

Decision IX/4I on compliance by Ukraine with its obligations under the Convention in respect of the extension of the lifetime of Rivne nuclear power plant

The Meeting of the Parties to the Convention,

Recalling articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision VI/2, paragraphs 68–71¹ and decisions IS/1g² and VIII/4e³ concerning compliance by Ukraine in respect of the lifetime extension of reactors 1 and 2 of Rivne nuclear power plant,

Recalling further its decision IX/4 on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),⁴

Having considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning the steps taken by Ukraine further to decision VIII/4e,⁵

Considering with concern the war in Ukraine, being conscious of the ensuing difficulties for Ukraine to implement the Convention,

1. *Notes* the information provided by Ukraine further to paragraph 6 (c) of decision VIII/4e concerning the extension of the lifetime of reactors 1 and 2 of Rivne nuclear power plant, while regretting the incompleteness of that information and the overall unresponsiveness of Ukraine, which hindered the Committee's deliberations;

2. *Welcomes* the steps taken by Ukraine further to paragraph 69 of decision VI/2, in particular, the adoption of the Law on Environmental Impact Assessment in 2017 and, in 2020, the adoption of the related secondary legislation establishing legal provisions for the transboundary environmental impact assessment under the Convention for the extension of the lifetime of nuclear power units;

3. *Also welcomes* the steps taken by Ukraine to date to complete the transboundary environmental impact assessment procedure to reach full compliance with the Convention with respect to the activity, as requested in paragraph 6 (a) and (b) of decision VIII/4e, noting with concern, however, that it has thus far not fully completed the procedure under the Convention;

4. *Endorses* the findings of the Implementation Committee at its fifty-seventh session (Geneva, 29 August–1 September 2023) that, despite the positive steps taken, Ukraine has not yet fully fulfilled its obligations as referred to in decision VIII/4e,⁶

5. *Requests*, therefore, Ukraine to:

(a) Finalize the transboundary environmental impact assessment procedure with the Parties that still consider themselves to be affected, including, pursuant to article 6 of the Convention:

(i) Revising the final decision on the lifetime extension of reactors 1 and 2 of Rivne nuclear power plant, taking due account of the outcomes of the environmental impact assessment procedure, including the environmental impact assessment documentation and comments received from the affected Parties;

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

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

³ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

⁴ ECE/MP.EIA/2023/6.

⁵ ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

⁶ ECE/MP.EIA/IC/2023/8, para. 17.

(ii) Providing to the affected Parties the final decision, including the reasons and considerations on which it was based;

(b) Report, by the end of January 2024, to the Implementation Committee on the steps taken to finalize the transboundary environmental impact assessment;

6. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its tenth session on compliance by Ukraine with its obligations under the Convention in respect of the lifetime extension of Rivne nuclear power plant;

7. *Requests* Ukraine to ensure that the Convention is fully applied in the context of any future decision-making regarding lifetime extension activities of any of its nuclear power plants, including that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the last licence renewals are taken into account;

(c) Ukraine notifies, in accordance with article 3 (1) of the Convention, any Party that it considers may be affected.
