



Our Ref: 03-08/1209

Date: 27 February 2015

**Subject:** Information on the progress of the transboundary environmental impact assessment procedure regarding the Khmelnytskyi nuclear power plant

Dear Mr. ZAHARIA,

With reference to your letter EIA/IC/INFO/10 Khmelnytskyi nuclear power plant of 24 December 2014 please be informed that during the period 2011-2013 the Ministry of Environment of the Republic of Moldova has carried out active correspondence with the Ministry of Environment and Natural Resources of Ukraine, as a part of the transboundary environmental impact assessment procedure regarding the construction of the nuclear reactors 3 and 4 at Khmelnytskyi nuclear power plant.

Below please find a brief description of the correspondence held, in a chronological order:

Country	No and date of issue	No and date receipt by MoE through official channels	Content of the letter	Comment of the Republic of Moldova
Ukraine	No. 28524/15/... of 22/12/2010	No. 118-c of 24/01/2011	Notification on planned activity containing: <ul style="list-style-type: none"> <li>- General information on the proposed activity</li> <li>- Request to present a response until 31.01.2011, mentioning whether RM intends to participate in transboundary EIA procedures</li> <li>- Request to provide information related to the potentially affected environment, being under RM jurisdiction (according to Art. 3, p. 6)</li> </ul>	If considering that the letter was officially received by Moldovan MoE on 24/01/2011, the indicated deadline for the response was too short.
RM	No. 03-06/137-1 of 28/01/2011	-	Confirmation of intention of the RM to participate in transboundary EIA procedures. <p>Attention has been drawn on the following aspects:</p> <ul style="list-style-type: none"> <li>- Limited time-frame for the provision of a reply on</li> </ul>	

			<p>notification</p> <ul style="list-style-type: none"> <li>- Lack of official contact person on this issue</li> <li>- Requested information according to Art. 3, p. 6 will be sent later</li> <li>- Contact person form the RM has been assigned</li> </ul>	
RM	Providing information to the public			
RM	No. 03-06/352 of 04/03/2011	-	<ul style="list-style-type: none"> <li>- Requested information according to Art. 3, p. 6</li> <li>- Request for a schedule for EIA procedures</li> <li>- Request for a contact person who would coordinate transboundary EIA procedures</li> </ul>	
Ukraine	No. 21804/16/10-11 of 08/11/2011	No. 2605 of 26/12/2011	<p>Relevant information on the proposed activity:</p> <ul style="list-style-type: none"> <li>- Notification to the affected Party according to the art. 3</li> <li>- Brochure on informational and analytical review of materials</li> </ul>	
Ukraine	No. 7126/10/10-12 of 06/04/2012	No. 1113-c of 23/05/2015	<p>Documentation on EIA submitted for consideration:</p> <ul style="list-style-type: none"> <li>- Feasibility study on construction of the nuclear reactors 3 and 4 at Khmelnytskyi nuclear power plant (Volume 13 "EIA", Part 14 "Assessment of consequences of transboundary pollution for normal and emergency operation modes)</li> <li>- Brochure on Informational and analytical review of materials</li> </ul>	
RM	No. 03-07/901 of 30/05/2012		RM confirmed the receipt of documents and asked to provide the deadline for the submission of RM comments or objections, mentioning that according to the	

			national legislation there are 60 days foreseen for this purpose.
RM			<ul style="list-style-type: none"> <li>- Distributed the documents to relevant authorities for consultation (Ministry of Economy, Ministry of Health, National Agency for Nuclear and Radiological Activity, State Environmental Inspectorate )</li> <li>- Informed the public on consultation process and the availability of EIA documents at Environmental Informational Center under the MoE</li> </ul>
RM	No. 03-06/1184-1 of 12/07/2012	-	<p>RM stated that <b>conclusions of the EIA made by Ukraine cannot be applied to the RM</b> because none of the documents provided as “EIA documentation” is considering Republic of Moldova as affected party. Also documents do not contain calculations on transboundary movement of nuclear emissions, chemical pollutants and no information on likely transboundary impact on environment and human health in the RM is provided. The EIA documents provide such calculations for Poland and Belarus. The <b>RM requested Ukraine to complete EIA documentation</b> with data and calculations on the likely transboundary impact environment and population’s health of the RM.</p>
Ukraine	.....	No. 2413 of 15/11/2012	<p>Provided reply to RM, referring that calculations were made based on the IAEA methodology and Ukrainian legal acts and only for geographically closest countries.</p>
RM	20/11/2012		<p>Moldovan NGO “Gutta Club National Center for Children and Youth” provided comments on EIA documentation and requested the President and the Prime-Minister of Ukraine (Copy to MoE and MFA of Ukraine ) to:</p> <ul style="list-style-type: none"> <li>- comply with international provisions and make an unbiased assessment of the object impact on the territory and population of the RM</li> <li>- Take measures to organize public hearings jointly with Moldovan MoE according to provisions of Espoo Convention</li> <li>- Stop any activities related to construction of additional nuclear reactors until completion of the assessment of the object impact on the territory and population of the RM and organization of public hearings.</li> </ul>
Ukraine	No.	No. 971-c of	Replied on the comments of

	4901/13/10-13 of 21/03/2013	26/04/2013	Moldovan NGO "Gutta Club". Offered to conduct consultations according the art. 5 of the Espoo Convention and to select the most convenient way for conducting of consultation. Also, proposed to organize meetings with experts or officials in Kiev in May 2013.	
RM	No. 03-06/836 of 16/05/2013	-	Accepted the proposal to conduct consultations, mentioning the fact that there is a high interest of a considerable number of national public authorities and NGOs to participate. Also, referring to Moldovan legislation, it has been expressed that the party of origin has the responsibility to organize consultations on the territory of the affected party at least once during the EIA process, in this way proposing to organize consultations in Chisinau.	
Ukraine	No. 10033/13/10-13 of 01/07/2013	No. 1631 of 19/07/2013	Proposed to conduct consultations with experts in Kiev in August 2013.	
RM	No. 03-06/1234 of 19/07/2013		Explained that the reason for accepting to conduct consultations was the incomplete EIA documentation and the necessity to clarify the missing aspects.  Insisted that the responsibility of organizing consultations lies on the party of origin, invoking the provisions of the art.6 of Aarhus Convention and art. 5 of Espoo Convention.  Expressed hope that the party of origin will look for possibilities to organize in whatever form the consultations with the RM before the final decision on construction of additional nuclear reactors is taken.	
Ukraine	No. 1381/13/10-13 of 20/09/2013		Objected that the Espoo Convention does not indicate the territory where consultations should be conducted.	

			<p>Proposed once again to conduct consultations by teleconference, emails or exchange of official letters and set up deadline on 01.11.2013. If RM will not participate in expert consultations in the indicated time-frame, Ukraine will consider the consultations terminated with RM.</p> <p>Invoked that Espoo Convention asks for reasonable terms for EIA procedures and does not allow blocking national activities.</p>	
RM	No. 03-07/1985 of 30/10/2013		<p>Expressed that the RM does not have the intention to block the initiative of Ukraine, and considers a continuation of consultations.</p> <p>It mentions that Ukraine, as the Party of origin did not conduct consultation with the public of the affected party, the RM. This task has been undertaken by the MoE of RM and the Ukrainian party has been informed accordingly.</p> <p>Also, it was mentioned that the documentation provided by the Party of origin is not complete, as regulated by the Espoo Convention.</p> <p>In the framework of a bilateral consultation, the following question were raised:</p> <ul style="list-style-type: none"> <li>-whether in the assessment of the impact on the population, the climate change and the temperature rise have been take into consideration;</li> <li>-whether the meteorological scenarios where radioactive releases could affect the RM, were studied and what is their conclusion;</li> <li>- it the documentation it is mentioned that technologies that are to be used for the transportation and storage of the nuclear fuel are those used 40</li> </ul>	

			<p>years ago. The question is whether they are safe and effective;</p> <p>-it is mentioned that the lifetime of the Khmelnytskyi nuclear power plant is of 50 years. Considering that some of the objects were built in 1985-1986, a question of safety has been raised.</p> <p>In conclusion the hope to find a common ground and the necessity to comply with the provisions of the Espoo Convention was expressed.</p>	
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In conclusion, the Republic of Moldova ascertains lack of further correspondence and progress in conducting transboundary public participation and consultation procedures regarding the construction of the nuclear reactors 3 and 4 at Khmelnytskyi nuclear power plant.

Sincerely,



**Serghei PALIHOVICI**  
**Minister**

**To: Mr. Felix ZAHARIA**  
Chair of the Implementation Committee  
Espoo Convention and Protocol on SEA

**CC: Ms. Aphrodite SMAGADI**  
Secretary  
Espoo Convention and Protocol on SEA  
Environment Division - UN Economic Commission for Europe



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**PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT**

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Ref. EIA/IC/INFO/10 Khmelnytskyi nuclear power plant

24 December 2014

Dear Ms. Podoroghin,

Please find enclosed a letter from the Chair of the Implementation Committee of the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment.

Yours sincerely,

Aphrodite Smagadi  
Secretary  
Convention on Environmental Impact Assessment  
in a Transboundary Context and  
Protocol on Strategic Environmental Assessment

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