

To: Mr Jyrki Katainen
EC Vice-president for Jobs, Growth,
Investment and Competitiveness
EU Governor of the EBRD

CC: Mr Marco Buti
Director-General for Economic and Financial Affairs
European Commission
EU Alternate Governor of the EBRD

23 March 2015

**Re: EBRD and Euroatom funds should not back Ukraine's
decision-making to extend the life-time of its nuclear reactors in
breach of EBRD policy and EU Law.**

Dear Mr. Katainen,

We are approaching you in your capacity as the EU Governor to the European Bank for Reconstruction and Development (EBRD) to demand that the rights of EU citizens are respected within the scope and in relation to the Nuclear Power Plant Safety Upgrade Program in Ukraine.

Euroatom 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). The designed lifetime of another 7 reactors of the same capacity will expire in the next 4 years. The Safety Upgrade 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 has breached the Espoo Convention.**¹

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.

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 the consultation process. Not taking action would prevent us, EU citizens, 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.

It is our understanding that the EBRD is committed to apply, also with respect to the mentioned Program, the principles, standards and procedures established by international and European law, namely the Aarhus Convention, the Environmental Impact Assessment Directive³ and the Espoo Convention.

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

¹http://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 Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, including further amendments

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 are approaching you with a request to take steps in suspending the loan proceedings until the full transboundary 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.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Mark Fodor', written in a cursive style.

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