

Statements on behalf of ÖKOBÜRO; 8th Meeting of the Parties to the Espoo Convention

9 December 2020

ÖKOBÜRO welcome the approval of Decision VIII/6 and the Guidance on the applicability of the Convention on the Lifetime Extension of Nuclear Power Plants as an important tool for the Implementation Committee to proceed with the numerous pending cases. We would like to thank the members of the ad hoc group for their work in drafting the Guidance to be adopted at the high level segment of this Meeting of the Parties.

As there has already been a decision regarding the lifetime extension of one nuclear power plant which was considered to be a proposed activity, it is clear that the Convention is applicable to cases with a similar likelihood of adverse environmental impact in order not to be discriminatory. The pertinent passages of Decision VI/2 must therefore be applied equitably in other cases of lifetime extension.¹

After all, the Convention stresses in its Preamble, ***“the need to give explicit consideration to environmental factors at an early stage in the decision-making process by applying environmental impact assessment, at all appropriate administrative levels, as a necessary tool to improve the quality of information presented to decision makers so that environmentally sound decisions can be made paying careful attention to minimizing significant adverse impact, particularly in a transboundary context”***.

In this regard we also welcome the emphasis on the precautionary principle as well as the principle of sustainability embedded in the Guidance.

We regret that a clear definition of what can be understood as lifetime extension has not been included in the guidance text. But all the more it is essential that the guidance clarifies (in its paragraph 37) that lifetime extension of nuclear power plants is within the scope of the Convention.

In this regard the affirmation in Decision VIII/6 that, “in line with their obligations under article 2 (2) and (3) and article 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,” is imperative.

Regarding the scope of applicability, we would like to note that, although the Convention does not apply retrospectively, it is very well applicable to major changes of activities, be it within the scope of an already existing license or authorization or not.

The applicability of the Convention does not only imply the obligation to notify affected Parties, but also to conduct an environmental impact assessment procedure that permits public participation. In this regard we consider the guidance as a huge success not only for international relationships and collaboration, but also and especially from the perspective of civil society.

¹ For further information see ÖKOBÜRO / Resource & Analysis Center „Society and Environment“ (2020) *Lifetime Extensions on Nuclear Power Plants – Analysis of Legal Aspects*, available at https://oekobuero.at/files/456/oekobueroracse_legal_analysis_lte_final.pdf.