüberschreitenden Rahmen (Espoo-Konvention) den Genehmigungsantrag

für das Vorhaben der Inbetriebnahme einer neuen Kernkraftanlage am Standort Hinkley Point C übermittelt. Projektwerberin ist die NNB Generation Company Limited (EDF Energy).

Für dieses Vorhaben wird ein Genehmigungsverfahren mit einer Umweltverträglichkeitsprüfung nach britischem Recht und der Espoo Konvention unter Beteiligung Österreichs durchgeführt.

Da die Auswirkungen im Falle von schweren Unfällen beim Betrieb des AKW Hinkley Point nicht auf bestimmte Bundesländer eingrenzbar sind, wird die Öffentlichkeitsbeteiligung gem. § 10 Abs. 7 UVP-G 2000 in ganz Österreich durchgeführt.

Alle relevanten Unterlagen für diese Umweltverträglichkeitsprüfung finden Sie auf der [Webseite des Umweltbundesamtes](#).

Sehr geehrter Herr Altmaier,

bitte werden Sie im Interesse der Sicherheit der Öffentlichkeit unverzüglich tätig und sorgen Sie dafür, dass die Öffentlichkeit sich beteiligen kann.

Mit freundlichen Grüßen,

Brigitte Artmann