

## **Ukraine comments to the provisional agenda items and draft decisions for the meeting 24-26 August 2020**

### **6. (e) Draft guidance on the applicability of the Convention to the lifetime extension of nuclear power plants**

**1. Ukraine welcomes comprehensive work on the technical aspects of EIA for lifetime extension of NPP conducted.** There are remaining issues to be resolved, so we call Parties to intensify the work to finalize the document by MOP in December 2020.

**2. We believe that the Convention should equally apply to all Parties.** Ukraine started its transboundary impact assessment procedure on Rivne NPP based on the decision of the Meeting of the Parties of the Convention. At that time all Parties agreed that there can be environmental impact from lifetime extension and took relevant decision. We then added the lifetime extension activity into EIA law, which now requires to apply EIA procedure to all relevant cases of NPP lifetime extension in Ukraine. We have been pioneers in the process, the transboundary EIA was conducted with acknowledgment of importance of exchange of information with the affected Parties and civil society organizations and public. Therefore, Ukraine does not see the basis why similar criteria should not apply to lifetime extensions of nuclear power plants by other parties.

**3. We believe that the Guidance should clearly define criteria for application of transboundary impact assessment procedure** for lifetime extension, and correspond at least to conditions applied to Ukraine. We therefore call for the guidance to be finalised and approved as soon as possible. Parties go on with the extension of their NPP. It is crucial that the Guidance is approved at the ninth session of the Meeting of the Parties in December. This is needed to ensure equal application of the Convention to similar activities that are likely to have significant transboundary impact.

**4. Requirement to Ukraine only to apply the Convention to its LTE should not create economic and administrative disadvantage to only one Party while other Parties still deliberate on the Guidance and go on with their extensions.** Ukraine has followed all the procedures on the transboundary EIA as required by the Meeting of the Parties, which has delayed planned activities.

**5. Convention as an international legal instrument should guide national legislation and not vice versa.** One of the aspects discussed is whether the Convention should apply in cases when the licence is given without time limit. But actually from formal point of view, there is no strict deadline in the license in Ukraine as well. The lifetime extension is done by a separate decision of the government. Each country might have its own system for decision-making process, that should not change or guide the nature of the process and the interpretation of the Convention.