

## The Aarhus Convention Compliance Committee

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

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Conc.: **ACCC/C/2014/104 – Comments** from the Communicant on the draft findings of 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)

Amsterdam, 22 June 2018

Dear members of the ACCC,

We thank you for your in-depth assessment of our communication concerning the lack of compliance by the Netherlands in connection with decision-making on plant life-time extension of the Borssele nuclear power plant.

We have only one comment on the draft findings:

In point 53, the ACCC refers to our communication from 20 January 2016, par. 5 to support our allegation that prolonged lifetime was not considered in the public participation concerning the utilisation of MOX fuel. The Party then claims, as referred to in point 56: “[...] that the 2011 EIA report on MOX fuel took into account the fact that that fuel will be used until the end of 2033”. We want to point out, that we substantiated our allegation already earlier in our answers on the questions of the Committee, dated 19 September 2014, where we stated: “For document 1.c, the MOX permit, it was not possible to highlight the translated part. We have delivered you the translation of page 55., point d, which is the relevant paragraph informing us about the conclusions of the EIA for MOX use, and concluding that life-time extension to 2033, including the use of MOX, will be submitted to another procedure.”

The referenced document was the “*Besluit: Kernenergiwet-vergunning verleend aan de N.V. Elektriciteits-productiemaatschappij Zuid-Nederland (NV EPZ) ten behoeve van brandstofdiversificatie Kerncentrale Borssele*” (translated: “Decision: Permission under the law on nuclear energy, granted to the NV EPZ for the benefit of fuel diversification of the nuclear power plant Borssele”), from 24 June 2011, which we provided you as evidence.

The referenced paragraph on page 55 was:

d.

*Greenpeace is van mening dat door de inzet van MOX de risico's van de kerncentrale Borssele verder vergroot worden, ondanks dat het een verouderde kerncentrale betreft, omdat de technische levensduur van de kerncentrale verlopen zou zijn. Greenpeace heeft al eerder verzocht tot onmiddellijke sluiting van KCB en vindt dan ook dat geen vergunning voor risicoverhogende activiteiten zou moeten worden verleend, zoals de inzet van MOX.*

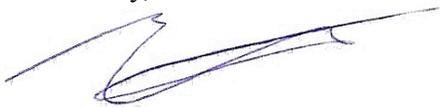
Zoals hierboven aangegeven en al eerder in de reactie op de zienswijzen naar aanleiding van het MER, is het verschil in de gevolgen van de inzet van MOX dusdanig marginaal in vergelijking met de huidige situatie dat dit geen aanleiding vormt om hiervoor geen vergunning te verlenen. Ten aanzien van het openhouden van de KCB tot eind 2033 wordt door NV EPZ momenteel bezien of de KCB, inclusief de inzet van MOX, voldoende toegerust is voor levensduurverlenging, zowel technisch als organisatorisch. De informatie daartoe zal naar verwachting in 2012 getoetst worden in een aanvraag voor een wijziging van de vergunning van de KCB.

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The environmental justification given in this paragraph relates to life-time extension until 2033 and reads translated: *“As indicated earlier as well as in the reaction on the viewpoints concerning the EIA report, the difference in the effects of the use of MOX are so marginal in comparison with the current situation that this is not a reason to refuse a permit. Concerning keeping the KCB open until the end of 2033, the NV EPZ currently is still considering whether the KCB is both technically and organisationally sufficiently equipped for life-time extension, including the use of MOX. The information for that will, as expected, be tested in 2012 in an application for the change of the license of the KCB.”*

This part of the decision issued by the Party clearly proves that the decision in question does not validate its conclusions beyond the initially foreseen life-time until 2013 and that hence public participation concerning the use of MOX fuel also has been taken into account only limited to the initially foreseen life-time. This directly contradicts the claim of the Party, and leads to the conclusion that the environmental aspects of use of MOX beyond 2013 have not been submitted to public participation.

Sincerely,



Jan Haverkamp