

To: NEK “Ukrenergo”

C/c: Ministry of Environment

C/c: European Bank for Reconstruction and Development

C/c: European Investment Bank

Environmental non-governmental organizations of Ukraine **disagree with the results** of the first stage of public consultations on the project “750 kV power transmission lines for generated capacities of Rivne and Khmelnytskyi NPPs: 750 kV overhead line Rivne NPP – SS “Kyivska” involving expansion of 750 kV „Kyivska” substation and measures pertinent to 750 kV overhead line of Khmelnytskyi NPP”.

The consultations failed to follow the procedure of public discussions approved both by effective international and national legislation, namely:

– failure to meet procedural requirements relevant to the participation of public and provide reasonable time which would ensure enough time to inform public as per procedures, set in Aarhus Convention “On access to ecological information, public participation in decision-making and access to justice on environmental issues ” (Art. 7);

– requirements set by the Law of Ukraine “On Environmental Expertise”, dated 09.02.1995 (Art. 11);

– basic requirements to organization and holding consultations with public as per Resolution of the Cabinet of Ministers No 1378 “On Certain Issues Providing for Participation of Public in Shaping and Realization of the State Policy”, dated 15.10.2004, and “Procedure of Holding Consultations with Public on Issues Pertinent to Shaping and Implementation of the State Policy”.

As a result, Ukrainian public concerned was not adequately engaged in public consultations process, which is explained by a number of objective reasons related to leveling the rights of the public and failure to follow the procedure of public consultations.

1. Project documentation was not properly submitted for review of the public. It was only on the 12th of February 2007 that the official website of NEC “Ukrenergo” presented a “Brief summary of the project in general with specified implementation dates, dates of construction works fulfillment” as well as an “Action plan for holding public consultations and making information public”.

2. Other documents, mentioned in the “Action plan for holding public consultations and making information public” (para. 5), namely:

- “Route maps of overhead lines in the regions with the scale model not less than 1:100000”;
- “Effective plan of actions for holding public consultations and making information public”;
- “Brief summary stating that the project (including EIA) underwent state expert examination”;
- “Brief reference on publishing Letter of Intent and a Statement about environmental aftermath in the context of the national EIA development procedure”;

were not submitted for public review. Some of them were treated as such which are to be provided to the public upon request of the latter or upon providing comments on the draft Summary.

3. In the course of organizing the consultations, Ukrainian nation-wide environmental NGOs were informed about the hearings only partially (one fifth of Ukrainian nation-wide environmental NGOs and several regional organizations), thus, it means that the organizers lacked information about active NGOs, which is evidenced also by mistakes made by them in the names of each one of the NGOs (para. 4, p. 4.6).

4. Public Council of environmental organizations at the Ministry of Environment of Ukraine was not informed about the hearings. The Chairman of the Public Council did not receive an invitation, therefore was not in a position to inform other members.

5. Local organizations (Rivne and Zhitomir Regions) were not informed about the consultations at all. Apart from the above stated, attendance of the representatives of the public was made barely possible by the fact that the consultations held in the town of Kuznetsovsk, city of Zhitomir, town of Makariv were scheduled for 10 a.m., thus limiting the opportunity for the residents concerned to get to the venue of the hearing.

6. Notification of the public through mass media was not done properly. As of now there are neither confirmation about announcements, which had to be made in central and regional mass media, nor a list of announcements actually published.

7. Attendees to the hearings, which were held on 23.02.2007 in the town of Vyshneve in Kiev Region regretfully note the low quality of public consultations. In particular, out of 25 attendees at the venue only 7 represented public, which is the evidence of the fact that the procedure of informing public had been ignored. Besides, the moderator at public hearings clearly demonstrated his disrespect for NGO representatives. Quality of the oral translation during consultations also raises doubts because it could cause misinterpretation and incomplete recording of the text in the minutes of the hearings of 23rd of February 2007.

8. "Action plan for holding public consultations and making information public" envisages submission of the Minutes of the consultations not later than March 12, 2007 (para. 6, p. 6.4 "Comments and proposals made after the hearing will be compared and published..."). Having ignored the fulfillment of the "Plan...", Mouchel-IRE (a joint Ukrainian-British venture) has sent "Summary of the questions raised during public hearings regarding the project of the construction of the high-voltage power transmission lines Rivne-Kyiv (NEK "Ukrenergo" project). Two-page Summary **does not reflect the substance of comments and remarks of the public organizations**, it is not minutes of the consultations and does not include the list of the participants.

"Route map of overhead lines in the regions with the scale model not less than 1:100000" has been sent by e-mail to CD ROMs of several public organizations. Such size of the "Route map..." does not allow the experts to study it in details and slows down its consideration.

Taking into account all the above-mentioned facts of biased holding of public consultations at the local level, and in order to continue the review of the high voltage overhead line construction project we propose:

1. To declare public consultations, which were held on 19–23.02.2007 ineffective, and to hold again the first stage consultations in accordance with procedural requirements and in conformity with the requirements pertinent to providing public organizations with the information as set both by the international and Ukrainian legislation.

2. To set up an EIA Committee, include into it particular specialty experts and study all potential impacts on a human being (including low frequency electromagnetic and sound effects), ecosystems and existing environmental corridors.

To organize and hold an independent public expertise in parallel.

3. To submit detailed technical documents and technical conditions with the aim to have a tender for the construction of two high voltage overhead lines as well as provide argumentations relevant to the options in the matter of covering power supply deficit in the central regions as well as power losses in the carrying networks.

4. To make public and substantiate the data about financial recoupment of the project and the dates of its payback period.

5. To submit for review of public organizations the justified information about the opportunities to “retain other power sources” (Chapter 1 of the Draft Summary) as well as the opportunities to develop alternative energy sources, energy conservation program and program to improve energy efficiency.

6. To create an independent commission made of the representatives of public organizations to work with the stockholders and population which resides on the territories of the future construction works.

We would ask you to inform the public regarding the project “750 kV power transmission lines for generated capacities of Rivne and Khmelnitsky NPPs: 750 kV overhead line Rivne NPP – SS “Kyivska” involving expansion of 750 kV „Kyivska” substation and measures pertinent to 750 kV overhead line of Khmelnitsky NPP” at the high organization level, and consider propositions of Ukrainian non-governmental organizations in the matter of further review of this project.

All Ukrainian Environmental League

**All Ukrainian environmental
non-governmental organization “MAMA-86”**

National Ecological Center of Ukraine

Center for civil society problems studies