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Aarhus Convention Compliance Committee
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CH-1211, Geneva 10, Switzerland
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Comments and additions by the representatives of the NGO "Ecohome" and the Association "Green Network" to the Communication by the Republic of Belarus of 28 October 2016 on the measures taken by Belarus to implement the V/9c decision made at the Fifth Session of the Meeting of the Parties to the Aarhus Convention.

We welcome the steps undertaken by Belarus government and by Ministry of Natural resources and protection of environment, for the implementation of some provisions of the Decision by 5th MOP of the Convention V/9c. For this end they adopted in 2015-2016 2 regulations (law and rule), related to the public participation in decision-making on environmental matters. Mentioned regulations show progress Belarus made in implementation of the MOP Decision V/9c. At the same time, these legislative acts does not implement some of the provisions of this Decision and create some legislative restrictions for the public on their way of realizing its rights under Aarhus convention. We would specify this details in our special report for the next ACCC, planned in December.

By now we would express our deep concern about the situation, related with practice of implementation of Aarhus Convention in Belarus. Some of last cases disappoint us.

We regret the fact that MOP Decision V/9c does not affect to the case on which this decision have been grounded – construction of Nuclear Power Plant in Belarus. Against, the situation deteriorated since 2014. Representatives of interested public do not have access to the essential information about NPP construction, related to environmental risks of the project. In particular, Ecohome didn't get the requested information even after its repeated request to responsible governmental bodies of Belarus. We asked to provide us the reports of the state inspections of NPP construction during 2014-2016. Beside this we didn't have the answers on our questions about the circumstances of the incident with the fall of reactor vessel.

We would remind that Belarus NPP construction is going on in about 20 km from the border with European Union and the practice of violations of the Convention during this construction might significantly increase its risks, including severe beyond design basis accident.

We also regret to point out the negative law enforcement practice related to the access to documents providing environmental information, which are assigned a restrictive mode "For Internal Use Only" or "Private information" in accordance with the law. This mode of access does not imply classifying information as state secrets but at the same time it serves as a ground for state authorities to deny public access to the content of the documents. We consider it necessary to regulate the access to this type of information, stop applying the classification "For Internal Use Only" to certain materials and documentation (for example, detailed planning of the territory, etc.), explicitly containing environmental information, and determine the procedure of presenting to the public the environmental information from other documents "For Internal Use Only".

Regarding paragraph 7a, we would like to note that the Belarusian legislation still lacks a clear definition of which decision and for which kinds of activities is considered to be final decision. We deem it advisable to recommend regulating the legislation on administrative procedures.

We also hope that following the adoption of the new legislation by the Republic of Belarus, law enforcement practice will also improve, and the advances in the implementation of the provisions of the Aarhus Convention will be observed, especially when it is related not to the Ministry of Natural Resources and Environmental Protection but to other ministries and government agencies.

Executive Director



Nadezhda Kuleshova