20 September 2012

Subject: The decision to construct the Khmelnitsky nuclear power plant units 3, 4 in breach of Espoo Convention requirements

Open letter

Mr President,

On behalf of 15 European non–governmental organization – members of CEE Bankwatch Network, we appeal to you to stop the plans of the Ukrainian government to construct two new nuclear units at the Khmelnitsky nuclear power plant. We ask you to use your vetoing power and not sign the law “On siting, design and construction of units 3, 4 at Khmelnitsky nuclear power station” adopted by Verhovna Rada on 6 September 2012. The reason for our request is that this law is in direct violation of Ukraine’s international obligations.

Ukraine has an obligation under the Convention on Environmental Impact Assessment in a Trans–boundary Context (the Espoo Convention) to consult with potentially affected countries and its public before taking final decisions on activities that may have a potential negative impact on other countries. Nuclear power stations pose a potentially large threat, not a mere negative impact, to people both in Ukraine and in neighboring states, and in case of a large accident, indeed to the entire continent. Therefore, constructing new nuclear reactors falls fully under Espoo Convention requirements.

Six potentially–affected states – Austria, Poland, Hungary, Slovakia, Moldova, Romania, the Republic of Belarus – have expressed their interest to participate in trans–boundary consultations on Khmelnitsky 3,4. Though consultations began in summer 2012, these were not finished¹ when the Verhovna Rada passed the law “On siting, design and construction of units 3, 4 at Khmelnitsky nuclear power station”.

¹ Letter from Ministry of Environment and Natural Recourses № 17696/17/10–12 from 06.09.2012
If you sign this law now, Ukraine will be in breach of Espoo Convention Article 2, paragraphs 3 and 6. It will also be in contempt of neighboring states and the rights of citizens to be informed and consulted on projects that could have an impact on their environment and health.

The project’s design is yet another issue of concern. The proposed VVER–1000 (V–392B) reactor type has not been constructed elsewhere in the world and there is no experience with its safe operation. The proposal for the new nuclear units at Khmelnitsky is to construct on top of the old foundations that date from the 1980s and were designed for a different reactor type. The damaged and flooded constructions that have stood under open skies for over a quarter of century add substantially to the overall risk of the project.

Despite the requirements of national law, the project has not gone through a State Environmental Review\(^2\) – a procedure that should have helped to assess the risks and impacts from the proposed project and is meant to help authorities justify the risks of the project, or not.

Such lax approach to nuclear project design and assessment is unacceptable in a world that has already suffered the consequences of Chernobyl and Fukushima.

For these reasons we call upon you to veto this law.

Sincerely,

Petr Hlobil

\(^2\) Ibid.