

**МІНІСТЕРСТВО ЕКОЛОГІЇ ТА
ПРИРОДНИХ РЕСУРСІВ УКРАЇНИ**

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**General Directorate for
Environmental Protection of
Republic of Poland**

The Ministry of Ecology and Natural Resources of Ukraine presents compliments to the General Director for Environmental Protection of Republic of Poland and has the honor to inform of the following.

In response to your letter dated **14.01.2013 DOOS.tos** – 442.9.2011.JA Ministry of Ecology and Natural Resources of Ukraine sends the answers to your comments.

We would like to use this opportunity to highlight the high level of previous cooperation between our countries and look forward for enhancing mutual efforts in the sphere of environmental protection.

**Sincerely
First Deputy Minister**

Mykola Romanov

On 06.09.2012 the Verkhovna Rada of Ukraine (Parliament) adopted Law No.5217-VI "On Siting, Designing and Construction of Units 3 and 4 of Khmelnytsky Nuclear Power Plant» whereby, under Article 2 of the Ukrainian Law "On the Procedure for Making a Decision on Siting, Designing and Construction of Nuclear Facilities and Installations Intended for Handling Radioactive Waste Which are of National Importance, a permission was granted for siting, designing and construction of power units 3 and 4 of Khmelnytsky NPP.

Thus, once Law № 5217-VI has come into force, its provisions should be fulfilled, specifically, the requirement set forth in Article 1 Part 3 stating that designing and construction of power units shall be performed in a strict compliance with requirements of nuclear and radiological safety, civil protection, fire safety and industrial safety, as well as international agreements. This means that the Law demands the international agreements including the ESPOO Convention be fulfilled at both the designing and the construction stages.

Following the provisions of the Espoo Convention that read:

"Article 2 - ...The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity..." ; and

Article 6 - "...The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the environmental impact assessment, including the environmental impact assessment documentation, as well as the comments thereon received pursuant to Article 3, paragraph 8 and Article 4, paragraph 2, and the outcome of the consultations as referred to in Article 5".

At the end of 2010 Ukraine started procedure of EIA elaboration in transboundary context in accordance to Espoo Convention with sending the Notice on the activity planned which is sent to the parties concerned in accordance with the Article 3 of the Convention. In April 2012 all the Stakeholders were provided with EIA materials.

As soon as the Articles 4, 5, 6 of the Espoo Convention do not define the exact review time frames of EIA, holding consultations with neighboring countries and undertaking the final decision on the activity planned is appropriate to start in accordance with the Article 5, and based on those results one shall undertake the final decision as stated in Article 6.

In addition, under the Law of Ukraine "On Licensing Activities in the Field of Nuclear Power Utilization», the State Regulatory Body for Nuclear and Radiation Safety, based on the comprehensive safety assessment of a nuclear facility, issues to the Operating Organization a license for the activities related to a specific stage of the life-cycle, namely, construction and commissioning of a nuclear facility. The license granted to the Operating Organization serves as a basis for starting the activities.

With the necessity of comments and suggestions consideration or the results of consultations held according to the Article 5 of the Espoo Convention, it is necessary to amend EIA accordingly. Ministry of Energy and Coal Industry, Ministry of Environment and SE NNEGC "Energoatom" shall review the necessity of amending EIA while the next design stages.