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ECONOMIC COMMISSION  
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Palais des Nations, Room 429-2  
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Ref: ACCC/C/2014/104

3 September 2014

Jan Haverkamp  
Stichting Greenpeace Nederland  
Postbus 3946  
1001 AS Amsterdam  
Netherlands

Jorien de Lege  
Stichting Greenpeace Nederland  
Postbus 3946  
1001 AS Amsterdam  
Netherlands

Dear Mr. Haverkamp, Mr. de Lege,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Netherlands in connection with decision-making on plant life-time extension of the Borssele nuclear power plant (ACCC/C/2014/104)**

On 6 May 2014, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the Netherlands with the provisions of the Convention in connection with its alleged failure to comply with article 6 of the Convention regarding decision-making on plant life-time extension of the Borssele nuclear power plant. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2014/104 which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.html>.

The Compliance Committee, having considered the admissibility of the communication at its forty-fifth meeting (29 June-2 July 2014), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Also at its forty-fifth meeting, the Committee agreed to seek further information from you with respect to several points of your communication and the Committee's question and request for corroborating information are attached for your attention. We would be grateful to receive your response to the attached no later than **24 September 2014**.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

- Cc: Permanent Mission of the Kingdom of Netherlands to the United Nations Office and other international organizations in Geneva  
Mr. Edwin Koning, International Directorate, Ministry of Infrastructure and Environment, Netherlands
- Enc: Question for the communicant and request for corroborating information  
Preliminary determination on admissibility  
Datasheet on the communication

**Question for the communicant and request for corroborating information**

1. Please provide copies of the following in Dutch, together with legal standard English translations thereof, to corroborate the allegations made in your communication:
  - a. Any documentation you have in your possession recording the “gentlemen’s agreement” dated 2006 granting Borsele a lifetime extension;
  - b. The relevant provisions of the Dutch nuclear energy law that you allege incorporate the above “gentlemen’s agreement”;
  - c. The 2010 decision permitting the use of MOX fuel;
  - d. The 2010 invitation for the public to participate in the decision-making regarding the use of MOX fuel, including the relevant documents showing:
    - i. The scope of what the public was invited to comment upon;
    - ii. The lifetime of the plant was at that time stated to be until 2013;
  - e. The October 2012 notice informing the public of the commencement of the public participation procedure (including the scope of what the public was invited to comment upon);
  - f. The 2012 or 2013 letter from the Ministry of Economic Affairs stating that an EIA was not required due to no material changes taking place at the power station;
  - g. The decision authorizing the lifetime extension dated 18 March 2013;
  - h. The judgement of the Raad van State dated 14 February 2014.
2. You state that “the Dutch nuclear regulator is furthermore in the process of finalising a 10 year period safety review. Also this decision is not supposed to be preceded by any form of public participation relating to environmental impacts of another 10 years of operation”. What “decision” are you referring to here? If it is a decision to permit the operation of the plant for another 10 years, was that not already granted through the authorization of 18 March 2013?