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ECONOMIC COMMISSION  
FOR EUROPE

**IMPLEMENTATION COMMITTEE**  
**CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

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Ref. EIA/IC/INFO/10

17 December 2013

Dear Mr. Tarasenko,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991).

At its twenty-ninth session that was held in Geneva from 10 to 12 December 2013, the Committee continued its consideration of the information it had gathered further to the information provided by a Belarusian non-governmental organization regarding the planned construction of nuclear reactors 3 and 4 at the Khmelnytskyi nuclear power plant (KhNPP) in Ukraine, close to the border with Belarus. The Committee reviewed the clarifications received from the Governments of Ukraine, Austria, Hungary, Poland, Republic of Moldova, Romania and Slovakia, in response to the Committee's letters of 12 September 2013.

The Committee took note of the notification of potentially affected Parties and the initiation of transboundary procedures. It agreed that it would continue its consideration of the matter at its next meeting.

I am now writing to the Government of Ukraine to request for the following further clarifications and information in English:

(a) Information on the progress of the transboundary environmental impact assessment (EIA) procedure in accordance with the Convention (public participation and consultations).

Mr. Alexandr Tarasenko  
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(b) An English translation of the legal provisions giving authority to the Cabinet of Ministers to take the final decision on the proposed activity (as opposed to article 2 of Law 2861 giving authority on the decision-making to the Parliament). The Committee requests for this clarification subsequent to Ukraine's reply to the Committee of 7 November 2013 stating that: "Once the Parliament adopts the law on siting, designing and construction of the proposed activity, the EIA of construction of the nuclear installation or a radioactive waste management facility completed within the feasibility study is adjusted to a comprehensive expert review. Subject to positive conclusions, the project is then approved by the Cabinet."

(c) A copy of the English translation of the Law No. 5217-VI on location, designing and construction of KhNPP reactors 3 and 4, adopted by the Parliament on 6 September 2012.

(d) Can the decision by the Cabinet of Ministers change the parameters for the activity or its location, as defined in Law No. 5217-VI?

(e) A copy of the letter, including materials, of 6 April 2012 (No 7123/10/10) sent by Ukraine to potentially affected Parties (Belarus, Hungary, Poland, Republic of Moldova, Romania, and Slovakia).

(f) Copies of the notifications, including supporting documentation, Ukraine sent in 2010 to potentially affected Parties (Belarus, Hungary, Poland, Republic of Moldova, Romania, and Slovakia) about the project.

(g) How does Ukraine fulfil the requirements under article 2, paragraph 6, article 3, paragraph 8, and article 4, paragraph 2, of the Convention, with respect to its obligation as a Party of origin to ensure public participation for the public likely to be affected in the affected Party?

(h) How does Ukraine consider that the content of the EIA documentation is compliant with Appendix II to the Convention, for instance in respect of the description of the locational alternatives and the non-action alternative, if the local executive body within the jurisdiction of which the activity will take place has already taken a decision on the location of the activity and a contract with the project developer has been signed?

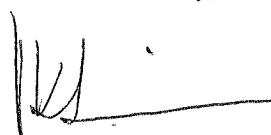
(i) How and when did Ukraine inform its own public about the proposed activity?

(j) Information about the public participation in Ukraine in May 2011 and whether Ukraine informed the potentially affected Parties about the public hearing;

(k) Further to the information provided by one source of information to the Committee, that the planned activity may not be implemented, please clarify whether the implementation of the activity will be pursued by Ukraine.

You are kindly requested to provide the information to the secretariat by no later than 14 February 2014, for the Committee to consider at its next session.

Yours sincerely,



Vesna Kolar Planinšič  
Chair, Implementation Committee,  
Convention on Environmental Impact Assessment  
in a Transboundary Context