

## **REVISION PROPOSALS BY UKRAINE** (received on 18.11.2020, 9.30 p.m.)

The proposals to the operative paras. 1-5 apply in case no consensus by Parties to approve the guidance

### **Draft decision VIII/6**

#### **Applicability of the Convention to the lifetime extension of nuclear power plants**

*The Meeting of the Parties to the Convention,*

*Recalling its decision VII/3–III/3<sup>1</sup> on adoption of the workplan,*

*Reiterating that the Convention on Environmental Impact Assessment in a Transboundary Context is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environmental impact from proposed activities that include nuclear energy,*

*Aware that many Parties are currently considering extending the lifetimes of their existing nuclear power plants,*

*Aware also of the public concern regarding the potential significant transboundary [and long-range] adverse environmental impacts of the lifetime extension of the existing nuclear power plants in the United Nations Economic Commission for Europe region, and of the public's wish to participate in the related decision-making process,*

*Affirming the prime importance of the precautionary principle, early and timely notification and transparent and participatory decision-making for the effective application of the Convention,*

*Affirming also the need for legal certainty for the effective application of the Convention, through ensuring the clarity of its obligations and their scope,*

*Affirming the principle of States' sovereign equality before the international law and recalling that in addition to equal rights, states also have the duty to comply fully and in a good faith with their international obligations.*

*Recalling paragraphs 68-70 of its decision VI/2 and its decision IS/1g requesting one Party to apply the Convention to lifetime extension of its nuclear power plant;*

*Recognizing that a significant adverse transboundary impact from any lifetime extension or a long-term operation of nuclear power plants cannot be excluded;*

*Reiterating that it is essential for Parties to meet fully their obligations deriving from the Convention, and therefore urging them all to do so,*

*Noting plans of a number of Parties to extend in the next intersessional period lifetime of a larger number of nuclear power plants in the UNECE and the wish of a number of potentially affected Parties and their public to participate in the transboundary procedures under the Convention;*

*Wishing to assist Parties in complying with their obligations under the Convention, and to promote its effective application in the field of nuclear energy, in particular as regards the lifetime extension of nuclear power plants,*

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<sup>1</sup> See ECE/MP.EIA/23.Add.1–ECE/MP.EIA/SEA/7.Add.1.

*Wishing also to support the work of the Implementation Committee in assessing compliance by Parties with their obligations under the Convention regarding the lifetime extension of nuclear power plants that the Committee for a number of year is unable to conclude in absence of a Guidance,*

1. *Notes the work carried out [~~Welcomes the development of draft guidance~~] by an ad hoc working group of Parties to the Convention co-chaired by Germany and the United Kingdom of Great Britain and Northern Ireland and composed of representatives of Armenia, Azerbaijan, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechia, Finland, France, Germany, Greece, the European Union, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland and Ukraine, and supported by the secretariat;*

2. *Regrets that the Conventions' Parties failed to agree on the Guidance containing general principles on the application of the Convention to lifetime extensions of nuclear power plants;*

3. *Requests the Parties in absence of the Guidance to apply the Convention provisions to all lifetime extensions of nuclear power plants with the view to ensure non-discriminatory application of provisions of the Convention by all the parties to similar activities.*

~~[2. — Endorses the Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants (ECE/MP.EIA/2020/9);~~

~~3. — Recommends that the Parties take into account the contents of the Guidance when implementing the Convention;~~

~~4. — Also recommends that the Implementation Committee consider the Guidance when performing its functions;~~

~~5. — Calls on the Parties to widely disseminate the Guidance to authorities and relevant stakeholders.]~~

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