



# Economic and Social Council

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## Economic Commission for Europe

### 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/1h on compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention in respect of the Hinkley Point C nuclear power plant**

#### **Proposal by the Implementation Committee**

#### *Summary*

The draft decision contained in the present document responds to the request of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its seventh session (Minsk, 13–16 June 2017) for the Implementation Committee to revise draft decision VII/2 on the review of compliance with the Convention, taking into account the work already carried out and the progress achieved before, during and after the seventh session of the Meeting of the Parties (ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27). To facilitate its consideration and adoption, draft decision VII/2 has been split into separate draft decisions: a draft decision on general issues of compliance and draft decisions on separate country-specific compliance issues.

Draft decision IS/1h presents a revised version of the text of draft decision VII/2 concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention in respect of the Hinkley Point C nuclear power plant.

The Meeting of the Parties is expected to review the draft decision and agree on its adoption.

GE.18-19989(E)



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*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,

*Recalling also* its decision at its seventh session 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,<sup>1</sup>

*Having considered,* further to paragraph 6 of the appendix to decision III/2,<sup>2</sup> the findings and recommendations of the Implementation Committee on the Committee initiative with regard to the Hinkley Point C nuclear plant project, as set out in the report of the Committee on its thirty-fifth<sup>3</sup> session and in document ECE/MP.EIA/2019/14,

*Having also considered* the sections concerning the United Kingdom in the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its seventh session<sup>4</sup> and in the reports of the Committee on its thirty-ninth,<sup>5</sup> fortieth<sup>6</sup>, forty-first<sup>7</sup> and forty-second sessions,<sup>8</sup>

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

1. *Endorses* the Implementation Committee's finding that the United Kingdom failed to comply with the Convention by not notifying the potentially affected parties in accordance with article 2, paragraph 4, and article 3, paragraph 1, of the Convention in the case of the Hinkley Point C nuclear power plant project;

2. *Acknowledges* the steps that the United Kingdom has taken, pursuant to the Committee's recommendations, by consulting with the potentially affected Parties in order to establish whether notification was still useful and, at the request of those Parties, sharing additional information with them after the construction of the Hinkley Point C nuclear power plant had commenced;

3. *Endorses* the Implementation Committee's finding that these steps do not remedy the breach of the Convention;

4. *Also endorses* the Implementation Committee's finding that no further action from the United Kingdom is required on the grounds that the potentially affected Parties have accepted the consultation process offered by the United Kingdom at the current stage of the activity and on the understanding that, in future, it will provide notification of planned nuclear power plants in accordance with the Convention;

5. *Invites* the United Kingdom to continue discussions with any Party that requests additional information on the activity at Hinkley Point C;

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<sup>1</sup> See ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27. See also draft decision VII/2 (ECE/MP.EIA/2017/8).

<sup>2</sup> ECE/MP.EIA/6, annex II.

<sup>3</sup> ECE/MP.EIA/IC/2016/2, annex.

<sup>4</sup> ECE/MP.EIA/2017/4-ECE/MP.EIA/SEA/2017/4, paras. 81–85.

<sup>5</sup> ECE/MP.EIA/IC/2017/4, paras. 38–42.

<sup>6</sup> ECE/MP.EIA/IC/2017/6, paras. 39–41.

<sup>7</sup> ECE/MP.EIA/IC/2018/2, paras. 51–56.

<sup>8</sup> ECE/MP.EIA/2018/IC/4, paras. 42–45.

6. *Urges* the United Kingdom to ensure that the Convention is applied in the context of any future decision-making regarding planned nuclear power plants, including by sending timely notifications.

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