

LAW OF THE REPUBLIC OF BELARUS

on the Insertion of Additions and Amendments into Several Laws of the Republic of Belarus with regard to Environmental Protection and to Public Participation in Environmentally Significant Decision-Making

Passed by the House of Representatives

Approved by the Council of the Republic of the National Assembly

[...]

8. Article 15-2 is to be added to the Law as follows:

‘Article 15-2. Public discussions of drafts of environmentally significant decisions, of environmental impact assessment reports

Citizens and legal entities shall have the right to participate in public discussions of drafts of the following environmentally significant decisions, unless otherwise specified by the third paragraph of this Article:

conceptual frameworks, programmes, plans, schemes, the implementation of which has an environmental impact and (or) is related to the use of natural resources, as well as non-technical amendments and additions to such drafts;

laws and regulations of the Republic of Belarus (to the extent that these provisions are intended to govern relations connected with carrying on economic and other activities regarded as environmentally hazardous under criteria defined by the President of the Republic of Belarus or by a competent public environmental protection authority);

decisions on the issue of a permit for removal of flora in human settlements, a permit for the transplant of flora in human settlements in the cases specified by the legislation of the Republic of Belarus on flora.

If, under the legislation of the Republic of Belarus on state environmental review [*expertiza*], the projects involved are subject to environmental impact assessment, then the environmental impact assessment reports are also subject to public discussion.

Drafts of the following types of environmentally significant decisions need not be* subject to public discussions:

drafts of environmentally significant decisions connected with the construction and operation of defence installations, military infrastructure installations;

drafts of environmentally significant decisions connected with the construction and operation of installations, information about which is categorized as a state secret;

drafts of environmentally significant decisions regarding other installations, in cases specified by the legislation of the Republic of Belarus and by international agreements entered into by the Republic of Belarus;

environmental impact assessment reports on installations listed in the second to fourth subparagraphs of this paragraph.

Public discussions of the draft environmentally significant decisions listed in the second and fourth subparagraphs of the first paragraph of this Article shall be organized and conducted by the public authority making such decisions or by an organization specified by this authority. Public discussions of the draft environmentally significant decisions listed in the third subparagraph of the first paragraph of this Article shall be organized and conducted by the entity which has initiated the legislation and is drafting the law or regulations of the Republic of Belarus. Comments and suggestions submitted in the course of public discussions of drafts of environmentally significant decisions shall be examined during the process of revising these draft decisions. Information on the outcomes of public discussions of environmentally significant decisions shall be publicized by means of publication in the mass media, on the official website of the public authority which has taken the decision (the entity which has initiated the legislation and is drafting the law or regulations of the

* Translator's note: In its covering letter (not translated), the Party states that this paragraph of Article 15-2 is intended to convey the fact that public discussions may be held or, equally, may not be held: this is to be decided in each specific instance. The Party then suggests the translation "Public discussions of drafts of ecologically significant decisions **may be not** held in the cases provided by the third part of the article 15-2 of the Law". This is ungrammatical English and has been corrected: "need not be" conveys precisely what the Party intends here, and is supported by numerous English-language legislative drafting guidelines (House and Senate counsel in many US states; European Commission; etc.)

Republic of Belarus), on the World Wide Web (if a relevant Internet site exists) and (or) by other generally available means, in accordance with the legislation of the Republic of Belarus on information, informatization and information protection.

If the environmentally significant decisions listed in the second subparagraph of the first paragraph of this Article are subject to state environmental review [*expertiza*] under the legislation of the Republic of Belarus on state environmental review, comments and suggestions submitted in the course of public discussions of the drafts of such decisions shall be examined by the public authority before the conclusion of the state environmental review is approved.

An environmentally significant decision taken by a public authority shall be publicized by means of publication in the mass media, on the World Wide Web via the authority's official website (if a relevant Internet site exists) and (or) by other generally available means, in accordance with the legislation of the Republic of Belarus on information, informatization and information protection; laws and regulations of the Republic of Belarus, which are subject to official publication under a procedure laid down by the legislation of the Republic of Belarus, are excluded from this requirement.

The procedure for organizing and conducting public discussions of draft environmentally significant decisions, except those mentioned in the eighth paragraph of this Article, of environmental impact assessment reports, of the record of environmentally significant decisions taken shall be laid down by the Council of Ministers of the Republic of Belarus, unless otherwise specified by the President of the Republic of Belarus.

Public discussions of drafts of conceptual frameworks, programmes, plans, schemes relating to architectural, urban development and construction activities shall be conducted under the procedure provided for by the legislation of the Republic of Belarus on architectural, urban development and construction activities.'.