

TO: Mr Maarten VERWEY,
EU Director in the EBRD

CC: Mr Karl FALKENBERG,
Director General,
Directorate-General ENVIRONMENT

Mr Nicholas HANLEY,
Head of Unit of International, Regional & Bilateral Relations,
Directorate-General ENVIRONMENT

30 March 2015

Re: EBRD and EURATOM funds should not back Ukraine's decision-making to extend the life-time of its nuclear reactors in breach of international law

Dear Mr Verwey,

We, the representatives of civil society organizations across Europe and beyond are alarmed by the fact that the **Plant Lifetime Extension (PLEX) of the old nuclear units in Ukraine is on-going without EIAs and with no transboundary consultations** despite Ukraine's obligations under EBRD/EURATOM's loans for Nuclear Power Plant Safety Upgrade Program.

EURATOM and the EBRD are co-financing this Program consisting of the modernization of all 15 operating nuclear reactors in Ukraine. More than 50 % of the measures foreseen are planned as a part of the lifetime extension of the nuclear facilities in question.

In the coming months two of the 1000 MW reactors will pass their expiration date - South Ukrainian 2 (in May 2015) and Zaporizska 1 (in December 2015). Another 7

reactors of the same capacity will reach expiry of their designed lifetime in the next 4 years. The Program is expected to be implemented by 2017.

Two of the reactors, Rivne 1 and Rivne 2, had their life extended already in 2010 by 20 year with no adequate assessment of the impact on the environment and health of citizens in Ukraine and in neighboring countries. In this case the Implementation Committee to the Convention on the Environmental Impact Assessment in a Trans-boundary Context (hereinafter “Espoo Convention”) stated that **Ukraine is in non-compliance with the Espoo Convention with respect to Rivne 1 and 2 life-time extensions, as well as with respect to the general legal and administrative framework applicable in the decision-making for the extension of the lifetime for nuclear reactors.**¹ With support from the EU, this conclusion was endorsed by the 6th Meeting of Parties of the Espoo Convention on 5th of June 2014 in Geneva.

However, the Ukrainian government's approach appears unchanged. Neighboring countries – as potentially affected Parties² based on the Espoo Convention – did not receive any notification by the government of Ukraine to this day and it is clear that transboundary consultations and public participation procedures, as required by the Espoo Convention, cannot be carried out before the upcoming decision in May 2015.

In March 2015, Ukraine’s nuclear power plant operator NEC Energoatom launched the public consultation process in Ukraine on South Ukraine 2 lifetime extension. However, within this consultation Energoatom does not aim to consult with the public over the draft environmental impact assessment (EIA) report but “to demonstrate accessibility, transparency and openness of the company in the use of nuclear energy”³. There is no EIA report available to public to date. There is still no proper EIA legislation in Ukraine despite obligation under Accession of Ukraine to the Energy Community Treaty to implement EU acquis, specifically EIA Directive by January 2013.

Due to the fact that life-time extension of Ukrainian reactors can have dramatic impacts on neighboring, as well as other EU countries, civil society organizations in Romania, Hungary, Slovakia and Slovenia are requesting that their governments take action according to the Article 3.7 of the Espoo Convention. We want citizens of our countries to have a voice in consultation process. Not taking action would prevent us, EU citizens,

¹ http://www.unece.org/fileadmin/DAM/env/documents/2014/EIA/IC/ece.mp.eia.ic.2014.2.as_resubmitted.pdf;
http://www.unece.org/fileadmin/DAM/env/eia/decisions/Decision_VI.2.pdf

² Art.1 of the Espoo Convention:

http://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/Espoo_Convention_authentic_ENG.pdf

³ http://www.sunpp.mk.ua/ru/news/news_sunpp/2713

from exercising our rights as stipulated by the Convention on the Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“Aarhus Convention”), EIA Directive 85/337/EEC and the Espoo Convention.

By not preparing EIA and by not notifying neighbouring states in the process of decision-making on South Ukraine nuclear reactor 2 and Zaporizska 1, Ukraine again acts in a breach of its international obligations.

It is our understanding that the compliance with the Aarhus and the Espoo Conventions **is a conditionality for continuing EU support for the EBRD/EURATOM loan** for Nuclear Power Plants Safety Upgrade Program.

According to the EBRD management⁴, the effectiveness of the EBRD loan has been already declared as of January 27, 2015 and tendering procedures for the project are ongoing.

For the reasons mentioned above we **urge the European Commission to take steps in suspending the loan proceedings until the full trans-boundary EIA process is launched and carried out in accordance with international treaties binding for Ukraine.** The final decisions on the lifetime extensions of South Ukraine 2 and Zaporizska 1 should not be made until transboundary consultations are finished and its results taken into account. Only such approach would assure that the rights of EU citizens are not violated in projects funded with EU money.

Sincerely,

Mark Fodor,

CEE Bankwatch Network, executive director

Saskia Richartz,

Greenpeace European Unit, acting managing director

Michael Mariotte

Nuclear Information and Resource Service (NIRS), president

⁴ <http://bankwatch.org/documents/EBRD-response-UAnuclear-27Jan2015.pdf>

Austria:

Reinhard Uhrig,

Global 2000 – Friends of the Earth Austria

Bulgaria:

Gennady Kondarev

Za Zemiata - Friends of the Earth Bulgaria

Czech Republic:

Ondrej Pasek

Centrum pro dopravu a energetiku / Center for transport and energy

Finland:

Ulla Klötzer

Women Against Nuclear Power

Georgia:

Manana Kochladze

Green Alternative

Germany:

Heffa Schuecking

Urgewald

Wolfgang Müller

BI STOPPT TEMELIN

Brigitte Artmann

Aarhus-Konvention-Initiative

Hungary:

dr. István Farkas

National Society of Conservationists - Friends of the Earth Hungary

Endréné Sára

Beretzk Péter Nature Conservationist Club

Antal Tatár

Bodrog Association

Tamás Cselószki

Bors Foundation

György Ilosvay

CSEMETE Environment Protection and Nature Conservation Association

Ildikó Ladányi-Benedikt

Central Hungarian Green Circle

András Lukács

Clean Air Action Group

Kinga Horváth

Consultants for Sustainable Development Association

László Tömöri

E-mission Association

László Zalatnay

Energy and Environment Foundation

Judit Balogh

Fauna Foundation for Animal Welfare

Zsolt Szegfalvi

Greenpeace Hungary

Zoltán Demeter

Green Action Association

Zsuzsanna Szabó
Green-Bridge Foundation

Antal Molnár
Green Circle

Zsuzsanna F. Nagy
Green Connection

Emília Nagyné Horváth
Green Nut Foundation

Csaba Lajtmann
Hungarian Climate Alliance

László Szalmay
Kalocsa Region Environmental Association

Tímea Szalay
Nettle Environment and Nature Protection Association

Ibolya Lenkey
North-Hungary Flora and Fauna Foundation

József Kiss
Pitypalatty Nonprofit Ltd.

Eszter Miklósne Molnár
Polyán Association

Miklós Gellért
SZIKE Environmental & Health Association

Teodóra Dönsz-Kovács
Towards Sustainability Association

Poland:

Ola Antonowitz
Polska Zielona Sieć/Polish Green Network

Radosław Sawicki
Wspólna Ziemia

Romania:

Mihai Stoica
Association 2Celsius

Lavinia Andrei
TERRA Mileniul III

Ioana Ciuta
Association Bankwatch Romania

Slovakia:

Miroslav Mojžiš
Center for Environmental Public Advocacy - Friends of the Earth Slovakia

Slovenia:

Vida Ogorelec
Umanotera, Slovenska fundacija za trajnostni razvoj

Gorazd Marinček
Slovenski E-forum, Društvo za energetske ekonomiko in ekologijo

Katarina Bervar Sternad
Pravno-informacijski center nevladnih organizacij - PIC

Živa Gobbo
Focus, društvo za sonaraven razvoj

