Ms Vesna Kolar Planiničić, Chair
Telephone: +386 1 478 7329
Fax: +386 1 478 7132
E-mail: vesna.kolar-planinic@gov.si

Ministry of Agriculture and the Environment
Directorate for Environment
Dunajska cesta 22, 1000 Ljubljana
Slovenia

Secretariat: Ms Tea Aulavuo, UNECE
Telephone: +41 22 9171723
Fax: +41 22 9170107
E-mail: tea.aulavuo@unece.org

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12 September 2013

Dear Mr Nižňanský,

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

At its twenty-eighth session, held in Geneva from 10-12 September 2013, the Committee continued its consideration of the information provided by a Belarusian NGO regarding the planned construction of nuclear reactors 3 and 4 at Khmelnytska Nuclear Power Plan in Ukraine, close to the border with Belarus. The Committee considered a reply from the Government of Ukraine, received on 11 June 2013, in response to its letter (of 25 March 2013), as well as the additional information provided by Ukraine on 26 August 2013.

The Committee asked the Chair to write to the Government of Ukraine, to request it to provide by 18 November 2013 the following:

(a) Clarification on the national legislation and the decision-making procedure regarding the location, design and construction of nuclear power plants;

(b) The English translation of the national legal provisions requiring the Government of Ukraine to take into account the outcomes of the transboundary EIA procedures, including consultations and public participation. Ukraine should clarify whether it was legally possible for it to change an existing decision regarding the site, design and/or construction of a plant based on the transboundary procedures;

(c) The full account of the transboundary EIA proceedings with each of the potentially affected countries that it had notified, in particular as regards consultations and public participation;

...d...

Mr. Gabriel Nižňanský
Department of Environmental Assessments
Ministry of Environment
Nám U. Štúra 1
812 35 Bratislava, Slovakia
office: Hanulova 5/d, 841 01 Bratislava
E-mail: niznansky.gabriel@enviro.gov.sk
d. Clarification on how the adverse transboundary environmental impact was assessed and the potentially affected Parties determined.

I am now writing at the request of the Committee to inform Slovakia of the above, and to ask whether Slovakia considers that the legal, administrative and other measures taken by the Government of Ukraine in this particular transboundary EIA procedure were sufficient for proper implementation of the Convention.

You are kindly invited to provide the information to the secretariat by 18 November 2013 for consideration by the Committee at its next session.

Yours sincerely,

[Signature]

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