



K+S Minerals and Agriculture GmbH
c/o Dr. Burkhard Lohr
Bertha-von-Suttner-Str. 7
34131 Kassel, Germany

Harlingen, November 16 2023
Kenmerk: WV/WvdH/FP/23070

Re: ESCO/Frisia's operations along UNESCO World Heritage Wadden Sea

Dear Doktor Lohr,

Please allow us to bring the following under your attention about ESCO/Frisia's operations in The Netherlands right on the edge of UNESCO World Heritage Wadden Sea in Harlingen.

We understand that for the past years there been a critical involvement as well as investments by K+S in the facilities along the Wadden Sea in Harlingen. In that light we would like to suggest to the urgent need for K+S to evaluate and reconsider your company's commitment to ESCO/Frisia's operations. First and foremost given the apparent deliberate neglect of official regulations and permits by ESCO/Frisia in relation to recent incidents among others involving a potentially big leak and spill into the environment.

Apparently the Netherlands' State Supervision of Mines deemed it necessary to order a formal penalty payment on November 2 for 'opportunistic, calculating and deliberate obstructions of formal inspections'. We feel we need to bring this under your attention as we think there is more to slat-mining than this particular incident and it is our impression that recent developments in Harlingen, Paris and Ryadh shed a completely new light on the economic and ecological limits for ESCO/Frisia's presence right on the edge of World Heritage Wadden Sea.

Penalty Payment by State Supervision of Mines for deliberate neglect of environmental permit

On November 14 and November 10 Dutch media reported about recent incidents at "dirty company" ESCO/Frisia.¹ These media-report referred to recent formal penalty payments by the Netherlands' State Supervision of Mines to ESCO/Frisia issued on November 2. Apparently corrosion had caused a

¹ See: <https://www.omropfryslan.nl/nl/nieuws/1233078/rijk-dreigt-met-boetes-voor-vieze-zoutfabriek-harlingen-om-ongewone-voorvallen> and <https://lc.nl/friesland/harlingen/Zoutfabriek-Frisia-in-Harlingen-had-ongewone-voorvallen-eerder-moeten-melden-28748875.html>



dangerous situation within a building on site and in addition leakage from a brine-reserve (“pekelfijver”) the size of half a football pitch had not been reported properly to the appropriate authorities. The combination of these two incidents in combination with others made the State Supervision of Mines issue the aforementioned penalty payment.²

It should not come as a surprise to you that we (a Dutch organization striving to preserve and protect the Wadden Sea as a unique ecosystem and UNESCO World Heritage) were shocked to learn that ESCO/Frisia had been ‘opportunistic and calculating in its deliberate obstructions of formal inspections. Especially as this also it sheds serious doubts about permits in relation to salt mining within a ‘hand on tap’ permit-procedure underneath UNESCO World Heritage Wadden Sea. Where areas of universal outstanding values are at stake doubts about the respect for permits by one of your companies are to be avoided all times and at all costs.

It is our understanding that a leaking brine-reserve is no simple and easy-to-fix think fundamental flaw within the company’s production-process. From the public records we understand that K+S was informed by ESCO/Frisia about the leakage and the “large investments” associated with repairing a potential leakage, in other words the investment-decisions needed for reliable operations in the shores of the Wadden Sea are apparently taken at the headquarters of K+S Aktiengesellschaft in Kassel. Knowing the values expressed by K+S we cannot help but notice that the incidents referred to above appear to be a violation of the commitment to put safety first and act sustainably in everything K+S does. Hence we are quite surprised that no action was taken to guarantee to the appropriate authorities and the public that the brine-reserve at ESCO/Frisia’s facilities is 100% reliable and “leak free”.

Having been informed about the calculating and deliberate obstruction of official inspection by ESCO/Frisia we ask you to reconsider the economic and ecological sustainability of your involvement in ESCO/Frisia’s salt mining operation underneath World Heritage Wadden Sea.

UNESCO requests the Netherlands not to approve further extractive projects

In September at a formal meeting in Riyadh of the UNESCO World Heritage Treaty the 18 governments represented in the World Heritage Committee reached a number of decisions which also shed a new light on ESCO’s operations underneath World Heritage Wadden Sea. We trust that you have been informed about this decision. In its formal decision the World Heritage Committee clearly noted its serious concern to the approval of the salt extraction project by Frisia and urged the Dutch government to consider halting current extracting activities. One of the reasons for this concern is related to the increasing scientific uncertainty about the effectiveness of the current *modus operandi* under the ‘hand-on-tap’ permit to preserve the Outstanding Universal Value of World Heritage Wadden Sea.

Decisions by UNESCO are never taken lightly and are implemented by countries that have ratified the convention. Since 2009 The Netherlands’ and German Governments share the management of UNESCO World Heritage Wadden Sea together with the Danish government. Knowing the impeccable

² See: <https://www.sodm.nl/documenten/brieven/2023/11/02/lod-frisia-zout-ongewone-voorvallen>



diplomatic reputation of these governments in following decisions about the nomination of UNESCO sits as well as other international treaties in relation to the protection of Wadden Sea we trust that the same is to be expected from a German company such as K+S.

We trust K+S will study and consider the content of the UNESCO-decision. Knowing its contents we think it is appropriate to ask you to reconsider the economic and ecological sustainability of K+S in ESCO/Frisia's salt mining operation underneath World Heritage Wadden Sea.

New mining-regulations in The Netherlands, no new salt mining

Earlier this year the Dutch Government announced new mining-regulations. Part of these are the proposed regulations to no longer grant permits for new mining for salt underneath World Heritage Wadden Sea. The changes have been discussed and agreed upon in Parliament in The Hague and have been open for public participation. The Dutch government will announce the needed changes in mining regulations in due time. Knowing the intention of the government we trust that you share our view that this is a third development that will affect the prognoses by K+S for salt mining underneath World Heritage Wadden Sea.

Knowing the intentions of the Dutch government for changes in regulations we think it is appropriate to ask you to reconsider the economic and ecological sustainability of K+S in ESCO/Frisia's salt mining operation underneath World Heritage Wadden Sea.

Involvement of regional and local authorities needed

The most recent information about the apparent failure by ESCO/Frisia to comply with existing permits and regulations adds up to three independent developments over the last months we outlined in this letter that all seem to point at the same direction: it appears that the time has come that salt-mining underneath UNESCO World Heritage Wadden Sea is no longer favorable to K+S. We feel that time had come for K+S to reconsider its operations along the Wadden Sea and put an end to salt-mining there.

We would like to stress that in doing so it would appear only logical that K+S will work closely with the appropriate authorities such as the city-council of Harlingen, the Province of Fryslân, the Dutch government, trade-unions and other organizations in seeking a smooth and swift stop of salt mining underneath World Heritage Wadden Sea.

Yours Sincerely,

Wouter van der Heij, acting director Waddenvereniging

CC:

The Netherlands' State Secretary of Mining , mr. H. Vijlbrief (by email)



The Netherlands's Minister for Nature and Nitrogen, mrs. C. van de Wal (by email)

Netherlands' State Supervision of Mines, mr. T. Kockelkoren (by email)

UNESCO World Heritage Center, mr. Lazare Eloundou Assomo (by email)

Germany's Minister for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, mrs. S. Lemke (by email)

Netherlands' Commission for UNESCO (by email), mrs. K. Ferrier

German Commission for UNESCO Commission of Germany , mrs. M. Böhmer (by email)

Gedeputeerde en Provinciale Staten van Fryslân, mr. F. Douwstra Brok (by email)