



EASTERN PARTNERSHIP  
Civil Society Forum



## **STATEMENT of the Eastern Partnership Civil Society Forum on necessity to bring Ukraine into compliance with Espoo Convention**

At the end of 2013 Ukraine still has no proper system of environmental impact assessment of potentially hazardous industrial projects. The national legislation of Ukraine contains a systemic failure. It does not require an environmental impact assessment procedure which provides for public participation and preparation of the environmental impact assessment documentation. This includes nuclear energy projects under the Convention on Environmental Impact Assessment in a Trans-boundary Context (the Espoo Convention).

The lack of effective environmental impact assessment poses a number of risks in the fields of environmental protection, democratic decision-making process, European integration aspirations, international commitments and the investment climate.

Ukraine had already failed to apply the Espoo Convention when taking decisions on nuclear energy related activities, such as:

- In 2013 the Implementation Committee under the Espoo Convention admitted that Ukraine had not applied the Espoo Convention when it considered decisions on planned lifetime extensions (PLEX) of two nuclear units at the Rivne nuclear power plant (NPP) in Ukraine taken at the end of 2010. While the Committee's initiative is in the process of consideration Ukraine continues to be in violation by not applying the Espoo Convention in decision-making related to PLEX of other nuclear units, in particular final decisions on the 1<sup>st</sup> unit of the South-Ukraine NPP is expected in October 2013 and the 1<sup>st</sup> and 2<sup>nd</sup> units of Zaporizhzhya NPP – in 2014.
- In 2012 the Parliament of Ukraine adopted the Law permitting construction of the 3<sup>rd</sup> and 4<sup>th</sup> units of the Khmel'nitska NPP before completion of relevant Espoo Convention procedures, including consultations with affected countries and public participation. Ukraine again failed to comply with the requirements of the Espoo Convention and is now trying to resolve the situation through amendments in the final decision after completion of the mentioned consultations.

*We are convinced that the absence of environmental impact assessments for the projects in nuclear domain pose a severe threat to people both in Ukraine and in neighbouring states, including EU member states. The Ukrainian government plans more nuclear projects – lifetime extensions for 10 Soviet-era nuclear units and new units' constructions. In this case setting a framework for implementing proper environmental impact assessment and trans-boundary consultations is urgently needed now to ensure that no more dangerous projects in Ukraine are embarked upon without an analysis of the environmental considerations.*

We believe problematic situation with the compliance with Espoo Convention can be improved by implementing [the European model of environmental impact assessment](#) as an integrated and common system in Ukraine.

In September 2013 the Parliament of Ukraine adopted as a basis the Draft Law of Ukraine "On amendments to some Laws of Ukraine on implementation of the Convention on Environmental Impact Assessment in a Trans-boundary Context". The finalised law should ensure implementation of Directive 2011/92/EU on environmental impact assessment, be in compliance with the Espoo Convention and help to ensure implementation of the main requirements for public participation

under the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making Process and Access to Justice in Environmental Matters).

Besides, the process of environmental impact assessment should be introduced on a strategic level of decision-making to ensure national strategic documents are developed which take into account the most environmentally viable options. Ukraine should join the Protocol on Strategic Environmental Assessment which was signed in 2003 and develop relevant national procedures for strategic environmental assessment. Revised Ukrainian Energy Strategy till 2030 should be subject to a strategic environmental assessment before its final approval.

We call on to all International Organizations and State Authorities to take all possible steps to ensure that Ukraine sets an effective framework to implement environmental impact assessment in the trans-boundary context, including decisions on nuclear unit's lifetime extensions. Implementation of the following conditions should be a requirement within any cooperation frameworks between EU and Ukraine in energy and other sectors and pre-requisite for channelling any financial support from EU to energy sector of Ukraine:

- Compliance with the Espoo, Aarhus and other international environmental conventions;
- Adoption of the Law on environmental impact assessment, based on the European model of environmental impact assessment;
- Completion of the process of ratification of the Protocol on Strategic Environmental Assessment and adoption a relevant law in Ukraine.