



Minister
Oleh Proskuryakov
Ministry of Ecology and Natural Resources
35 Urytskogo Street
03035 Kiev
UKRAINE

Vienna, 16.01.2013

BMLFUW-UW.1.4.2/0004-V/1/2013

Dear Minister Proskuryakov,

According to Art. 3 Espoo Convention Austria has asked the Ukraine for notification of the construction of power units 3 and 4 of the nuclear power plant Khmelnytsky on 10 March and again on 25 July 2011. Finally, Austria has received the notification on 21 October 2011. Austria expressed its intention to participate in the Espoo procedure according to Art. 3 Espoo Convention on 24 October 2011.

On 31 July 2012 Austria received two documents in English; the "Information and Analytical Survey of the Materials Khmelnytska NPP. Feasibility Study of Power Units 3,4 Construction (IAS)" and "Khmelnytska NPP Feasibility Study of Power Units 3,4 Construction, Volume 13 Environmental Impact Assessment Report (OVOS), part 14 Assessment of the transboundary transfer consequences under normal and emergency conditions."

In a letter from 6 August 2012 Austria has asked the Ukraine to submit the full EIA report since the IAS in section 10 gives only an overview of the OVOS and part 14 of Volume 13 deals only with the transboundary effects. According to the Espoo Convention the complete EIA report has to be submitted to the affected countries. Finally, the full EIA report was submitted by the Ukraine on 17 September 2012 in Russian.

In September 2012 Austria was informed that the Verkhovna Rada of Ukraine adopted the Act on location, design and construction of the energy units 3 and 4 of the nuclear power plant Khmelnytsky. The act seems to authorise the construction of power units 3 and 4 of the Khmelnytsky nuclear power plant.

Austria would like to stress that the transboundary procedure is still on-going and has not been completed by now. The public participation procedure according to Art. 4, the consultations according to Art. 5 and the consideration of the outcome of the transboundary procedure in the final decision according to Art. 6 Espoo Convention have not been carried out so far.




The Ukraine is kindly requested to provide explanations in which national legal framework the transboundary procedure according to the Espoo Convention will be carried out, especially how the outcome of the transboundary procedure will be considered according to Art. 6 Espoo Convention.

Austria expects the Ukraine to provide satisfactory information until 28 February 2013. Austria will be forced to undertake legal steps if conformity with the Espoo Convention cannot be established. A copy of this letter is also forwarded to the Chair of the Implementation Committee of the Espoo Convention and to the European Commission.

With kind regards,

On behalf of the Minister:
Dr Ursula Platzler-Schneider

Electronically signed.

Signaturwert	RV9CBkj9Lo8BTjoGD0IKRw4BBAx3r17wfa1SiGqokv6tTJ2tF29sNNtjauXvq9oP9UM esSRIDhRN2toXezFkmGVSeJCHHr1dypNb4ki3ctxCaV7hZ4uiF7Cy373CZs5dyYENkD 9BXR0w6y5jUPH2M5Nhf9z2tV969gFVHUENnVs=	
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