

Economic Commission for Europe

Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context

Seventh session

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment

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**Outstanding issues: draft decisions by the Meeting
of the Parties to the Convention**

Practical examples on the application of the Convention to nuclear energy-related activities

Summary

This informal document complements the draft Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (document ECE/MP.EIA/2017) tabled for the sixth session of the Meeting of the Parties to the Convention. In addition to the good practice examples included in the draft Recommendations, the present document lists other practical examples provided by Parties. The examples have not been formally edited.

The secretariat has prepared the document at the request of the Bureau. Further to the mandate from the Working Group on EIA and SEA at its sixth meeting (7-10 November 2016), the Bureau reviewed the compilation of the good practice examples prepared by the editorial group for inclusion into the document containing the Good Practice Recommendations. The Bureau agreed that the examples that had not been “selected” for the official document should be made available to the Meeting of the Parties in an informal document of “practical examples”, and be cross-referenced from the official document.

I. Screening

A. Bulgaria (as Party of origin)

Bulgaria either considers the construction and operation as a single activity or as a series of activities - depending on the kind of activity planned. On the one hand, a planned decommissioning requires a separate assessment (for example the decommissioning of Units 1 - 4 of Kozloduy NPP which were constructed from 1970 onwards, thus prior to the entry into force of the Convention and the national EIA legislation). On the other hand, for planned facilities for treatment and conditioning of radioactive waste with a high volume reduction factor (at Kozloduy NPP) or for the construction of new nuclear power plant of the latest generation (Kozloduy, Site 2), the assessment was carried out for the construction and operation of the new installations, covering the full life cycle, extending from the choice of materials to the activities of decommissioning.

B. Hungary (as Party of origin) - Paks II Nuclear Power Plant

Hungary carried out a transboundary EIA procedure of the planned construction of two new nuclear units in Paks NPP between 2015–2016. In 2013, it initiated a preliminary consultation in the scoping phase with 30 countries offering the possibility for them to participate in the EIA procedure in order to evaluate how many countries would be interested to take part. Two years after the actual start of the EIA procedure, official notifications were sent only to those countries, which had indicated their intention to participate in the transboundary procedure based on the preliminary consultation. This early notification was a unique approach. However, for Hungary it was very useful in the planning of the subsequent transboundary EIA procedure.

II. Notification

A. Bulgaria (as Party of origin)

In accordance with its Environmental Protection Act Bulgaria notifies the affected Parties at the earliest stage of a development proposal but not later than the date of notification of its own public. For example, Bulgaria notified Romania and Austria about the investment proposal for the “Construction of new nuclear power of the latest generation of NPP, Kozloduy, in English, according them three weeks to respond whether they wished to participate in the transboundary EIA procedure.

B. Finland (as Party of origin) - Early notification, well before the start of the public commenting period

At the end of June 2016 Germany and eight other Parties received a notification from Finland concerning the Fennovoima Oy’s encapsulation plant and the final disposal facility of spent nuclear fuel. The announcement was sent on the same day that the EIA programme was made public in Finland prior to the start of the public commenting period in September –two months in advance. Countries were offered a translation of the EIA programme in due time before the set time period to comment. For Germany, as an affected Party, the chosen timing of notification prior to the launching of the commenting period in the Party of origin was very useful. It provided the authorities of the affected Party with sufficient time to coordinate amongst each other, in particular –as in this case – more than one activity was subject to notification and thus more than one authority in charge in the affected Party. In addition, the time could be well used to prepare for the public participation, in particular for the internal administrative procedures (combined with several authorities in charge) that are time consuming and would otherwise shorten the time frame for the public in the affected Party to comment, constituting a disadvantage compared with the Party of origin’s public.

C. Slovakia (as Party of origin) - Enlargement of the repository for radioactive waste in Mochovce

In 2011, Slovakia notified Austria concerning the planned enlargement of the repository for radioactive waste in Mochovce in the scoping phase when the national EIA procedure was initiated. The notification documentation was provided both in Slovak and in German languages and included the announcement of the project, preliminary documentation (in both languages) and an inquiry about whether Austria intended to participate in a transboundary EIA procedure. At Austria's request Slovakia agreed to extend the deadline for responding. The e-mail communication between the contact points from Austria and Slovakia was conducted in English.

III. Environmental Impact Assessment documentation

A. Austria (as affected Party) – Fennovoima Nuclear Power Plant

In 2008-2011, Austria took part in the transboundary EIA procedure regarding the construction of a new nuclear power plant in Finland. Austria had been able to comment the EIA report that dealt also with safety issues including severe accidents, and the supplementary report with more detailed information. Austria considers it good practice to describe in the EIA report all the necessary effects caused by a proposed activity on the environment, including on human health and safety, and to make the full documentation available in English, with a summary paper in German and in eight other languages within the Baltic Sea subregion.

B. Bulgaria (as Party of origin)

Bulgaria provided the terms of reference, the non-technical summary and the EIA report to Romania and Austria in English for its investment proposal for the "Construction of new nuclear power of the latest generation of NPP, Kozloduy". Bulgaria sent the non-technical summary and the EIA report's chapter on transboundary assessment to Romania in Romanian language and to Austria in German.

IV. Public Participation

A. Austria (as affected Party) - Paks II Nuclear Power Plant

In 2015, Hungary as a Party of origin offered proactively to hold a public hearing in Austria as part of the transboundary EIA regarding its planned construction of a nuclear power plant (Paks II). This public hearing was organized by Austria with the full support of Hungary. At the hearing all necessary Hungarian experts were present and the whole delegation agreed to stay as long as needed to properly answer all questions raised from the public.

B. Austria (as affected Party) - New units to Jaslovské Bohunice Nuclear Power Plant

During the transboundary EIA procedure that had started in 2014 regarding the planned construction by Slovakia of new NPP units, Austria organized a public hearing to complement the public participation requirements, after its public had already been given the opportunity to provide comments on the project and its documentation. The hearing was prepared in close cooperation with the contact point of the Party of origin, and with the involvement of the project developer regarding preparations and timetable. The preparatory work began approximately two months before the hearing that was successfully conducted in Vienna on 18 November 2015. All technical equipment was provided by the affected Party.

C. Belarus (as Party of origin) – Ostrovets Nuclear Power Plant

During public hearings on the Belarussian NPP project, held in Ostrovets (Belarus) in August 2013, the Belarussian side provided the Lithuanian public with entry visas without consular fees, health insurance, and bus transfers to the venue from the territory of the affected party (Lithuania) for free.

D. Finland (as Party of origin) – Fennovoima Nuclear Power Plant (2014)

Response to public interest in the affected Party, Sweden: During the 2013-2014 transboundary EIA procedure regarding the Fennovoima Oy NPP in Finland, a strong interest arose in Northern Sweden towards the planned new nuclear power plant. The authorities in Finland and Sweden decided therefore to organize an ad-hoc public meeting in Luleå, the capital of the province of Norrland, during the commenting period of the EIA documentation. This allowed interaction between the public and authorities in Sweden with the Finnish competent authorities (responsible for EIA and Espoo Convention matters, as well as permitting and radiation safety authorities) and the developer.

E. Germany (as affected Party) - Jaslovské Bohunice Nuclear Power Plant

The public hearing for the Jaslovské Bohunice NPP in Slovakia had been scheduled for 23 September 2015, with the public participation for that project taking place in the German state, Bavaria, between 18 September and 17 October 2015. The Bavarian Government had only been informed about the procedure by the Slovakian government with a letter dated on 7 September 2015. Since the Bavarian public could not participate in the public hearing due to this late notice, the competent authority (Bavarian State Ministry for the Environment and Consumer Protection) asked for a public meeting to be held in Bavaria later on. This was accepted by the Slovakian government as a voluntary service to the Bavarian public. As a result, the public hearing was held in Munich, on 25 November 2015.

VI. Consultation**Romania (as Party of origin) - Cernavoda Nuclear Power Plant**

Consultations regarding the Cernavoda NPP took place between the Romanian and Austrian environmental authorities under art. 5 of the Convention, in March 2008. During these consultations, after visiting the project site, the Austrian Party requested details on certain information contained in the EIA documentation. The discussed topics related to the current state of the work on Units 3 and 4, the reactor core, seismic risk, reactor containment and nuclear safety assessment. The discussions were attended by representatives of the Austrian and Romanian environment ministries, Romanian National Commission for Nuclear Activity Control and “Nuclearelectrica” S.A. National Company the Environment Agency Austria and the Austrian Institute for Applied Ecology.

VII. Examination of the information gathered and final decision**Finland (as Party of origin) - Answering affected Party’s questions and concerns**

In Finland, the transboundary EIA is carried out before the government takes a so called “decision in principle” (a political licence) on a new facility. During the EIA procedure on the Fennovoima NPP, Finland sent to Austria not only the statement of the competent authority for EIA but also additional information and a report which answered Austria’s questions including also as regards worst case severe accident scenarios. Later on Finland submitted its decision in principle. Besides proactively providing Austria with all relevant

information and documents, Finland considered Austria's comments and concerns in a transparent way.

VIII. Post project analysis

Belarus (as Party of origin) – Ostrovets Nuclear Power Plant

In 2013, Belarus invited all the countries that had been involved in the transboundary EIA to participate in a post-project analysis (PPA) of the Belarusian NPP. In 2014, Belarus prepared a draft of the PPA programme and discussed it with Austria, Latvia, Lithuania, Poland and Ukraine. The programme is designed for the whole operating period of the Belarusian NPP. Belarus informed these countries that during the performance of the PPA, the programme can be adjusted according to the reasoned proposals from the involved parties. In 2014, Belarus suggested to Lithuania, as the most concerned Party, to establish a joint body for the post-project analysis.
