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Ref. EIA/IC/CI/5 - Hinkley Point C NPP

11 April 2018

Dear Mr Švedas

I write in response to your letter to my colleague David Hughes of 28 March 2018 regarding the revision of draft decision VII/2 in relation to the Hinkley Point C nuclear power station project and the discussions of the Implementation Committee at your forty-first session in March 2018.

It is important to the United Kingdom that the Implementation Committee are satisfied with the outcome of our dialogue with those parties that requested it. The UK also initiated further dialogue with these parties beyond that requested by the Implementation Committee at paragraph 70 of draft Decision VII/2 on the review of compliance with the Convention, which reads as follows:

“70. Invites the United Kingdom to enter into discussions with possibly affected Parties, including Parties that cannot exclude a significant adverse transboundary impact from the activity at Hinkley Point C, in order to agree on whether notification is useful at the current stage for this proposed activity.” [emphasis added].

In our letters of 8 November 2017 and 7 February 2018, we confirmed that we had received responses from Germany, Luxembourg, Norway, Denmark and the Netherlands which acknowledged the information provided and provided either a nil response or indicated that no further engagement is required at this stage. We can provide evidence of these responses if that would be helpful to you.

As you are aware, we are awaiting a response from Ireland who are carrying out a public consultation which closes on 17 April 2018. Together, these six states are the only states which requested further information under this particular process. Austria, whom you mentioned in your letter as an interested party, did not request further information under this process as they were involved fully in the original planning process for the Hinkley Point C new nuclear power station.

As previously stated, the United Kingdom believes that we have now completed the current engagement process contained in draft Decision VII/2 with these states and, consequently, we consider that no further action is required at this stage, subject to Ireland's pending response.

We are, therefore, not clear of the necessity for further clarification; though, of course, this is a matter for the Committee. However, we remain hopeful that revised text can be considered at the meeting of the Working Group in May 2018 ahead of the Implementation Committee's forty-second session in September 2018 and the “intermediate” Meeting of the Parties in February 2019 but have concerns that this may not now be the case. We would be grateful if you could clarify the procedure being adopted.

Please be assured of our continuing commitment to completing this process as soon as we are able upon receipt of Ireland's response. If you would like to discuss any of this further in advance of the Working Group please do not hesitate to contact us. We would also be most willing to meet with yourself and other members of the Implementation Committee during the Working Group in Geneva if that would be helpful to you.

Rory Wallace

Head, New Nuclear Policy Framework