

## **Draft guidance on the applicability of the Espoo Convention to the lifetime extension of nuclear power plants<sup>1</sup>**

Working Group on EIA and SEA, Ninth meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment

Remarks from Christiana Maria Mauro on behalf of Nuclear Transparency Watch, 25 August 2020

As a general comment, Nuclear Transparency Watch wishes to take this opportunity to inform the ad-hoc group that it recognizes the exceptional work of its Co-Chairs. The sheer number of cases of non-compliance demonstrates the urgency of terminological clarification; the need for guidance is pressing for the Member States and for the work of the Implementation Committee alike.

We would like to stress that it is clearly to the benefit of all parties and stakeholders when decisions are informed by up-to-date environmental impact assessments. We especially wish to recall to your attention, with reference to the classification of NPP lifetime extensions, that the international case law is in no way ambiguous with respect to the fact that the extension of the operation of ultra-hazardous projects and installations necessarily entails transboundary impacts and triggers the initiation of transboundary environmental impact assessments and public participation obligations.

The Implementation Committee has offered unequivocal clarity on the matter in the *Rivne* case<sup>2</sup>, as did the Aarhus Convention Compliance Committee in its findings in the *Borssele, Netherlands* case<sup>3</sup>. In addition, the Belgian Constitutional Court<sup>4</sup>, the European Court and the European Court's Advocate General<sup>5</sup> have all reaffirmed the matter.

Under these circumstances, we find it unacceptable that some Member States appear to be, in breach of faith, stalling progress in an area that calls for immediate attention.

We note that a decision is urgently needed regarding Environmental impact assessments for the post-40 year operation of NPPs in France;

We recall to the working group that the transboundary environmental impact assessments for Belgium's Doel 1&2 have yet to begin, although the plants are operating beyond their designated lifetime without the environmental assessments and public consultations which were due to be finalised by 2022;

Poland recently initiated reforms to its Nuclear Energy Programme without the prescribed strategic impact assessment, and conducted an unacceptably short public consultation at the height of the holiday season, and only in the Polish

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<sup>1</sup> [www.unece.org/fileadmin/DAM/env/eia/documents/WG.9\\_2020/Informal\\_documents/Espoo\\_LTE-Guidance\\_WG-Draft\\_15.07.2020-clean.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/WG.9_2020/Informal_documents/Espoo_LTE-Guidance_WG-Draft_15.07.2020-clean.pdf)

<sup>2</sup> ECE/MP.EIA/IC/2018/4

<sup>3</sup> ACCC/C/2014/104

<sup>4</sup> Rolnummer 6328, Arrest nr.34/2020

<sup>5</sup> Case C-411/17

language, making it very difficult for potentially impacted citizens outside of the country to participate;

Furthermore, it has been reported that the Hungarian government is making available only one fifth of the estimated costs for decommissioning and nuclear waste disposal.<sup>6</sup> And in preparation for the extension of the lifetime of Hungary's four VVER 440 nuclear reactors, a review of the "domestic regulatory framework", including a "review of environmental permit legislation", is envisioned by the operators. The public procurement tender for the extension work suggests that the operator Paks Ltd explicitly envisages the possibility of extending its operation subject to modified conditions for obtaining environmental permits.<sup>7</sup>

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<sup>6</sup> [g7.hu/kozelet/20200809/a-paksi-atomeromu-leszerelesehez-szukseges-penz-otode-all-rendelkezesre/?fbclid=IwAR3eLPX62wDRxbolQrQd8XvxLeicleQ9cm76kygAQ0TTYcMCjFatmXgn2K0](https://g7.hu/kozelet/20200809/a-paksi-atomeromu-leszerelesehez-szukseges-penz-otode-all-rendelkezesre/?fbclid=IwAR3eLPX62wDRxbolQrQd8XvxLeicleQ9cm76kygAQ0TTYcMCjFatmXgn2K0) [9 Aug 2020]

<sup>7</sup> [greenfo.hu/hir/fiatalithatom/?fbclid=IwAR36SqmPDb0QbUtQvKLGfFohuwcAGQIT0jOI62LAI-A4dn\\_yMhB6IBzF0bqg](https://greenfo.hu/hir/fiatalithatom/?fbclid=IwAR36SqmPDb0QbUtQvKLGfFohuwcAGQIT0jOI62LAI-A4dn_yMhB6IBzF0bqg) [23 Aug 2020]