

United Nations Economic Commission for
Europe

Chairman of the Compliance Committee of
the Convention on Access to Information,
Public Participation in Decision-Making and
Access to Justice in Environmental Matters

Mr. Jonas Ebbesson

Dear Mr. Ebbesson!

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (hereinafter referred to as the Ministry of Environment) presents its compliments to the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter referred to as the Committee) and would like to forward the following information on the questions raised in the letter of 18 July 2017.

1. The Parties' statements refer to five different EIA reports by Belarus:

- a. An EIA report sent prior to the 2 March 2010 to Lithuania;*
- b. An EIA report published online on 4 March 2010;*
- c. An EIA report presented during the bilateral meeting of 18 June 2010;*
- d. The final EIA report forwarded to Lithuania on 11 February 2011;*
- e. The final EIA report annexed to the expertiza decision of 23 October 2013.*

Were any of the above EIA reports exactly word-for-word identical and if so which ones? For those that differ from the previous version, in what way(s) did they differ?

Point 1 concerns the preparation of the environmental impact assessment documentation (hereinafter referred to as the EIA), which is regulated by Article

4 of the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter referred to as the Espoo Convention).

Appendix II to the Convention describes a minimum content of the EIA documentation, which in conjunction with Article 4 of the Espoo Convention provide public with an opportunity to collect information bearing upon this project.

In accordance with an Implementation Guide of the Aarhus Convention (second edition, published in 2014), paragraph 6, Article 6 of the Convention requires the Parties to provide access to all information bearing upon the decision-making process and available at the moment of public participation, as well as it determines its minimum standard.

The Convention on Access to Information, Public Participation in Decision Making Process and Access to Justice in Environmental Matters (hereinafter referred to as the Aarhus Convention) does not contain requirements on content and scope of documentation on environmental impact assessment, including an EIA report.

If you assess the EIA report of the Belarusian NPP itself, the Belarusian side took a decision to divide a name of the EIA report in:

- “preliminary”, i.e. a report, which was prepared for holding discussions and consultations with public and the concerned parties and which represents a whole package of the EIA documentation at the stage of the EIA procedure, envisaged in Article 4 of the Espoo Convention;
- “final”, i.e. a report, which was supplemented with materials on public discussions and consultations with affected parties and which represents a whole package of the EIA documentation at the stage envisaged in Article 6 of the Espoo Convention.

In accordance with paragraph 18, point B, Chapter II of the Annex to the Report of the Implementation Committee of the Espoo Convention on its twenty-seventh session (12-14 March 2013) ECE/MP.EIA/IC/2013/2, it was stated, that on 15 September 2009, Belarus sent to Lithuania and other affected Parties “a preliminary EIA report” including justification of the selection of Ostrovets site as the priority site for the planned activity made “on the basis of research results and according to International Atomic Energy Authority (IAEA) standards”.

The preliminary EIA report was prepared in accordance with paragraph 1 of Article 4 of the Espoo Convention and requirements on the EIA documentation content, described in Appendix II to the Espoo Convention, on the basis of the national legislation in force at that time. Technical (different types of reactors were assessed) and geographical (3 sites for the NPP location were considered) alternatives were described in the preliminary EIA report. Justification of the selection of Ostrovets site as the priority site for the Belarusian NPP construction as well as the VVER-1200 of the NPP-2006 project was given in the preliminary report.

During the bilateral Belarusian and Lithuanian consultations, which were held on 18 June 2010, the EIA report was not submitted.

Comments on the EIA preliminary report received from all affected parties and the concerned public were taken into account during the preparation of the final EIA report.

Thus, the final EIA report, forwarded to the affected parties on 11 February 2011 for comments, contained clarifications of project solutions and conclusions, which were described in the EIA preliminary report. The affected parties expressed interest in those solutions and conclusions during consultations and public discussions. The final EIA report did not contain any new information on features of the Belarusian NPP and its environmental impact.

The results of the EIA procedure of the Belarusian NPP, including the results of the transboundary EIA procedure, were taken into account as well as the EIA documentation, including the final EIA report and results of consultations and public discussions (Chapter 11 of the Book 11), was considered during the state ecological expertize (in accordance with the results of this expertize, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus issued a conclusion of 23 October 2013 № 98).

With the aim to inform the Lithuanian public and specialists, at the 55th session of the Compliance Committee, the Belarusian side noted, that on 11 June 2013 the Ministry of Environment of the Republic of Belarus sent to the Ministry of Environment of the Republic of Lithuania a letter № 13-15/1217-ВН, contained the following materials (Article 4.2 and Article 2.6 of the Espoo Convention):

- the final EIA report of the Belarusian NPP in Lithuanian language (3 books), which was posted on dsae.by website. It was noted in the letter, that the Report in English (4 books) had already been submitted to Lithuania on 11 February 2011 in the letter of № 13-16/816-ВН and had been made available on the abovementioned website;

- materials of consultations with Lithuania on the EIA report of the Belarusian NPP for the period from 2009 till 2013 – 1 book.

2. Did the Lithuanian public have the opportunity to send written comments on the EIA report(s) in 2010 and if so, what was the dates of the written commenting period(s)? Could they send comments in Lithuanian language?

In the letter of 15 October 2009 № (1-15)-D8-8864, Lithuanian side forwarded to Belarusian side its comments on the received EIA documentation of the Belarusian NPP.

In the letter of 7 May 2010 № (10-3)-D8-4486 Lithuanian side sent additional comments:

- on the preliminary EIA report;
- on the results of the review of the answers of the Belarusian side to the questions raised in the letter of 15 October 2009;

- on the protocol of outcomes of public hearings, which took place on 2 March 2010 in Vilnius with the participation of representatives of Belarus.
The time frame to submit comments was not limited (Annex 1).

3. *In your statement at the hearing at the Committee's 55th meeting, you stated: "it should be noted that the final version of the EIA report, mentioned in the introduction, is a detailed version of the previous version and contains no changes of a fundamental nature. It was simply supplemented by project solutions, to which the affected parties showed interest".*

If you state that there were no differences between the EIA reports of 4 March 2010, 18 June 2010 and 11 February 2011, then what are your arguments to support your claim that the comments received from the Lithuanian public were taken into account as required by article 6, paragraph 8, of the Convention?

As it was mentioned above, there were two EIA reports:

- a preliminary EIA report and a final EIA report.

In accordance with the Implementation Guide of the Aarhus Convention, the Parties are invited to give serious considerations to the public's opinion, that can be facilitated by the registration of written comments and protocolling of public meetings. Nevertheless, in that document it was noted, that the consideration does not mean, that a respective authority should agree with main point of all received comments.

Explanations of project solutions and conclusions, described in the preliminary EIA report, to which the affected parties showed their interest during consultations and public discussions, were included into the final EIA report. Materials of the consultations with Lithuania on the EIA report of the Belarusian NPP for the period from 2009 till 2013 were attached to the report in a separate book (<http://www.belaes.by/ru/ekologiya.html> - current link).

4. *Was there an expertiza decision prior to the President's Decree № 418 of 15 September 2011 on the Location and Design of a Nuclear Power Plant in Belarus?*

Yes, it was prior to the President's Decree. The state ecological expertize conclusion № 28 of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus on justification of investment into the construction of a nuclear power plant in the Republic of Belarus, was approved by the First Deputy Minister of Natural Resources and Environmental Protection of the Republic of Belarus on 13 July 2010.

5. *Paragraph 54 (d) of the Report on the activities of the Espoo Implementation Committee of 24 March 2014 (ECE/MP.EIA/2014/4 - ECE/MP.EIA/SEA/2014/4) states that Belarus extended the time frame to submit*

comments for the Lithuanian public on the final EIA report from 1 October to 18 October 2013. If this statement is correct:

a. What was the reason for this extension?

b. What was the original timeframe for public participation set for the Lithuanian public?

c. What date was the final EIA report indeed finalized?

d. Was the expertiza decision taken on 23 October 2013 as stated by Lithuania? If not, please specify the date of this decision

The answers to the questions a) and b) were given in the letter of the Ministry of Environment of 1 October 2013 № 13-13/1602, addressed to the Lithuanian side, Implementation Committee and the Secretariat of the Espoo Convention (Annex 1).

The Ministry of Environment received the final EIA report in edition of 6 July 2010 for the distribution to the affected parties (<http://www.belaes.by/ru/ekologiya.html>- current link).

In accordance with paragraph 1, Article 6 of the Espoo Convention and the recommendations for the Espoo Convention implementation, the Decree of the President of the Republic of Belarus of 2 November 2013 № 499 “On the construction of the Belarusian nuclear power plant”, which is a final decision in terms of the Espoo Convention, was adopted after the completion of the transboundary EIA procedure of the Belarusian NPP.

In line with subparagraph 2.1, paragraph 2 of the Decree of the President of the Republic of Belarus of 2 November 2013 № 499 «the construction of the NPP is carried out on the basis of the project documentation on its construction and in accordance with the results of the environmental impact assessment, including the EIA documentation, comments of the concerned parties and public on this documentation, outcomes of the consultations with the concerned parties described in the state ecological expertize conclusion of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus on the project documentation “the Belarusian NPP” of 23 October 2013 № 98 in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991”.

6. What aspects of the decision-making / project documentation would the Lithuanian public have been able to comment on at the time of the hearing and written commenting period in October 2013 that it would not have been able to comment on at the hearing in March 2010?

In March 2010 the Lithuanian side had an opportunity to comment the preliminary EIA report, prepared for the discussion and consultations with the public and the concerned parties and representing a whole package of the EIA documentation at the stage of the EIA procedure envisaged in Article 4 of the Espoo Convention.

In 2013, the final EIA report, materials of public discussions and consultations with the concerned parties, representing the whole package of the EIA documentation at the stage envisaged in Article 6 of the Espoo Convention, were presented for comments.

During the public hearings, which took place on 17 August 2013 in Ostrovets, (in accordance with the minutes of the meeting with the Lithuanian public on the EIA report of the Belarusian NPP), the Lithuanian side had an opportunity to provide its comments on the following issues:

- type of the chosen reactor and security system;
- radioactive waste management;
- possible thermal and other impact of the Belarusian NPP on Viliya river;
- reasons and factors determining the selection of the Ostrovets site;
- availability of the EIA report in mass media and the Internet, participation of other concerned parties in the EIA procedure;
- nature of the works, which are currently carried out on the site of the future Belarusian NPP;
- planned international activities on the EIA of the Republic of Belarus;
- access of specialists in the field of history and tourists to the historical sites, situated near the future Belarusian NPP;
- reasons for choosing Ostrovets as a place for holding public hearings;
- perspectives for the construction of two additional reactors on the Ostrovets site;
- reasons for making a decision on the development of nuclear energy in the Republic of Belarus, possible benefits for people living near the future Belarusian NPP;
- participation of the IAEA representatives in the assessment missions;
- recommendations of the IAEA and assessment of control systems for quality of construction works of the future Belarusian NPP in the Republic of Belarus;
- compliance by the Republic of Belarus with the provisions of the Aarhus Convention with regard to the planned Belarusian NPP (Annex 3).

7. Please provide the relevant pages of the following EIA reports where the comments of the Lithuanian public have been taken into account (please use highlighting to clearly indicate where the Lithuanian public's comments have been addressed):

- a. The final EIA report sent to the submitting Party on 11 February 2011.*
- b. The final EIA report annexed to the expertiza decision of 23 October 2013.*

In comparison with the preliminary EIA report, the final EIA report sent to the submitting Party on 11 February 2011, was supplemented with information on forecasting impact of the Belarusian NPP, comments and explanations of comments and suggestions on the EIA report, outcomes of the consultations with

the concerned parties (<http://www.belaes.by/ru/ekologiya.html>).

8. What steps, if any, did your public authorities take to inform the public in Lithuania of the hearing held on 9 October 2009 in Ostrovets, Belarus? Please refer to any relevant announcements published in the print media in Lithuania, any notices posted in public places in Lithuania as well as any other methods your public authorities used to inform the public in Lithuania.

With the aim to inform the public, including the public of the concerned parties, about the planned construction of the Belarusian NPP, the Ministry of Environment forwarded the letters to focal points of the Espoo Convention (№ 14-16/3759-BH of 24 August 2009) as well as a letter to the Ministry of Foreign Affairs of the Republic of Belarus of 24 August 2009 № 14-16/3760-BH on the notification of focal points of the Espoo Convention through diplomatic channels (Annex 4). This notification had a list of Internet resources containing the information, including the information on a public discussion planned to be held on 9 October 2009.

9. What steps, if any, did your public authorities take to inform the public in Lithuania of the hearing held in 17 August 2013 in Ostrovets, Belarus? Please refer to any relevant announcements published in the print media in Lithuania, any notices posted in public places in Lithuania as well as any other methods your public authorities used to inform the public in Lithuania.

Lithuanian newspaper “Obzor” № 30 (863) of 25 – 31 July 2013 contained the publication with the information on holding the meeting with the participation of the Lithuanian public and specialists, aimed at discussing the EIA report of the Belarusian NPP, on 17 August 2013 at 12 a.m. This event was held in accordance with the recommendations of the Implementation Committee of the Espoo Convention. This publication contained also the information on free visa support for the citizens of Lithuania and delivery to the venue on 17 August 2013 at 10.45 by a bus.

The notification on holding the discussions on the final EIA report of the planned construction of an NPP in the Republic of Belarus with the public of the Republic of Lithuania on 17 August 2013 at 12 a.m. in Ostrovets also was posted on the web-page of the Embassy of the Republic of Belarus to the Republic of Lithuania (Annex 5).

Furthermore, we would like to provide you with the list of links to the Internet-resources containing the information on holding the public hearings on 17 August 2013 in Ostrovets:

<https://ru.delfi.lt/news/economy/beloruskaya-aes-minsk-i-vilnyus-uporno-govoryat-na-raznyh-yazykah.d?id=61943959>
<http://lithuania.mfa.gov.by/ru/embassy/news/c246b8298e1fb181.html>

<http://www.novoteka.ru/seventexp/7521990>
<https://grodnonews.by/category/zhizn/news16070.html>
http://naviny.by/rubrics/society/2009/10/10/ic_articles_116_164901
http://www.atom.belta.by/ru/table_ru/view/obschestvennye-slushaniya-po-stroitelstvu-belaes-proshli-17-avgusta-v-ostrovtse-1390
http://www.energetika.by/arch/~page_m21=9~news_m21=637
https://www.youtube.com/watch?v=r_UdYFu-KNM
http://ont.by/news/our_news/0096553?page=5439
<https://news.tut.by/society/149512.html>
http://belapan.by/archive/2009/10/10/media_ostrovec_ph/
http://belapan.com/archive/2013/08/19/media_ostrovec_ploschadka/
<https://www.seogan.ru/litva-boiykotiruet-slushaniya-po-beloruskoiy-aes-v-ostrovce.html>
<http://new.atomic-energy.ru/smi/2013/10/15/44439>
<http://5min.by/news/17-avgusta-v-ostrovce-proshli.html>
http://old-news.tts.lt/ru/Energetika/20757-Litovskie_organizacii_bojjkotirujut_slushaniya_po_AEHS_v_Ostrovce.htm
http://rss.novostimira.com/n_5050956.html
http://minpraud.by/articles.php?id=85662¤t_date=2013-08-20
<http://www.ostrovets.by/news/beloruskaya-aes/news/vlast/news4626.html>
http://www.belarus.by/ru/press-center/news/obschestvennye-slushaniya-po-stroitelstvu-belaes-proshli-17-avgusta-v-ostrovtse_i_7091.html

Annexes: Annex 1 on 56 pages in 1 copy;
Annex 2 a letter of the Ministry of Environment of 1 October 2013
№ 13-13/1602 on pages in 1 copy;
Annex 3 on 3 pages in 1 copy;
Annex 4 on 4 pages in 1 copy;
Annex 5 on 5 pages in 1 copy.

Sincerely Yours,

First Deputy Minister

Iya V.Malkina