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

Intermediary session

Geneva, 5–7 February 2019

Items 3 (a) and 8 of the provisional agenda

Outstanding issues: draft decisions

Adoption of decisions by the Meeting of the Parties to the Convention

Draft decision IS/2 on the application of the Convention to the lifetime extension of nuclear power plants

Proposal by the Bureau

Summary

In accordance with its mandate, the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment is tasked with making recommendations to the governing bodies of the Convention and the Protocol regarding further work necessary to ensure the effective implementation of those two instruments (ECE/MP.EIA/SEA/2, decision I/5–V/5, para. 4). The draft decision contained in the present document was prepared by the Bureau of the Meeting of the Parties to the Convention, with the support of the Convention secretariat, as requested by the Working Group at its seventh meeting (28–30 May 2017). The Working Group also invited the secretariat to incorporate into the draft decision the findings of the workshop on the application of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/WG.2/2018/2, paras. 26 and 29).

The Meeting of the Parties is expected to review the text of the draft decision contained in the present document and agree on its adoption.

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The Meeting of the Parties to the Convention,

Recalling its decision VII/3–III/3 on adoption of the workplan for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment for the period 2017–2020, and its decisions VI/7 and VII/6 on the application of the Convention to nuclear energy-related activities,

Recalling also paragraphs 68–71 of its decision VI/2, regarding compliance by Ukraine with its obligations under the Convention with respect to the extension of the lifetime for units 1 and 2 of the Rivne nuclear power plant,

Having considered the terms of reference for guidance on the applicability of the Convention with regard to decisions on the lifetime extension of nuclear power plants developed by an ad hoc working group¹ under the co-chairmanship of Germany and the United Kingdom of Great Britain and Northern Ireland, with support from the secretariat and the European Commission, as adopted by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its seventh meeting (Geneva, 28–30 May 2018),

Having also considered the outcome of the workshop on the lifetime extension of nuclear power plants organized by the ad hoc working group, as foreseen in the 2017–2020 workplan,² with the participation of the Implementation Committee, non-governmental organizations, the International Atomic Energy Agency and the Nuclear Energy Agency of the Organization for Economic Cooperation and Development,

Having further considered the progress in the work of the ad hoc working group with a view to developing draft guidance under the continued co-chairmanship of Germany and the United Kingdom, based on the terms of reference, as requested by the Working Group,

Reiterating that the Convention is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environmental impacts from proposed activities that include nuclear energy-related activities,

Acknowledging that the Protocol on Strategic Environmental Assessment to the Convention is an essential instrument to ensure the assessment of the environmental, including health, effects of plans and programmes, and possibly also policies and legislation, that set the framework for future development consent for projects, including in the field of nuclear energy,

Aware that over the coming years many nuclear power plants in the United Nations Economic Commission for Europe (ECE) region are reaching the end of their operational lifetime,

Aware also of the continuously growing number of information-gathering cases on the lifetime extension of nuclear power plants before the Implementation Committee and the Committee's call for guidance or criteria on the application of the Convention in this respect to assist it in assessing compliance by Parties with the Convention,

¹ Composed of representatives from Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Czechia, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland and Ukraine.

² ECE/MP.EIA/23/Add.1-ECE/MP.EIA/SEA/7/Add.1, decision VII/3–III/3, annex I.

Wishing to assist Parties in complying with their obligations under the Convention, and to promote its legal certainty and effective application,

1. *Welcomes* and acknowledges the terms of reference for guidance on the applicability of the Convention with regard to decisions on the lifetime extension of nuclear power plants adopted by the Working Group;

2. *Notes* the main conclusions of the workshop on the lifetime extension of nuclear power plants, which state, inter alia, that:

(a) The Implementation Committee's work is severely constrained. The guidance is therefore urgently needed;

(b) The interpretation of the Convention should be in line with its main purpose and objectives;

(c) The lifetime extension of nuclear power plants concerns not only nuclear safety, but also the environment. Any changes in the surrounding environment, such as an increase in population or water scarcity, should be considered;

(d) Environmental issues must be properly addressed in environmental impact assessment, possibly through a screening assessment;

(e) Safety reviews cannot replace transboundary environmental impact assessments; the two processes are complementary;

(f) The Convention is largely aligned with the European Union directives on environmental impact assessment,³ but it is a legally distinct instrument;

(g) The lifetime extension of nuclear power plants also entails ensuring public participation and transparency, including in a transboundary context;

(h) Consideration should be given to the impact of multiple short-term extensions;

(i) Not all safety upgrades lead to environmental benefits; they can also have adverse impacts on the environment;

3. *Welcomes* the active participation and practical experience presented at the workshop by countries and international and non-governmental organizations within the ECE region and the written input they provided before and after the workshop;

4. *Recognizes* the urgent need for guidance to assist countries in the practical application of the Convention with respect to the lifetime extension of nuclear power plants and to guide the Implementation Committee in its assessment of the related compliance cases;

5. *Welcomes* the work carried out by the ad hoc working group with a view to developing the draft guidance and acknowledges the progress report prepared by the group contained in document ECE/MP.EIA/2019/10;

6. *Decides* to include in the workplan for 2017–2020 the preparation of guidance on the applicability of the Convention to the lifetime extension of nuclear power plants;

³ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014.

7. *Agrees* that the guidance should be developed in line with the adopted terms of reference and the work of the ad hoc working group since May 2018, as reported in its progress report, also taking into account the outcomes of the workshop on the lifetime extension of nuclear power plants;

8. *Decides* that the work should continue to be carried out by the ad hoc working group established at its seventh session, co-chaired by Germany and the United Kingdom, as extended to include further volunteering representatives of States Parties, with support from the secretariat, ensuring that the views of civil society and other stakeholders are taken into account in the process;

9. *Also decides* that the guidance should be finalized for consideration by the Working Group in mid-2020, before its submission to the Meeting of the Parties to the Convention for adoption at its eighth session in late 2020;

10. *Invites* the Implementation Committee to continue gathering information on pending cases regarding the lifetime extension of nuclear power plants and to continue providing inputs to the work of the ad hoc group for the development of the guidance.
