

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 4 (a) of the provisional agenda

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

Draft programme of the workshop on the application of the Espoo Convention to the Lifetime Extension of Nuclear Power Plants

Palais des Nations (room XXV, E-building),

Monday, 28 May 2–6 p.m.–Tuesday, 29 May 2018 10–11.30 a.m.

Prepared by the Co-Chairs of the ad hoc working group

I. Mandate

The seventh session of the Meeting of the Parties to the United Nations Economic Commission for Europe (ECE) Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) agreed in June 2017 on the establishment of an ad-hoc group to draft terms of reference for possible guidance on addressing the applicability of the Espoo Convention with regard to decisions on the lifetime extension of nuclear power plants. The Parties also agreed that the ad-hoc group should meet at least twice prior to the next (seventh) meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 28–30 May 2018) and organize a dedicated workshop at that meeting to discuss the outcomes of its work, with the presence at that workshop of the Implementation Committee under the Espoo Convention and its Protocol on Strategic Environmental Assessment (Protocol on SEA), civil society and possibly the International Atomic Energy Agency (IAEA) and the Organization of Economic Cooperation and Development (OECD) Nuclear Energy Agency. The Working Group was mandated to consider adopting the terms of reference at its seventh meeting. It was also requested to consider the subsequent extension of the ad-hoc group to include international organizations and NGOs.¹

¹ See ECE/MP.EIA/23–ECE/MP.EIA/SEA/7, para. 12; and decision VII/7–III/3, ítem. I.9 (See ECE/MP.EIA/23.Add.1–ECE/MP.EIA/SEA/7.Add.1)

The members of the ad-hoc group are: Austria, Belarus, Bulgaria, Czech Republic, Finland, France, Germany, Italy, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, UK, and Ukraine.

II. Background

At its sixth session (Geneva, 2–5 June 2014) the Meeting of the Parties to the Convention discussed whether the extension of the lifetime of a nuclear power plant was within the scope of the Espoo Convention². The Implementation Committee in its recommendations to the Meeting of the Parties concerning compliance had taken the general view that “the extension of the lifetime of a nuclear power plant, after expiration of the original licence, even in absence of any works is to be considered as a major change to an activity and consequently subject to the provisions of the Convention”³. However, considering the various positions of the Parties on this topic, the compliance decision of that Meeting of the Parties (decision VI/2) did in the end not include a general statement on the extension of the lifetime of a nuclear power plant, limiting itself to a finding of non-compliance in relation to the Rivne nuclear power plant (see in particular paras 68-71 of decision VI/2).

There is, therefore, still considerable legal uncertainty as to whether and in what circumstances lifetime extensions of nuclear power plants require a transboundary environmental impact assessment under the Espoo Convention. There are several cases of this nature pending before the Implementation Committee⁴, with a significant further number envisaged in the next 10 years

III. Purpose

The purpose of the workshop is to discuss with focal points and stakeholders under the Espoo Convention the draft terms of reference prepared by the Co-Chairs in consultation with the ad-hoc group, and building on the group’s two meetings (Luxembourg, 27–28 November 2017 and Brussels, 20–21 February 2018), with a view to contributing to the discussions on their adoption at the seventh meeting of the Working Group on EIA and SEA. The workshop also aims to provide a platform for considering if, and how, the work for the development of the guidance building on the adopted the terms of reference could best be taken forward. Participants may comment and make further suggestions on the Bureau’s proposals which will be considered by the Working Group.

Whilst the meetings of the ad hoc group have been open only to volunteering representatives of States Parties to the Espoo Convention and serviced by the Convention secretariat and the European Commission, the workshop will be open to all focal points under the Espoo Convention, the members of the Implementation Committee and participants from other interested organisations and stakeholders.

² This issue had already been addressed in a background note on the application of the Convention to nuclear related activities prepared by the secretariat for a panel discussion on nuclear energy-related projects at the fifth session of the Meeting of the Parties to the Convention (Geneva, 20 – 23 June 2011); see ECE/MP.EIA/2011/5, para. 9 - 11.

³ See draft decision VI/2 on review of compliance with the Convention, para. 5 (f), ECE/MP.EIA/2014/L.3. In its specific recommendation to the Meeting of the Parties concerning the Rivne nuclear power plant the Implementation Committee took the view that “the extension of the lifetime of a nuclear power plant, after expiration of the original license, even in absence of any works is to be considered as a proposed activity and consequently subject to the provisions of the Convention”; see ECE/MP.EIA/EC/2014/2, Annex, para 65.

⁴ The Netherlands – NPP Borselle (EIA/IC/INFO/15); Belgium – NPP Doel-1 and 2; NPP Tihange-1 (EIA/IC/INFO/18); Czech Republic – NPP Dukovany / 4 reactors (EIA/IC/INFO/19); Ukraine – NPP South Ukraine, Khmelnytskyi and Zaporizhzhya (EIA/IC/INFO/20).

IV. Provisional Programme

Monday 28 May 2018

14:00-14:05 Opening Address

Mr Christof Sangenstedt and Mr Rory Wallace, the Co-Chairs of the Ad-Hoc Working Group will welcome attendees to the workshop.

14:05-14:10 Background to activity/formation of Ad-Hoc Working Group

Ms Tea Aulavuo, Secretary to the Espoo Convention and its Protocol on SEA, will provide a summary of the mandate and purpose of the Ad-Hoc Working Group.

14:10-14:15 Introductory Remarks

Mr. Georges Kremlis, Chair of the Bureau, will make some introductory remarks on the programme of work.

14:15-14:30 Presentation of draft Terms of Reference

Mr Christof Sangenstedt and Mr Rory Wallace will present draft terms of reference for possible guidance on the application of the Espoo Convention to the lifetime extension of nuclear power plants, along with written comments received from Parties and other stakeholders.

14:30-15:30 Perspectives from the Panel (Panel 1)

Speakers have been allocated 10 minutes in which to present and have been advised to structure their comments around one or more of the topics covered in the Terms of Reference paper where possible. They will also take any immediate questions from the audience.

To accommodate the number of speakers invited the panel has been split into two groups as outlined in Section V below.

15:30-15:45 Coffee Break

15:45-17:15 Perspectives from the Panel (Panel 2)

17:15-17:45 Facilitated discussion on proposed Terms of Reference (part 1)

Mr Christof Sangenstedt and Mr Rory Wallace will take observations and questions from the audience to all speakers. The audience are asked to limit their comments to 1 minute.

17:45-18:00 Summary and closing remarks

Mr Christof Sangenstedt and Mr Rory Wallace will summarise the perspectives and observations provided during the session.

The Co-Chairs of the Ad-Hoc Working Group will reflect on the perspectives put forward by the panel and in the discussion and consider whether any changes should be made to the Terms of Reference document overnight.

Tuesday 29 May 2018

10:00-10:15 Opening remarks

Mr Christof Sangenstedt and Mr Rory Wallace will welcome attendees and update on any changes made to the Terms of Reference document overnight.

10:15-11:15 Facilitated discussion on proposed Terms of Reference (part 2)

Mr Christof Sangenstedt and Mr Rory Wallace will again take observations and questions from the audience to all speakers. The audience are asked to limit their comments to 1 minute.

11:15-11:30 Next steps and closing remarks

The Working Group will then continue until 13:00 to discuss the Terms of Reference and the next steps and resume from 15:00-18:00 to consider its other agenda items.

V. Speakers

Panel 1: Chaired by Rory Wallace

Organisation	Representative(s)	Topics
Implementation Committee	Mr Romas Svedas, Chair of the Implementation Committee	Implementation Committee's challenges regarding the application of the Convention to the lifetime extension of nuclear power plants

Inter-Governmental Organisations

Organisation	Representative(s)	Topics
Organisation for Economic Cooperation and Development Nuclear Energy Agency	Mrs Kimberly Sexton Nick, Deputy Head, Office of Legal Counsel	1, 3 and 5
International Atomic Energy Agency	Mr Greg Rzentkowski, Director, Division of Nuclear Installation Safety	Challenges and needs for Long Term Operation of Nuclear Power Plants

European Commission Organisations

Organisation	Representative(s)	Topics
DG Energy, Joint Research Centre	Mr Hans Rhein, Head of Unit, DG Energy Mr Janos Vegh, Joint Research Centre	Environmental Impact Assessment in relation to Long-Term Operations of Nuclear Power Plants in Europe
DG Environment	Mr Aurel Ciobanu-Dordea, Director, Implementation and support to member states	The EU rules on Environmental Impact Assessment and their dynamic application

Panel 2: Chaired by Christof Sangenstedt

Non-Governmental Organisations

Organisation	Representative(s)	Topics
International Association for Impact Assessment	Ms Maria Partidario, Past-President	4
Nuclear Transparency Watch	Mr Jan Haverkamp	
Friends of the Earth Europe	Ms Patricia Lorenz	

State Parties to the Espoo Convention

State	Representative(s)	Topics
Ukraine	Ms Maryna Shymkus, Head of EIA Unit, Ministry of Ecology and Natural Resources	Transboundary Consultations on EIA for Rivne NPP in accordance with the new EIA model in Ukraine
Portugal	Mr João Oliveira Martins and Ms Sara Sacadura Cabral	4 and 5
Poland	Ms Dorota Toryfter-Szumańska, Head of Unit, Department of Environmental Impact Assessment	4
France	Mr Yves Guannel, Head of the Office of Radiation Protection, Environment and Labor Inspection, the Nuclear Safety Authority	5
