

## **Meeting of Co-Chairs of the ad hoc Espoo/LTE Working Group with NGOs Representatives**

**17 June 2019, 11:00 to 13:00 at the premises of the**

**German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety in Bonn**

### **Participants**

#### In Person

Martina Palm (DE)

Monika Luxem-Fritsch (DE)

Alice Kinne (DE)

Jan Haverkamp, Greenpeace, representing the Nuclear Transparency Watch

#### By Phone

Lucy Tanner (Co-Chair, UK)

Christof Sangenstedt (Co-Chair, DE)

Patricia Lorenz, Friends of the Earth Europe (FOE)

### **Summary of Discussion**

The Co-Chairs gave an overview of the fifth and sixth meeting of the ad hoc Group on 25-26 March in Geneva and on 3-4 June 2019 in Lisbon, notes of which had been published on the UNECE website.

The Co-Chairs informed the NGOs that three drafting groups have been set up to better share the increasing workload of drafting the guidance. Each drafting group will be co-chaired by two delegates of different Parties and will report back to the full Group. The drafting groups will work on chapters for the guidance on “decision”, “major change” and “likely to cause a significant adverse transboundary impact”.

The NGO representatives thanked the Co-Chairs for their report on the current state of play. Views were exchanged on the issues discussed in the last two meetings. As a general remark, the NGO representatives emphasised that taking into account the spirit of the Convention, the term “decision” should be interpreted in a broad sense which includes informal decisions. It should be ensured that every decision of a regulator allowing a NPP to operate or to continue its operation should be based on a valid EIA. This EIA should cover the full time period for which an authorization to operate applies.

The NGO representatives also expressed their concerns about using the criteria of Appendix III of the Convention as a tool to determine the significance of impacts deriving from activities listed in Appendix I. In their view these criteria were deliberately limited to activities not listed in Appendix I. In cases of lifetime extension of a NPP, a screening according to Appendix III would not be required because the impact on the environment caused, e.g. by accidents beyond design base, would obviously be significant. The Co-Chairs replied that not every impact deriving from activities listed in Appendix I could be regarded as being significant per se. Potentially affected Parties would not only be interested in the impacts deriving from accidents but also on those of normal operation. A screening would therefore be helpful to get an overview of the various possible impacts and their relevance according to the Convention.

As concerns the meaning of “likely to cause” in article 3, para 1 of the Convention, the NGO representatives highlighted the importance of wide notification. Notification of an LTE should be made to all Parties which could be affected, including by accidents. Notified Parties should receive sufficient information to allow experts and the public to find out whether and in what respect they might be affected or not.

The NGO representatives proposed that the Group should also discuss possible differences and synergies between their guidance and the findings of the Aarhus Convention Compliance Committee (ACCC). The NGO representatives felt that the Group should try to find common solutions covering the requirements of both Conventions, where possible. Differences which cannot be reconciled should be flagged in the guidance. In response, the Co-Chairs remarked that the mandate of the group was to focus on the applicability of the Espoo Convention to the lifetime extension of NPPs and the expertise of its members was specifically in this area. Whilst the findings of the ACCC and others (e.g. the ECJ) would be taken into account, the Group’s primary aim was to provide guidance for the Espoo Implementation Committee.

The NGO representatives referred again to their previous proposal that a “stress test-exercise” of the future guidance should be carried out before its final adoption with a view to examining whether the guidance would work for the LTE cases currently pending with the Implementation Committee. The Co-Chairs remarked that they are planning to discuss this idea with the Chair of the Implementation Committee. It will also need to be discussed in the Group whether such an exercise could feasibly be accommodated within the given time frame.

The final point discussed was the organisation of a Workshop scheduled to take place on 2 December 2019 in Vienna. The Co-Chairs explained that it would not be possible to present parts of the draft guidance at that Workshop. However, the Group was considering giving a substantial outline of the state of its discussions on the three key topics – “decision”, “major change” and “likely to cause significant adverse transboundary impact”. Whilst the list of speakers to be invited is still under consideration, it will include representatives of the NGOs and of the Aarhus Compliance Committee. There was a common understanding that the number and length of presentations should be limited in order to allow sufficient time for discussions and an exchange of views on the three key topics mentioned above.

The Co-Chairs and the NGOs agreed to meet again shortly after the next meeting of the ad-hoc group in October in Rotterdam.