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

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

Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Seventh meeting

Geneva, 28–30 May 2018

Item 4 of the provisional agenda

**Application of the Convention to lifetime extension
of nuclear power plants**

Draft decision IS/3 on the application of the Convention to nuclear energy-related activities

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).

At its seventh session (Minsk, 13–16 June 2017), the Meeting of the Parties to

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the Convention specifically tasked the Working Group to discuss and consider adopting terms of reference for possible guidance on the applicability of the Convention with regard to decisions on the lifetime extension of nuclear power plants to be prepared by an ad hoc working group (see ECE/MP.EIA/23/Add.1-ECE/MP.EIA/SEA/7/Add.1, decision VII/3–III/3, annex I, item I.9). The Working Group was further requested to take into consideration the outcomes of a workshop to be organized by the ad hoc group on the topic during the Working Group’s seventh meeting.

Pursuant to all the mandates set out above, this document contains a draft decision on the application of the Convention to nuclear energy-related activities proposed by the Bureau under the Convention and its Protocol. The draft decision maps the way forward for preparing guidance in this area. The Working Group is expected to consider the draft decision, finalize its text and agree on its submission to the Meeting of the Parties to the Convention at its intermediary session, scheduled to be held in Geneva from 5 to 7 February 2019.

Draft decision IS/3

Application of the Convention to nuclear energy-related activities

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,

[Also recalling [paragraph 68] [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 group^[1] 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 initial key elements of guidance prepared by the ad hoc 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 also 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 and are either due to be decommissioned or their lifetime is planned to be extended,

¹ Composed of representatives from Armenia, Austria, Belarus, Bulgaria, Czechia, Finland, France, Greece, Italy, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Ukraine.

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

Also aware 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 [with respect to these similar but different cases],

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

1. [Welcomes] [Acknowledges] [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 on Environmental Impact Assessment and Strategic Environmental Assessment;

2. *Endorses* the initial key elements of the guidance [annexed to the present decision] [contained in annex I to the present decision], which build on the terms of reference;

3. *Notes* the [main findings of] [[various] [differing] views expressed at] the workshop on the lifetime extension of nuclear power plants [contained in annex II to the present decision] [as contained in document EIA/MP.EIA/WG.2/2018/2] [, which state, inter alia, that:

(a);

(b)

(c)];

(d)];

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

5. *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;

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

7. *Agrees* that the work should build on the terms of reference it has acknowledged and the initial key elements it has endorsed, and also take into account the outcomes of the workshop on lifetime extension of nuclear power plants;

8. *Decides* that the work should be carried out by the ad hoc working group established at its seventh session, co-chaired by Germany and the United Kingdom, [as extended by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment to include further representatives of States Parties [and international and non-governmental organizations]], with support from the secretariat, [continuing to ensure] [ensuring] that the views of the civil society and other stakeholders are taken into account in the process;

9. *Further decides* that the guidance should be finalized for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment in mid-2020, before its submission for adoption to the Meeting of the Parties to the Convention 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 contributing to the work of the ad hoc group for the development of the guidance.
