



Ministry of Foreign Affairs

Aarhus Convention Compliance Committee  
Attn. Ms Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee  
UN Economic Commission for Europe  
Environment Division

P.O. Box 20061  
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The Netherlands  
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**Via e-mail only**

**Our reference**

MinBuZa-2019.630082

Date 30-09-2019  
Re Ref. Communication ACCC/C/2014/104

Dear Ms Marshall,

Further to your letter of 27 August 2019 concerning the implementation by the Netherlands of the Aarhus Convention Compliance Committee's findings and recommendations on communication ACCC/2014/104 I have the honour to hereby provide the Committee with a first progress report on the measures the Netherlands has taken and the results achieved in implementing the recommendation in paragraph 89 of the Committee's findings.

Yours sincerely,

René Lefeber  
Legal Advisor

Encl.:

- First progress report of the Netherlands with regard to the Committee's findings and recommendations concerning Communication ACCC/C/2014/104
- Translated letter of the State Secretary for Infrastructure and Watermanagement (Annex A)
- Translated Instructions for Covenants 2003 (Annex B)
- Translated Roadmap for Legislation Online Consultation Process (Annex C)



**First progress report of the Netherlands with regard to the Committee's findings and recommendations on communication ACCC/C/2014/104**

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**Introduction**

1. The Netherlands has received the letter of the Aarhus Convention Compliance Committee (hereinafter the Committee) of 27 August 2019 concerning the implementation by the Netherlands of the Committee's findings and recommendations on communication ACCC/C/2014/104 as adopted by the Committee on 4 October 2018.
2. The case concerns a communication submitted by Greenpeace alleging that the Netherlands, as the Party concerned, failed to provide for public participation as required by article 6 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, hereinafter: 'the Convention') when granting the licence to extend the design lifetime ('LTO licence') of the Borssele Nuclear Power Plant ('Borssele NPP').
3. In its letter of 27 August 2019, the Committee invited the Netherlands to submit a first progress report to the Committee before 1 October, stating the measures taken and results achieved in implementing the recommendation in paragraph 89 of the Committee's findings.

**Recommendation paragraph 89**

4. The recommendation in paragraph 89 of the Committee's findings on communication ACCC/C/2014/104 states that "the Netherlands takes the necessary legislative, regulatory and administrative measures to ensure that, when a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of paragraphs 2 to 9 of article 6 are applied."

**Overview of the measures taken**

5. After receiving the findings and recommendations, the Netherlands studied whether measures, legal or otherwise, should and could be taken to improve public participation in future decisions on the duration of nuclear activities (operation and design lifetime). Particular emphasis was placed on decisions that are taken by covenant, through legislation or licensing.
6. Set out below is the outcome of that study and the subsequent measures taken by the Netherlands.