



Ministerium für Klimaschutz, Umwelt, Landwirtschaft, Natur- und Verbraucherschutz NRW - 40190 Düsseldorf

Ministry of the Environment
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**Transboundary EIA on the construction of a repository and
conditioning plant
Your letter of 22.06.2016**

Dear Ms Rantakallio, dear Ms Pokka, dear Madams and Sirs,

On behalf of the State Government of North Rhine-Westphalia, the Ministry for Climate Protection, Environment, Agriculture, Conservation and Consumer Protection of the State of North Rhine-Westphalia would like to thank you for providing us with the opportunity to state our opinion.

For the implementation of the transboundary environmental impact assessment, the relevant competent German authority needs to be involved. The responsibility for the construction of a conditioning plant lies with the individual federal states. Thus, the present statement is limited to establishing the scope of the investigations around the implementation of the environmental impact assessment with regard to the construction of a conditioning plant.

In its letter of 22 June 2016, the Environmental Ministry of the Republic of Finland submitted a notification of the proposed development of the "construction of a repository and a conditioning plant" project planned by the Finnish nuclear operator, Fennovoima Oy, and the relevant documentation to the national point of contact for the Espoo Convention in Germany (at the Federal Ministry of Environment, Reactor Safety, Construction and Nature Protection) as provided for under Art. 3 of the Espoo Convention.

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The potential sites for the planned project, Eurajoki and Pyhäjoki, are at a distance of approx. 1300 km (Eurajoki) and 1900 km (Pyhäjoki) respectively from the North Rhine-Westfalian border. Seite 2 von 3

In view of the geological conditions of the Baltic Shield and the potential implications of this project on the Baltic Sea and its neighbourhood owing to the proximity of the proposed sites to the sea, the State Government of NRW cites the statement of the State of Mecklenburg-Vorpommern of 1 November 2016 concerning the requirements associated with the environmental report.

For the Environmental Impact Assessment (EIA), the following aspects should be noted:

- The EIA provides the framework for working out the environmental concerns involved in a step preceding the consideration of opposing interests with a view to establishing clusters of concerns to be taken into account. The documents to be provided by the operator must meet these requirements. Perusal of the documents submitted by Finland (EIA programme, summary and complete version) suggests that the scope and methodology of the determination and evaluation of the relevant data basically comply with these requirements.

- Formally, it should be noted that the EIA procedure must comply with the requirements provided for under the EIA Directive 2011/92/EU. For this purpose, this Directive including the national implementing legislation should also be indicated as the prevailing legal basis in the subsequent EIA report. The present complete version of the EIA programme (cf. Section 5.1, p. 53 of the complete version) currently only indicates the original Directive, 85/337/EEC. Since in this case the scoping procedure has already been initiated, the additional requirements stipulated by the currently valid EIA amended Directive 2014/52/EU shall not apply for the EIA procedures at hand (cf. transitional provision of Art. 3 (2)(a) of RL 2014/52/EU). One positive aspect, however, is that the planned EIA



procedure also takes standards of review provided for under the new amended EIA Directive into account (e. g. describing the environmental impact for the zero alternative as well as environmental effects resulting from the exposure of the project to the risk of serious accidents or disasters).

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- We appreciate that the EIA will not only consider the environmental impact associated with the normal operations of the conditioning plant, but also the consequences of potential breakdowns and accidents in the context of a risk analysis (see description of the worst case scenario, p. 114), which makes sense, since the approval procedure requires the plant to be designed with a view to safeguarding it against incidents of this kind and to ensure that precautionary protective measures are taken. Design basis accidents to be considered should also include the potential impacts of terrorist attacks (e. g. a deliberately crashed commercial aircraft).
- From the perspective of North Rhine-Westphalia, the envisaged determination and evaluation of potential transboundary impacts constitutes a vital part of the expert opinions to be provided in the context of the EIA (cf. reference on p. 114 of the EIA programme).

With kind regards,

[Redacted signature]