

# EIA procedures LTE in practice

## Borssele (NL) and Tricastin (FR)

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# Borssele Nuclear Power Plant – Netherlands (1)

- 40 years anniversary in 2013
- Initial technical lifetime 40 years
- End 1990s, Dutch Parliament: closure in 2013
- 2006 gentlemen's agreement (covenant) with owners: closure in 2033
- 2013 adaptation of the operation license

## Borssele Nuclear Power Plant – Netherlands (2)

- 2013 – Greenpeace appeals lack of EIA / public participation to the Council of State – loses
- Information to the Implementation Committee (IC) of the Espoo Convention: EIA/IC/INFO/15
- Communication to the Aarhus Convention Compliance Committee: ACCC/C/2014/104

# Borssele Nuclear Power Plant – Netherlands (3)

- ACCC/C/2014/104
- Findings in 2019: non-compliance on the basis of art. 6(10) of the Aarhus Convention (extensions and updates)
- Public participation should have taken place before the 2006 covenant
- Changes in legislation for duration of operation cases

# Borssele Nuclear Power Plant – Netherlands (4)

- New changes in license in 2015 and 2018
- Greenpeace, WISE and LAKA again appeal to the Council of State and loose
- New communication to the ACCC on the basis of art. 6(10) - ACCC/C/2021/187

# Borssele Nuclear Power Plant – Netherlands (5)

- Netherlands changes legislation, but only for duration of operation, not fully implementing art. 6(10) Aarhus
- Not assuring public participation **on the environment** and availability of information according art. 6(6) Aarhus
- ACCC fails to find Netherlands in compliance
- Communication with Dutch authorities maybe starting

# Borssele Nuclear Power Plant – Netherlands (6)

- **IMPORTANT:** ACCC General Findings on Compliance 2021
- 10-yearly Periodic Safety Reviews have to be preceded by public participation on the environment according to art. 6
- Communication started how this should look ahead of the 10-yearly Periodic Safety Review (10EVA23) of Borssele in 2023

# Tricastin Nuclear Power Plant – France (1)

- First French NPP to go beyond 40 years
- Initial technical lifetime 40 years
- France refuses EIA and severely limits public participation
- Greenpeace France demands EIA under Espoo, Aarhus, EU EIA Directive and Habitat Directive (Doel verdict ECJ)



# Tricastin Nuclear Power Plant – France (2)

- Information to Espoo IC 2020 (EIA/IC/INFO/32)
- Legal letter to EdF, ASN and Ministry of Environment
- Start administrative court procedures
- If not settled, we plan to escalate to the ACCC

# Conclusions

- Borssele sets jurisprudence for the obligation to public participation on the environment before nuclear lifetime decisions, including 10-year periodic safety reviews
- With Tricastin, we hope to set jurisprudence for the entire French fleet

# Questions?

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