

Response to the questions of the Implementation Committee under the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, EIA/ICI/INFO/10 of March 14, 2014

- a) “Procedure for approval and expert review of construction designs” was approved by the Cabinet of Ministers of Ukraine, decree No 560 of May 11, 2011.
According to Article 117 of the Constitution of Ukraine, the decrees of the Cabinet of Ministers of Ukraine constitute subordinate legislation and are binding.
- b) Decisions of the Cabinet of Ministers of Ukraine can’t deteriorate parameters of an activity or its location, as specified in the Law of Ukraine “On Siting, Designing and Construction of Power Units 3 and 4 of Khmelnytskyi Nuclear Power Plant” No 5217-VI of September 6, 2012. Decisions of the Cabinet of Ministers of Ukraine are intended to implement the requirements of the Law; they can particularize its provisions and define a mechanism for their implementation. In its decision, the Cabinet of Ministers of Ukraine will approve the construction design of the power units, which shall include a safety substantiation to demonstrate its safe implementation at the site and receive a positive conclusion of the comprehensive state expert review.
- c) In any decision-making process, including with regards to implementation of the final decision as specified in Law No 5217, Ukraine shall take account of the EIA results.
- d) According to the official information obtained from the site of the Supreme Council of Ukraine (Verkhovna Rada of Ukraine), there are no registered proposed laws regarding the cancellation of the Law of Ukraine “On Siting, Designing and Construction of Power Units 3 and 4 of Khmelnytskyi Nuclear Power Plant” No 5217-VI of September 6, 2012.

g), h), i) The press release on public consultation process regarding construction of Khmelnytsky NPP Units 3, 4 was issued and published on the web-site of Energoatom.

Following the decisions of the local executive authorities and local governments of Rivne and Khmelnytsky oblasts, from **May 11 to May 30, 2011** there were **14 public hearings** held in towns and villages of the control area of Khmelnytsky NPP in which **3776** persons took part, including **1328** persons in Rivne oblast and **2448** persons in Khmelnytsky oblast.

Throughout the consultation phase there have been an office in Kyiv and 11 public reception offices working in the towns and villages in the control area of KhNPP.

In addition to the questions, comments, proposals that were asked orally at all public events (briefings, public hearings, panel discussions) they were also received in written throughout the consultation process.

The questions, comments and proposals were received:

- At all public hearings (in the form of written messages of participants);
- At central office and public reception offices established in the towns and villages of control area of KhNPP that have been working throughout the public consultation process;
- By e-mail to the address of the central office;
- By regular mail to the address of the Ministry of Energy and Coal Industry, SE NNEGC “Energoatom”, SE “AtomProjectEngineering”, Khmelnytsky NPP, etc.

After the received materials had been summarized a list of summarized questions, proposals and comments was issued and substantiated expert answers were given which were presented in the “Book of Questions and Answers on Construction of Khmelnytsky NPP Units №3 and №4” that was published on the web-site of Energoatom and provided to all parties concerned.

As for informing the neighbouring countries of the public hearings, the Ministry of Ecology and Natural Resources by its letter ref.8850/15/10-11 dd. May 13, 2011 provided the Ministry of Energy and

Coal Industry with the copies of the letters of consent of the neighbouring countries to participate in the EIA procedure.

SE NNEGC “Energoatom” had processed the copies of the answers and submitted a draft letter (ref. 8409/46 dd. June 17, 2011) addressed to the neighbouring countries regarding their participation in the EIA procedure to the Ministry of Ecology and Natural Resources.

In compliance with the Espoo Convention, since 2011 SE NNEGC “Energoatom” has been working on preparation of the answers to the questions of the countries concerned. All the questions and comments received in the framework of environmental impact assessment in a transboundary context have been given qualified answers.

In August-September 2013 NNEGC “Energoatom” together with representatives of the Ministry of Ecology and Natural Resources of Ukraine held expert consultations pursuant to the Espoo Convention **with the countries that expressed interest in such consultations**. Representatives of Poland (Aug.22, 2013), Austria (Aug. 28, 2013) and Hungary (Sept.2, 2013) participated in the expert consultations on compliance with Article 5 of the Espoo Convention with regard to construction and operation of Units 3, 4 of Khmelnytsky NPP.

During consultations we were asked about holding the legislative procedures in compliance with the Convention, construction, available infrastructure, etc., and our experts gave informed answers.

The Final Report based on the consultations’ results was issued that covered the measures on informing the neighbouring countries in a transboundary context. The Report was published on the website of SE NNEGC “Energoatom”, in the Ukrainian language version, in the Section “Activities/Constructing/Project “Construction Unit KNPP-3, 4/ “Report on Informing the Neighbouring Countries about Possible Transboundary Impact during Construction of Unit 3, 4 of Khmelnytsky NPP to Fulfil the Requirements of the Espoo Convention”.