

**UNECE**

# **Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants**

**Convention on Environmental Impact Assessment  
in a Transboundary Context (Espoo Convention)**



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Geneva, 2021

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## NOTE

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UNITED NATIONS PUBLICATION
<i>e-ISBN 978-92-1-403016-4</i>

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## FOREWORD

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In the coming years, a large number of nuclear power reactors in the United Nations Economic Commission for Europe (ECE) region and beyond will reach the end of their originally envisaged operational lifetime of 30–40 years. Countries with ageing nuclear power plants will, therefore, need to consider whether to extend the lifespans of those power plants or to decommission them. Amongst the multiple factors influencing countries' decision-making in this respect are the growing energy needs of their populations, national interests, financial factors, nuclear safety and security, climate objectives and human health, environmental and sustainability considerations.

Government positions and policies vis-à-vis nuclear energy differ from country to country. Public opinion is also often divided on the question of nuclear energy, with large sections of the population having serious concerns, in particular regarding possible nuclear accidents and radioactive waste. Moreover, nuclear energy-related activities can lead to significant transboundary and long-range adverse environmental impacts. It therefore seems self-evident that Governments considering extending the lifetime of their nuclear power plants should not act in isolation, without first assessing the potential impacts of their planned action on other countries, and informing and consulting them and their public about such impacts.

The 1991 ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) is a key instrument establishing rules and procedures for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environmental impact from proposed activities, including in the field of nuclear energy. The Protocol on Strategic Environmental Assessment to the Convention ensures similar objectives for government plans and programmes. All Parties to the Convention and the Protocol that carry out nuclear energy-related activities are expected to do so in accordance with the two treaties, in a cooperative and consistent manner, ensuring early, timely and effective cross-border consultations and public participation, as well as transparent and participatory decision-making.

I welcome the present Guidance, which was developed to assist countries in the practical application of the Espoo Convention with respect to the lifetime extension of nuclear power plants, and to support the Convention's Implementation Committee in its deliberations on the numerous related compliance cases. After three years of challenging discussions and tireless work by an ad hoc working group, successfully led by Germany and the United Kingdom of Great Britain and Northern Ireland, the Guidance was adopted by consensus at the eighth session of the Meeting of the Parties to the Convention (Vilnius (online), 8–11 December 2020). The importance of the Guidance was also acknowledged by civil society participants.

I strongly encourage Governments and stakeholders to make use of the Guidance, in accordance with the Convention's purpose and objectives, as well as by the precautionary principle that underlies the Convention and its application.



**Olga ALGAYEROVA**

Executive Secretary

United Nations Economic Commission for Europe

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## SUMMARY

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The present Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants was prepared by an ad hoc working group co-chaired by Germany and the United Kingdom of Great Britain and Northern Ireland, as mandated by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (ECE/MPEIA/27/Add.1–ECE/MPEIA/SEA/11/Add.1, decision IS/2, para. 9), and reflecting the comments made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its ninth meeting (Geneva, 24–26 August 2020) (ECE/MPEIA/2020/9).

At its eighth session (Vilnius (online), 8–11 December 2020), the Meeting of the Parties to the Convention endorsed the Guidance, as amended, through its decision VIII/6. The present publication contains decision VIII/6 and the Guidance, as endorsed and edited.



## DECISION VIII/6

# Applicability of the Convention to the lifetime extension of nuclear power plants

*The Meeting of the Parties to the Convention,*

*Recalling* its decision VII/3–III/3<sup>1</sup> on adoption of the workplan,

*Reiterating* that the Convention on Environmental Impact Assessment in a Transboundary Context is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environmental impact from proposed activities that include nuclear energy,

*Affirming* that, in line with their obligations under articles 2 (2) and (3) and 6 (1) of the Convention, Parties shall have procedures in place providing for a final decision to authorize or undertake proposed activities that fall within the scope of the Convention, taking due account of the outcome of the environmental impact assessment,

*Aware* of the need to provide guidance to the Implementation Committee and to Parties that are currently considering extending the lifetimes of their existing nuclear power plants,

*Aware also* of the public concern regarding the potential significant transboundary (and long-range) adverse environmental impacts of the lifetime extension of the existing nuclear power plants in the United Nations Economic Commission for Europe region, and of the public's wish to participate in the related decision-making process,

*Affirming* the prime importance of the precautionary principle, early and timely notification and transparent and participatory decision-making for the effective application of the Convention,

*Affirming also* the need for legal certainty for the effective application of the Convention, through ensuring the clarity of its obligations and their scope,

*Reiterating* that it is essential for Parties to meet fully their obligations deriving from the Convention, and therefore urging them all to do so,

*Wishing* to assist Parties in complying with their obligations under the Convention, and to promote its effective application in the field of nuclear energy, in particular as regards the lifetime extension of nuclear power plants,

*Noting* that a lifetime extension of a nuclear power plants does not always fulfil the criteria for a proposed activity,

*Wishing also* to support the work of the Implementation Committee in assessing compliance by Parties with their obligations under the Convention regarding the lifetime extension of nuclear power plants,

**1.** *Welcomes* the development of draft guidance by an ad hoc working group of Parties to the Convention co-chaired by Germany and the United Kingdom of Great Britain and Northern Ireland and composed of representatives of Armenia, Azerbaijan, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechia, the European Union, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and Ukraine, and supported by the secretariat;

**2.** *Endorses* the Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants (ECE/MPEIA/2020/9);

**3.** *Recalls* its decision IS/2<sup>2</sup> and the wish to assist Parties in complying with their obligations under the Convention, to promote legal certainty and to provide guidance on the applicability of the Convention to the lifetime extension of nuclear power plants, the Guidance does not impose new obligations on Parties;

**4.** *Recommends* that the Parties take into account the contents of the Guidance when implementing the Convention;

**5.** *Also recommends* that the Implementation Committee consider the Guidance when performing its functions;

**6.** *Calls upon* the Parties to widely disseminate the Guidance to authorities and relevant stakeholders.

<sup>1</sup> See ECE/MPEIA/23/Add.1–ECE/MPEIA/SEA/7/Add.1.

<sup>2</sup> See ECE/MPEIA/27/Add.1–ECE/MPEIA/SEA/11/Add.1.







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