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Eighth session

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Items 3 (b) and 8(b) of the provisional agenda

Outstanding issues: draft decisions by the Meeting of the Parties to the Convention

**Adoption of decisions: decisions to be taken by the Meeting of
the Parties to the Convention**

Draft decision VIII/4e on compliance by Ukraine with its obligations under the Convention in respect of extension of the lifetime of the Rivne nuclear power plant

Prepared by the Implementation Committee

Summary

The present document contains draft decision VIII/4e on compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of the Rivne nuclear power plant. It was finalized by the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment at its forty-eighth session (Geneva, 1–4 September 2020) having taken into account information and comments provided by the Parties concerned in advance of that session and the comments provided by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during and after its ninth meeting (Geneva, 24–26 August 2020).

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



The Meeting of the Parties to the Convention,

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

Recalling also its decisions VI/2, paragraphs 68–71,¹ and IS/1g² concerning compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant,

Recalling further its decision VIII/4³ on general issues of compliance with the Convention adopted at the intermediary session (Geneva, 5–7 February 2019),

Having considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its eighth session, in particular, the section concerning the steps taken by Ukraine further to decision IS/1g,⁴

1. *Notes* that Ukraine submitted information concerning the ongoing transboundary environmental impact assessment procedure with regard to the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant, but expresses concern that, in 2019, Ukraine did not submit an annual report on its implementation of decision IS/1g further to paragraph 9 of that decision;

2. *Welcomes again* the adoption by Ukraine of the Law on Environmental Impact Assessment and related secondary legislation establishing legal provisions for the transboundary environmental impact assessment in accordance with the Convention, including for the extension of the lifetime of nuclear power plants;

3. *Expresses concern*, however, that not all the pieces of the secondary legislation developed to fully align the national legislation of Ukraine with the Convention have been adopted;

4. *Welcomes* some steps taken by Ukraine further to decision IS/1g, but expresses concern that Ukraine has not yet fully complied with that decision and that the transboundary environmental impact assessment procedure under the Convention with respect to the activity has not yet been completed;

5. *Endorses* the findings of the Implementation Committee at its forty-eighth session (Geneva, 1–4 September 2020) that, despite the positive steps taken, Ukraine has not yet fulfilled all its obligations referred to in paragraphs 4, 7 (a), (b) and (c) and 8 of decision IS/1g and that, therefore, it remains in non-compliance with its obligations under the Convention;

6. *Reaffirms* its decisions VI/2 and IS/1g and requests the Government of Ukraine to:

(a) Ensure the adoption of the remaining secondary legislation to complete the alignment of its national legislative framework with the Convention;

(b) Complete the transboundary environmental impact assessment procedure regarding the activity with the affected Parties that wish to participate in that procedure, including Austria, Belarus, Hungary, Poland, Romania and Slovakia, by:

(i) Concluding consultations with authorities of the affected Parties based on the environmental impact assessment documentation as set out in article 5 of the Convention, and finalizing the public participation procedure further to articles 3 (8) and 4 (2) of the Convention;

(ii) 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

¹ See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

² See ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1

³ [Symbol of the adopted decision].

⁴ See ECE/MP.EIA/2020/4–ECE/MP.EIA/SEA/2020/4, paras. 41–46.

impact assessment documentation and comments received from the affected Parties, further to article 6 of the Convention;

(iii) Providing the revised final decision to the affected Parties, along with the reasons and considerations on which it was based, as set out in article 6 (2) of the Convention;

(c) Provide the Implementation Committee, as soon as possible and no later than 1 April 2021, with a detailed timetable for implementing the steps foreseen in subparagraphs (a) and (b) above;

(d) Report by the end of each year to the Implementation Committee on the steps taken to complete the transboundary environmental impact assessment, ensuring that the report contains relevant corroborating information, including copies of the correspondence with the Parties concerned;

7. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its ninth session on compliance by Ukraine in respect of the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant.
