

Recipient

Your message of

Your reference

Our Reference

Enclosure

Notification of a proposed activity in relation to the Convention on Environmental Impact Assessment in a Transboundary Context (“Espoo” Convention) and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“Aarhus” Convention)

Dear Madam, Sir,

1. Retroacts

By an Amending Act to the Act of 31 January 2003 on the Progressive Phase-Out of Nuclear Energy for the Industrial Production of Electricity, the Belgian Federal parliament decided that Doel 1 will be deactivated and can no longer produce electricity from 15 February 2025 and that Doel 2 will be deactivated and can no longer produce electricity from 1 December 2025.

The Federal Agency for Nuclear Control authorised the 10 years extensions provided that some nuclear safety-related improvement works were performed by the nuclear operator, Electrabel SA.

By its arrest of 5 March 2020, the Belgian Constitutional Court stated that both the 10 years extension of Doel 1 and Doel 2 operation and the nuclear safety-related improvement works, related to that extension, were part to a project listed in appendix I to the Espoo Convention and should be subject to an Environmental Impact Assessment (EIA) and a public consultation in the meaning of the Espoo and Aarhus Conventions and the EIA Directives. Should a new law allowing the 10 years extension not be adopted by the Belgian Parliament before 31 December 2022, the Amending Act of 28 June 2015 will be cancelled.

2. Proposed Project

The proposed Project consists of the 10 years extension of the operation of Doel 1 and Doel 2 reactors and the nuclear safety-related improvement works related to that extension. The proposed Project will be submitted to an environmental impact assessment in Belgium.

This letter provides already available details of the proposed Project and of when further information will be made available for the Public Consultation.

Contact person: Alberto Fernandez Fernandez | Director « Nuclear Applications and Critical Infrastructures

Directorate-general | nuclear@economie.fgov.be | +32 2 277 92 76

Business number: 0314.595.348

The Belgian government considers that the proposed Project plays a vital role in securing its supply of electricity until 2025. Nonetheless, the proposed Project should not have a significant impact on the production capacity of the reactors Doel 1 (Reference unit power (net): 443 MWe) and Doel 2 (Reference unit power (net) : 433 MWe).

The nuclear safety-related improvement works include notably the construction of three new buildings on the site:

- Two buildings for hosting the Containment Filtered Venting system of the Nuclear plant; and
- One building housing the new Fire extinguisher Pump Station.

These nuclear safety-related improvement works have been finalised in 2020 by the nuclear operator of Doel 1 and Doel 2, Electrabel SA. Information already available about the proposed Project can be found on the following websites: <https://afcn.fgov.be/fr/dossiers/centrales-nucleaires-en-belgique/exploitation-long-terme-ito-des-centrales-nucleaires>

The remaining environmental information is expected to be available in the first quarter of 2021.

3. Transboundary screening

The Nuclear Power Plant of Doel is located in the Port of Antwerp, on the river Scheldt, approximately 6 km from the border between Belgium and the Netherlands. This NPP is in operation since 1975.

The Federal Agency for Nuclear Control undertook a screening assesment in August 2015 to identify, among others, if there were likely significant adverse transboundary effects on the environment. The nuclear regulator concluded that the proposed Project is not likely to have such effect considering that the nuclear safety-related improvement works will not have a significant negative impact. This screening assessment is available in Dutch only at: <https://afcn.fgov.be/fr/system/files/2015-08-18-afcn.pdf>

Nonetheless, the European High of Justice considered in its arrest C-411/17 of 29 July 2019 that the Proposed Project was likely to have a transboundary effect with the Netherlands.

4. EIA participation and consultation

The present notification is sent to you as soon as possible, in accordance with article 7.1 of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

We kindly ask you to confirm your interest in taking part to this transboundary consultation before **30 September 2020**.

The countries that expressed their interest to participate in this transboundary consultation will be consulted in the first quarter of 2021 and have the opportunity to provide the opinions of your public and its relevant authorities on the Proposed Project.

The participating countries will be kindly requested to summarize the results of their consultation in any response to the Directorate General for Energy of the FPS Economy, SME's, Self-Employed and Energy, coordinator of the activities related to the EIA.

5. Information about the decision making timetable.

The Proposed Project is now at pre-examination stage. The remaining stages are:

- Finalization of the EIA report by the Project developer
- Public and Transboundary consultation (60 days for the National consultation and 90 days for the Transboundary consultation)
- Law proposal to the Belgian Parliament
- Law adoption by the Belgian Parliament no later than 15 December 2022

6. Timeframe for Registration to the Transboundary consultation

Your State is now being notified of our intention to perform a Transboundary consultation once the full information about the EIA is available.

We kindly ask you to confirm your interest in taking part to this Transboundary consultation before **30 September 2020**.

7. Responding to this letter

We would be grateful if you could acknowledge receipt of this letter. All communication and queries related to the present letter should be addressed to my administration

FPS Economy, SME's, Self-Employed and Energy
Directorate-General Energy
Division « Nuclear Applications and Critical Infrastructures »
Boulevard du Roi Albert II 16
1000 Brussels
Belgium

Faithfully yours,

Marie-Christine Marghem
Ministry of Energy, Environment and Sustainable Development

A handwritten signature in blue ink, appearing to be 'M. Marghem', is written over the typed name and title. The signature is fluid and cursive, with a large initial 'M' and a long horizontal stroke at the end.