



Council of the
European Union

Brussels, 14 January 2021
(OR. en)

5244/21

ENV 21
ONU 6

NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Espoo Convention:
Eighth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and Fourth session of the meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment (virtual, 8-11 December 2020)
- Information from the Presidency and the Commission

Delegations will find in the Annex, for information, a summary report from the German Presidency and the Commission on the outcome of the abovementioned meeting.

Espoo Convention:

**Eighth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and Fourth session of the meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment
(virtual, 8-11 December 2020)**

- Information from the Presidency and the Commission -

Summary

The 8th session of the Meeting of the Parties to the Espoo Convention (MOP 8) and the 4th session of the Meeting of the Parties to the SEA Protocol (MOP/MOP 4) took place on 8-11 December 2020, in remote format, hosted by Lithuania. The most sensitive item on the agenda concerned the applicability of the Espoo Convention to nuclear activities, in particular to the lifetime extension of nuclear power plants. Based on Parties' decisions from previous MOPs, and following several years of intensive preparatory work, the Parties adopted guidance on the applicability of the Convention to the lifetime extension of nuclear power plants and a related decision.

In addition to this guidance, the outcomes of the MOP include, inter alia, a high-level declaration (the so-called "Vilnius Declaration") marking the 30th anniversary of the Espoo Convention, the first long-term strategy and action plan for the Convention and the Protocol, compliance decisions (some of them touching nuclear activities), as well as decisions on the budget and financial arrangements. All items on the agenda were adopted by consensus.

The Prime Minister of Lithuania, Ms Ingrida Šimonytė, opened the MOPs high-level segment. Commissioner Sinkevičius and State Secretary Jochen Flasbarth, representing the German Presidency, addressed the meeting on behalf of the EU and its Member States.

During the MOP, a high-level event was organised to celebrate the 30th anniversary of the Convention.

Main outcomes

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

The Parties to the Convention adopted guidance on the applicability of the Convention to the lifetime extension of nuclear power plants. The objective of the guidance is to clarify whether and in what circumstances lifetime extensions of nuclear power plants require a transboundary environmental impact assessment in accordance with the Convention. The guidance document is in line with the EU legislation. It aims to ensure the high level of protection and improvement of the quality of the environment according to Article 3(3) of the Treaty of the European Union and is based on the precautionary and prevention principles, laid down in Article 191 (2) of the Treaty on the Functioning of the European Union. Furthermore, the guidance document is in line with the EIA Directive and the case law of the Court of Justice of the European Union, in particular Case C-411/17.¹

The guidance aims to assist the Parties in the practical application of the Convention when deciding to extend the lifetime of nuclear power plants and to support the Implementation Committee in reviewing compliance by Parties with their obligations under the Convention in such cases.

¹ Judgment of 29 July 2019 *Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen*, C-411/17, ECLI:EU:C:2019:622.

The Vilnius Declaration

The declaration confirms the important contribution of the Convention and its Protocol to improving environmental governance, transparency and decision-making. It acknowledges the role of the two instruments for achieving a healthy and green recovery from the COVID-19 pandemic by carrying out a prior assessment of the significant environmental, including health, effects of activities, as well as of plans and programmes. The Parties stressed that the two instruments effectively enhance international cooperation and sustainable development, and committed to further strengthening the application of the Convention and the Protocol with a view to making full use of their potential for addressing new and emerging national, regional and global challenges and goals.

Long-term strategy and action plan

The Parties adopted the first long-term strategy and action plan for the application of the Convention and the Protocol in the coming 15 years. By building on the many strengths of the two treaties, the strategy should help to address the challenges of their successful future implementation. The Parties decided to implement the strategy and the action plan through actions included in the workplans and decisions by the Meeting of the Parties and to regularly assess progress made.

Financial Arrangements

The Parties also adopted the financial arrangements for 2021-2023. In order to address the insufficiency, unpredictability and unequal distribution of the financial contributions of the Parties, observed in the past, the scheme adopted is based on the principle that all Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.

