

Ciaran Mcgoldrick

From: Chief Executive
Sent: Friday 8 May 2020 12:48
To: Ciaran Mcgoldrick
Subject: CNFE Mail: Hinkley Point C: Absurd arguments to spent £50 billion tax money

Good afternoon Ciaran,

Please see below email for noting at your next SPC meeting.

Hope you are keeping well.

Kind regards,

Caroline

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From: CNFE [cnfe@goja.or.at]
Sent: 08 May 2020 12:41
To: cnfe@goja.or.at
Subject: CNFE Mail: Hinkley Point C: Absurd arguments to spent £50 billion tax money

Dear Mayor, dear Councillor, dear Colleague,

Austria's appeal against the UK state-aid for Hinkley Point C nuclear power plant is again in the news. And not in a good way. Just for the overview a short timeline:

November 2012 a nuclear site licence was granted for Hinkley Point C nuclear power station to construct a 3,200 MWe nuclear power station with two EPR reactors in Somerset, England.

December 2013: The European Commission opened an investigation into whether the project breached state aid rules.

October 2014: The European Commission approved the project, and stated that the plant will cost £24,5 billion.

June 2015: The Austrian government filed a legal complaint with the European Commission regarding state aid for Hinkley Point C.

September 2016: the UK government approved the project. Next to state guarantees for the investment costs, EDF gets a guaranteed price ("strike price") for the produced energy. The difference with the market price, estimated £50 billion (more than 2 times the construction costs), will be subsidized by UK-taxpayer.

July 2018: the Court of Justice of the European Union dismissed the cancellation proceedings brought by Austria in 2015.

Not being satisfied with the judgment Austria submitted an appeal with the Court of Justice. Approving state-aid for Hinkley point C will open the way for more nuclear projects in other countries too.

Now this week, May 2020, the advisor of the European Court, Advocate General Gerard Hogan concludes that the General Court was fully entitled to dismiss the challenge to the decision of the Commission. Consequently, he proposes that the Court should dismiss the appeal brought by Austria.

Nothing has been decided yet. The Advocate General gives only an advice, the Court still have to consider and decide itself.

All considerations that brings the Advocate General to his opinion can be found here:

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-05/cp200057en.pdf>

One remarkable point is the following:

Advocate General Gerard Hogan finds **that the development of nuclear power is, as reflected in the Euratom Treaty, a clearly defined objective of EU law, and that objective cannot be subordinated to other objectives of EU law, such as the protection of the environment.**

What he says is that he Euratom treaty overrules all other EU-laws. Anno 2020, this person still argues that a treaty from 1957 (!) is more important than the protection of the environment, or health of European citizens, or any other EU-law.

In general, the Court of Justice follows the opinion of the Advocate General. But will they also follow this absurd argumentation?CNFE still has hope that common sense will prevail.

Please do not hesitate to contact us if you have any question or remarks,
Kind regards,

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