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COMMISSION ÉCONOMIQUE
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ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

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25 March 2013

Dear Mr Mormul,

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

I wish to inform you that at its twenty-seventh session, held in Geneva from 12 to 14 March 2013, the Committee continued its consideration of the reply from the Government of Ukraine received on 15 November 2011, to the Committee's letter of 7 September 2011, further to the information by a Ukrainian NGO regarding the planned extension of lifetime operation of two nuclear reactors at the Rivne nuclear power plant.

At its twenty-third and twenty-fifth sessions, the Committee had concluded that Ukraine had not applied the Convention in relation to the planned extension of the nuclear power plant and also that the extension of the life-time of a nuclear power plant, even in absence of any works, was to be considered as a major change to an activity and consequently subject to the provisions of the Convention.

On the above grounds, the Committee decided to begin a Committee initiative further to paragraph 6 of the Committee's structure and functions. In line with paragraph 9 of the Committee's structure and functions, the Committee decided to invite Ukraine to its next session, to participate in the discussion and to present the Committee with information and opinions on the matter under consideration.

With this letter I invite your Government to be represented at the next session of the Committee to be held in Geneva from 10 to 12 September 2013.

.../...

Mr. Mormul
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CC : Mr. Tretyak: t.o.tretyak@gmail.com; Mr. Buchko (vbuchko@menr.gov.ua)
CC: Mr. Marynyuk, NGO Ecoclub, office@ecoclubrivne.org

The Committee will start by considering the initiative in a closed session, followed by a brief presentation by Ukraine (not exceeding 20 minutes) and questions by the Committee. The Committee will then consider the initiative again in a closed session to draft its findings and recommendations.

You are kindly invited to provide written replies of Ukraine to the below questions and to be prepared to answer them during the hearing. These should be sent to the secretariat, in English, no later than by 31 May 2013. Please be aware that the questions might still be subject to modifications by the Committee and that additional questions could be asked during the hearing.

1. Has the extension of the lifetime of the Rivne NPP units 1 and 2 been subject to transboundary EIA procedure in line with the Convention?
2. In its response to the Committee of 15 November 2011, Ukraine referred to a report covering environmental impacts. Was this report subject to public participation in Ukraine? What are the contents of this report? Does it cover fully the requirements for the EIA report as set out in article 5 of the Convention and appendix II?
3. Which Parties could be possibly affected by the planned activity? Have any of these countries requested information regarding the project in question?
4. Will the Government of Ukraine implement the full transboundary EIA procedure as provided for by the Convention? Please describe the procedure and the time frame for its implementation steps.
5. When was the decision by the State Nuclear Regulatory Inspection of Ukraine to continue operating the NPP units taken?

Finally, I would also like to remind you of the rules 11 and 15 paragraph 4 of the operating rules of the Implementation Committee, which indicate the following:

“Rule 11

1. Generally, the Committee should not begin the formal discussion on a matter at any meeting that takes place before any requested reply has been received from the Party whose compliance is in question or the applicable deadline for replying has passed. [...]
2. When it is known that the Committee will discuss the matter of any submission at a particular meeting, the secretariat should notify the Parties involved that the matter will be discussed as well as of their right to participate in the discussion and to present to the Committee information and opinions on the matter under consideration.
3. Generally, the Parties involved should present any new substantial information to the Committee through the secretariat at least two weeks in advance of the meeting at which the matter will be discussed.”

“Rule 15, para. 4

4. Rules 11 to 14 should be applied, mutatis mutandis, in the case of a Committee initiative”.

You are kindly invited to provide the secretariat with a confirmation of your country's participation and the composition of your delegation well in advance to the session, in order to facilitate access to the Palais des Nations

Yours sincerely,



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