

Economic Commission for Europe
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 3 of the provisional agenda

Compliance and implementation

**Draft decision IS/1g on compliance by Ukraine with its
obligations under the Convention with regard to the lifetime
extension of the Rivne nuclear power plant**

Proposal by the Implementation Committee¹

This note presents draft decision IS/1g of the Meeting of the Parties to the Convention at its intermediary session (Geneva, 5–7 February 2019) on compliance by Ukraine with its obligations under the Convention with regard to the lifetime extension of the Rivne nuclear power plant. As mandated by the Meeting of the Parties at its seventh session (Minsk, 13–16 June 2017), the Implementation Committee prepared the draft decision based on its review of the relevant paragraphs of draft decision VII/2 and taking into account the progress made before, during and after the seventh session. As suggested by the delegation of Ukraine in June 2017, the Committee decided to present the general and the country specific draft decisions in separate documents to facilitate their subsequent consideration and adoption by the Meeting of the Parties.

The Chair of the Committee will present the draft decision for information to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment. The delegates may wish to present their views on the draft.

The Committee will finalize the draft decision at its forty-second session (Geneva, 11–14 September 2018) prior to its submission for consideration and adoption by the Meeting of the Parties to the Convention at its intermediary session .

¹ The present decision relates to an Implementation Committee initiative (reference EIA/IC/CI/4). More information on Committee initiatives can be found at <http://www.unece.org/environmental-policy/conventions/environmental-assessment/areas-of-work/review-of-compliance/committee-initiative.html>.

The Meeting of the Parties,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention),

Recalling also its decision decision VI/2, paragraphs 68–71,² concerning compliance by Ukraine with regard to the lifetime extension of the reactors 1 and 2 of the Rivne nuclear power plant,

Recalling further its decision at its seventh session (Minsk, 13–16 June 2017) to finalize its deliberations on the review of compliance with the Convention at an intermediary session, based on a revised draft decision to be prepared by the Implementation Committee and taking into account the work carried out and progress achieved before and during the seventh session,³

Having considered paragraphs 17–20 concerning Ukraine in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session⁴ and in the reports of the Committee on its thirty-ninth,⁵ forty-first⁶ and [forty-second sessions,⁷]

[*Recalling* its decision IS/1 on the review of compliance with the Convention adopted at the intermediary session,]

1. *Notes with appreciation* the regular information provided by Ukraine further to paragraph 71 of decision VI/2, concerning the Committee initiative regarding the extension of the lifetime of the reactors 1 and 2 of the Rivne nuclear power plant;

2. *Notes* steps taken by Ukraine to comply with the provisions of the Convention referred to in paragraphs 69 and 70 of decision VI/2 with respect to the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant;

3. *Welcomes* the adoption by Ukraine of the Law on Environmental impact assessment and [three pieces of the] secondary legislation;

4. *Request* the Government of Ukraine to adopt the remaining secondary legislation with the purpose to fully align its national legislation with the Convention without delay [by the end of 2019];

5. *Notes* that Ukraine has notified potentially affected Parties, namely, Austria, Belarus, Hungary, Poland, the Republic of Moldova, Romania, and Slovakia on [the extension of the lifetime of reactors 1 and 2 of] the Rivne nuclear power plant [, as recommended by the Implementation Committee] [subject for further clarification];

6. [*Endorses* the findings of the Implementation Committee at its [forty-second] session that Ukraine is [in compliance] [in non-compliance] [with article X of the Convention] [subject to further clarifications];

7. *Further endorses* the findings of the Implementation Committee at its [forty-first] [forty-second] session that, despite the steps taken, Ukraine remains in non-compliance with [the remaining of] its obligations under the Convention as referred to in decision VI/2

2 See ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1.

3 See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

4 ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4.

5 ECE/MP.EIA/IC/2017/4, paras. 21-25.

6 ECE/MP.EIA/IC/2018/2, paras. 20-29.

7 ECE/MP.EIA/2018/4, paras. [...]

para. 70, including the revision of the final decision on the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant;

8. *Requests* Ukraine to continue the procedure of transboundary environmental impact assessment with the Parties wishing to participate in the procedure in order to bring the project into compliance with the Convention without delay [and no later than in 2019], including:

(a) Preparing the environmental impact assessment documentation, including transboundary aspects, pursuant to article 4 of the Convention and also taking into consideration the comments received from the potentially affected parties;

(b) Consulting with authorities and the public of the affected Parties based on the environmental impact assessment documentation, as set out in articles 5, article 3.8 and article 4 paragraph 2 of the Convention;

(c) Revising the final decision on the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant taking due account of the outcomes of the environmental impact assessment procedure, including the environmental impact assessment documentation and comments received from the affected Parties, further to article 6 of the Convention;

9. *Underlines* the need for Ukraine to complete the process to reach compliance with the Convention;

10. *Requests* Ukraine to report by the end of each year to the Implementation Committee on the steps taken and to notify once the revised final decision is taken;

11. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its eighth session on compliance by Ukraine.
