

Information for the attention of Implementation Committee, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

To be sent through the Secretary to the Convention:

Ms. Tea Aulavuo, Secretary

Convention on Environmental Impact Assessment in a Transboundary Context

Office: 319, Palais des Nations

CH-1211 Geneva 10

Switzerland

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Sent by:

Name	Katalin CSIBA
Organisation	Lehet Más a Politika
Postal address	1136 Budapest Hegedus Gyula utca 36.
Country	Hungary
Telephone	+36 1 782 7120
Fax	+36 1 782 7120
Email	titkarsag@lehetmas.hu and csiba.katalin@lehetmas.hu
Website	www.lehetmas.hu

Concerning:

Party of origin	Ukraine
Affected party	Hungary
Activity	Item 14 of Appendix I (List of activities) of the Convention: Major quarries, mining, on-site extraction and processing of metal ores or coal.
Likely significant adverse transboundary impact of the activity (project)	A severe accident (e.g. damage of the dam retaining the liquids used for mining and ore extraction) may cause transboundary impacts such as severe cyanide and heavy metal contamination of the rivers Tisza and Danube.
Provisions of the Convention (Articles) compliance with which is being contested	Article 2 (6) failure to provide an opportunity to the public in areas likely to be affected to participate in the relevant EIA procedures equivalent to that provided to the public of the Party of origin. Article 3 (1) failure to provide notification to Hungary (State Secretariat of Environment at the Ministry of Rural Development of Hungary). Article 3 (2) failure to provide notification about: (a) Information on the proposed activity, including any available information on its possible transboundary impact; (b) The nature of the possible decision; and (c) An indication of a

	<p>reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity; and may include the information set out in paragraph 5 of this Article.</p> <p>Article 5 failure to enter into consultations with the affected Party concerning after completion of the environmental impact assessment documentation.</p>
<p>Description of issue – please attach supporting information</p>	<p>See also the attached information.</p> <p>The concerns are related to the planned gold-mine using cyanide technology in Muzhiyevo, Ukraine. This activity type is listed in Appendix 1 to the Convention as one that could cause significant transboundary impacts. A severe accident could cause major harm in the ecosystems of the rivers Tisza and Danube. The Convention requires that the Party of origin shall provide an opportunity to the public in areas likely to be affected to participate in the relevant EIA procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin. The Ukrainian government failed to provide a notification to the affected Party i.e. Hungary.</p> <p>Compliance of Ukraine with its obligations under the Convention is requested.</p>

SUBMISSION BY LEHET MÁŠ A POLITIKA HAVING CONCERNS ABOUT THE COMPLIANCE BY UKRAINE WITH ITS OBLIGATIONS UNDER THE ESPOO CONVENTION WITH RESPECT TO THE CONSTRUCTION OF A GOLD MINE USING CIANIDE TECHNOLOGY IN MUZHIYEVE, UKRAINE

Submission of concerned public

In accordance with paragraph 5(a) of the Appendix to decision III/2 of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a transboundary Context (Espoo, 1991), hereafter 'The Convention', Lehet Más a Politika being a political party registered in Hungary, a member of the European Green Party (EGP), having 7 Members of Parliament in the Houses of Parliament of Hungary wishes to bring before the Convention's Implementation Committee a submission expressing concerns about the failure in compliance of Ukraine with its obligations under the Convention.

These concerns relate to the planned building of a gold mine using cyanide technology at Muzhiyevo, Ukraine, which is an activity of the type listed in Item 14 of Appendix I to the Convention [Major quarries, mining, on-site extraction and processing of metal ores or coal] which could cause significant transboundary impacts. No reliable public study or environmental impact assessment is available. According to available public information in on-line journals the mine would produce 30-400 tons of gold^{1,2}. The gold mine in Muzhiyevo is not operating currently and was shut down due to bankruptcy of mining companies before 2011. Since then the reopening of the mine is a continuous question. At the beginning of 2012 KMKSZ (Kárpátaljai Magyar Kulturális Szövetség – Transcarpathian Hungarian Cultural Association) collected 4000 signatures against the reopening of the mine¹. According to latest press information² (2013 April) Oleh Proskurjakov (Minister of Ecology and Natural Resources of Ukraine) supports the reopening. According to the letter from the Deputy State Secretary of Environment the Hungarian government did not get any information on the planned mine (see Annex I, III). The Muzhiyevo mine is not mentioned on the official Hungarian governmental website where the international environmental assessment cases are listed⁴. Because of the lack of reliable information about the process and because of the serious concerns after a similar accident from a neighboring country Romania in 2000 using the same cyanide technology LMP turns to the Implementation Committee with the following concerns.

Article 2 (6) requires that the Party of origin shall provide an opportunity to the public in areas likely to be affected to participate in the relevant EIA procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is 'equivalent to that provided to the public of the Party of origin'.

Article 3 (1) requires that the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity. The Ukrainian government failed to provide, through the Secretariat, a notification to its neighboring State, Hungary, required under Article 3 (1) of the Convention, on the planned activity.

Under Article 3 (2) of the Convention, the notification shall contain: (a) Information on the proposed activity, including any available information on its possible transboundary impact; (b) The nature of the possible decision; and (c) An indication of a reasonable time within

which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity; and may include the information set out in paragraph 5 of Article 3. The Ukrainian government failed to provide any of these information.

Under Article 5 the Party of origin shall, after completion of the environmental impact assessment documentation, without undue delay enter into consultations with the affected Party concerning, *inter alia*, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact. The Ukrainian government failed to complete the environmental impact assessment documentation.

¹ <http://www.karpataljalap.net/2011/11/11/polgarmester-szerint-az-allam-ellen-ertelmetlen-harcolni>

² <http://www.karpatalja.ma/karpatalja/nezopont/18439-kincsesbanya-vagy-idozitett-bomba-a-nagymuzsalyi-aranybanya>

³ <http://www.karpataljalap.net/2013/06/21/karpat-medencei-osszefogassal-cianidos-aranybanyaszat-ellen>

⁴ <http://www.kormany.hu/hu/videkfejlesztési-minisztérium/kornyezetugyert-felelos-allamtitkarsag/hirek/nemzekozi-kornyezetvedelmi>