

19 October 2020

Ms. Marina Dubina
Ecohome
Belarus

Dear Ms. Dubina,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning compliance by Belarus with respect to public participation in
decision-making regarding a lead battery plant in Brest**

I refer to the above communication submitted by Ecohome on 24 May 2020.

I write to inform you that, having reviewed your communication, the Chair and the Vice Chair of the Compliance Committee consider that certain aspects of your communication require further clarification before it is forwarded to the Committee for a possible determination of preliminary admissibility. To this end, please find enclosed a short list of questions from the Chair and Vice Chairs for your reply.

We would be grateful to receive your replies to the enclosed questions by **Monday, 26 October 2020** in order that the communication may be considered for a possible determination of preliminary admissibility by the Committee at its sixty-eighth meeting on 23-27 November 2020. If you consider that a longer timeframe would be necessary in order to prepare your replies, we would be grateful to receive them by 14 December 2020, in order that the communication might be considered for a possible determination of preliminary admissibility at the Committee's sixty-ninth meeting on 25-29 January 2020.

I hope the above may be of assistance. Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Questions to the communicant:

1. You state that the newspaper *Zarya nad Bugom* has a circulation of 3,000 copies and that there are at least 5 regular papers in Brest with a higher readership. In order of readership, please specify the five most widely read newspapers in the city of Brest and the surrounding region and each newspaper's approximate readership (including readership in paper form and online).
2. With respect to the various allegations made in the communication, which of these do you consider result from a failure by the Party concerned to properly implement the requirements of the Convention in its legal framework? Please provide the relevant provisions of national legislation (or related administrative instructions) to substantiate your answer, including an English translation thereof.
3. Regarding your reply to question 2 above:
 - (i) Which, if any, of these failures do you consider to lead to defects in public participation in decision-making procedures under the Convention in the Party concerned generally; and
 - (ii) Which of the failures do you consider to be isolated to the specific case of the decision-making procedure on the Brest battery plant?
4. In paragraph 46 of the communication, you state that the construction was suspended by order of the Brest Regional Executive Committee. The text of that order is attached as annex 5 to the communication, which states that the construction of the factory is suspended until the "identified violations would be eliminated". Please explain:
 - (i) What led the Brest Regional Executive Committee to issue this order? Was the order issued as a result of an application by the communicant or other members of the public?
 - (ii) What are the "identified violations" that this order refers to?
 - (iii) Is the suspension still ongoing? If not, when did the suspension end and what led to the suspension being lifted?
 - (iv) If the suspension is indeed still ongoing, what, if any, procedures are currently underway to correct the identified violations? What is the timeframe for these procedures and what will happen after the identified violations have been corrected?

5. Also in paragraph of 46 of your communication you state that the decision by the Brest District Executive Committee and the order by the Brest Regional Executive Committee “are different types of administrative decisions and different government bodies”. Please briefly explain:
 - (i) What is the difference between the Brest District Executive Committee and the Brest Regional Executive Committee?
 - (ii) What you mean when you state that these “different types of administrative decisions”?
6. In paragraph 47 of the communication you state that the refusal by the Brest Regional Executive Committee to provide information on the decision authorizing the construction of the factory has been appealed to the court and the case is currently under consideration. Has the court now issued its decision? If so, please provide a copy of the decision, including an English translation thereof. If the court’s decision has not yet been issued, what is the expected timeframe by when it should be issued?
7. Optional: If you can within the timeframe, please explain whether in your view the issues raised in your communication are in any way addressed in decision VI/8c of the Meeting of the Parties concerning Belarus.
