**Appendix (ECE/MP.PP/WG.1/2011/L.4)**

**FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT**

The following report is submitted on behalf of the Republic of Belarus [name of the Party or the Signatory] in accordance with decisions I/8 and II/10.

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| **Name of officer responsible for submitting the national report:** | First Deputy Minister of Natural Resources and Environmental Protection of the Republic of Belarus,  **I. V. Malkina** |
| **Signature:** |  |
| **Date:** | **15 December 2016** |

**IMPLEMENTATION REPORT**

**Please provide the following details on the origin of this report**

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| Party | **Republic of Belarus** |
| **National Focal Point** | |
| Full name of the institution: | Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (‘the Ministry of the Environment’) |
| Name and title of officer: | T. P. Evdaseva - Head of the Department for Information and Public Relations of the Ministry of the Environment |
| Postal address: | 220048, Minsk, ul. Kollektornaia, 10 |
| Telephone: | (+375 17) 200-45-45, |
| Fax: | (+375 17) 20045 45 |
| E-mail: | [minproos@mail.belpak.by](mailto:minproos@mail.belpak.by) |
| **Contact officer for national report (if different):** | |
| Full name of the institution: | Ministry of Natural Resources and Environmental Protection of the Republic of Belarus |
| Name and title of officer: | T. Evdaseva - Head of the Department for Information and Public Relations of the Ministry of the Environment |
| Postal address: | 220048, Minsk, ul. Kollektornaia, 10 |
| Telephone: | (+375 17) 200-45-45 |
| Fax: | (+375 17) 200 45 45 |
| E-mail: | minofnature@gmail.com |

1. **PROCESS BY WHICH THE REPORT HAS BEEN PREPARED**

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

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| Answer:  1. The Ministry of the Environment involved the following ministries in preparation of the Report: the Ministry of Industry of the Republic of Belarus (‘the Ministry of Industry’), the Ministry of Architecture and Construction of the Republic of Belarus (‘the Ministry of Architecture’), the Supreme Court of the Republic of Belarus (‘the Supreme Court’), the Ministry of Sport and Tourism of the Republic of Belarus, the Ministry of Communications and Information Technology of the Republic of Belarus, the National State TV and Radio Company of the Republic of Belarus (Belteleradiocompany), the General Staff of the Armed Forces of the Republic of Belarus, the Ministry of Transport and Infrastructure of the Republic of Belarus, the Ministry of Internal Affairs of the Republic of Belarus (the MVD), the National Academy of Sciences’ Scientific and Practical Centre for Bioresources (which is a State scientific and production organization), the Ministry for Emergency Situations of the Republic of Belarus (‘the Ministry of Emergencies’), the Ministry for Agriculture and Food Production of the Republic of Belarus (‘the Ministry of Agriculture’), the State Border Committee of the Republic of Belarus (‘the Border Service’), the Ministry of Justice of the Republic of Belarus (‘the Ministry of Justice’), and oblast executive committees.  The database of legal information and material based on the practical experience of the Belarus Aarhus Centre was also used in preparing the report.  2. Information on the preparation of the report was published on the website of the Aarhus Centre, and the draft Fifth Report was made available for public discussion for the first time in November 2016 by posting it on the website of the Ministry of the Environment. Public discussions continued for 30 days.  Information was also disseminated through the ‘Greenbel’ Electronic Environmental Discussion Group.  3. The Head of the Department for Information and Public Relations of the Ministry of the Environment also played a part in preparing the report. |

1. **Particular circumstances relevant for understanding the report**

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

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| Answer:  4. The Aarhus Convention was adopted by Presidential Decree No. 726 of 14 November 1999.  In accordance with the Statutes and Regulations Act of the Republic of Belarus, the Convention forms part of Belarusian legislation. Its provisions must be implemented by all law enforcement bodies, and they have the legal force of a Presidential decree.  Financial constraints are not a significant obstacle to implementing the Convention.  5. In accordance with the Statutes and Regulations Act of the Republic of Belarus, the Convention forms part of Belarusian legislation. Its provisions must be implemented by all law enforcement bodies, and they have the legal force of a Presidential decree.  Because of difficulties that have arisen with regard to practical application of the law, the inclusion of the provisions of the Aarhus Convention in Belarusian legislation as ‘directly applicable provisions’ is insufficient to genuinely guarantee implementation of the standards set by the Aarhus Convention. |

1. **LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3**

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| List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention. |
| Explain how these paragraphs have been implemented. In particular, indicate the following: |
| a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance; |
| b) With respect to paragraph 3, measures taken to promote education and environmental awareness; |
| c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection; |
| d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally; including:   1. Measures taken to co-ordinate within and between ministries to inform officials involved in other appropriate international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing; 2. Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided; 3. Measures taken to promote and provide opportunities for public participation at the national level in discussion of issues relating to international forums (e.g., inviting members of NGOs to participate in the Party’s delegation in international environmental negotiations or involving NGOs in formulating the Party’s official position for such negotiations), including the stages at which access to information was provided; 4. Measures taken to promote application of the principles of the Convention in the procedures of other international forums; 5. Measures taken to promote application of the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums; |
| e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed. |
| *Answer:* |
| 6. In order to fulfil recommendations received, Law No. 333-3 of the Republic of Belarus of 24 December 2015 amending and adding to certain Laws of the Republic of Belarus with regard to Environmental Protection and to Public Participation in Environmentally Significant Decision-Making was adopted on the basis of the recommendations received by the Republic of Belarus at the fifth session of the Meeting of the Parties to the Aarhus Convention (‘the Recommendations’); it came into force on 1 July 2016.  Article 15-2, ‘Public discussions of drafts of environmentally significant decisions, of environmental impact assessment reports’, has been added to the Environmental Protection Act of the Republic of Belarus, thus enshrining the right to public participation in environmentally significant decision-making. Article 1 of the Environmental Protection Act defines the concept of ‘environmentally significant decisions’.  Resolution No. 458 of the Council of Ministers of the Republic of Belarus of 14 June 2016 (‘Resolution No. 458’) approving Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken was adopted in order to implement Article 15-2 of the Environmental Protection Act.  Law No. 362-3 of the Republic of Belarus of 11 May 2016 amending and adding to certain Laws of the Republic of Belarus made the following additions to the s[econd paragraph of Article 2](consultantplus://offline/ref=7B1C44B7F342119AD5E29FCE4A9493970B6130F29B715654F813D387F34E7FF02D31F4A024C3C930BE465EF4AAE1RBK) [of Law](consultantplus://offline/ref=7B1C44B7F342119AD5E29FCE4A9493970B6130F29B715654F813D387F34E7FF02D31EFR4K) No. 455-3 of the Republic of Belarus of 10 November 2008 on Information, Informatization and Information Protection (‘the Information, Informatization and Information Protection Act’): the words “the protection of children from information harmful to their health and development” after “advertising,” and the word “, environmental” after “legal”.  A new Law on State Environmental Review, Strategic Environmental Assessment and Environmental Impact Assessment (Law No. 399-3 of the Republic of Belarus of 18 July 2016, ‘the SER, SEA and EIA Act’) has been adopted, to enter into force on 22 January 2017  Also adopted was Council of Ministers’ Resolution No. 950 of 22 November 2016 amending and adding to certain Resolutions of the Council of Ministers of the Republic of Belarus.  At the same time, Belarus is putting into effect provisions which have already been adopted, relating to implementation of the Aarhus Convention provisions.  7. The Environmental Protection Act of 2002 includes Article 74, ‘Environmental Information’. Articles 74-1 to 74-7 were added *en bloc* in 2007.  8. Council of Ministers’ Resolution No. 734 of 24 May 2008 approving Regulations on the Procedure for Creating and Maintaining a Government Repository of Data on the State of the Environment and Environmental Impacts and of General Environmental Information subject to Mandatory Dissemination, the Holders of such Information who have a Duty to Disseminate it and the Frequency of its Dissemination requires holders of environmental information to maintain registers including a consolidated Register of Environmental Information held by the Government Data Repository.  This consolidated Register of Environmental Information is to be compiled and maintained by the Ministry of the Environment.  The Register of Environmental Information is available on the Ministry of the Environment’s website at <http://minpriroda.gov.by/ru/new_url_857709135-ru/>.  However, there are still difficulties with the process of integrating similar resources from holders of environmental information, posting these on their websites and simultaneously sending lists to the Ministry of the Environment.  9.  10. A Law amending and adding to the Environmental Protection Act on matters of Environmental Information and Compensation for Environmental Damage was passed in 2007.  11. The constitutional basis for public participation in decision-making consists of provisions on the right of freedom to hold assemblies, rallies, street processions, demonstrations and pickets that do not disturb law and order or contravene the rights of other citizens; on the right to freedom of association; on the right to participate in State affairs; and on the right to send individual or collective communications to public authorities (Articles 35 to 37 and Article 40 of the Constitution of the Republic of Belarus – ‘the Constitution’).  According to some of the country’s environmental NGOs, it has been difficult to enforce these rights in Belarus.  12. Under Articles 33 to 35 and Article 37 of the Local Administration and Self-Government Act, citizens who are resident in the relevant territory are entitled to conduct local administration and self-government through councils of deputies, executive agencies and administrative authorities, local community organizations and local referendums, assemblies and other forms of direct participation in State and public affairs. No restrictions whatsoever on citizens’ right to participate in local administration and self-government are permitted, with the exception of instances specified by the Constitution and by statute.  13. The legal basis for the activities of public associations is provided by the Public Associations Act and the Environmental Protection Act. In particular, under Article 20 of the Public Associations Act, from the day of their State registration, public associations have the right to carry on activities aimed at achieving the purposes stated in their articles of association; to freely receive and disseminate information relevant to their activities; to use State media under a procedure established by legislation; to found their own media and carry on publishing activities under a procedure established by legislation; to protect their rights and lawful interests, and to represent the lawful interests of their members to public authorities and other organizations; to participate in the preparation and conduct of elections under a procedure established by legislation; to maintain contact with other public associations or unions; to create unions; to carry on activities involving the management of copyrights and other titles of ownership on a collective basis and according to a procedure established by legislation.  At the same time, NGOs encounter a number of difficulties in registering. In their opinion, the registration procedure for NGOs should be simplified, particularly with regard to the requirement to have a legally registered office address.  14. The National and Local Assemblies Act sets out how national and local assemblies are to be organized and how the public can participate in them. The Electoral Code governs the organization and conduct of local and national referendums and the legal force of their results.  15. The Architecture, Urban Development and Construction Act specifies how citizens are to participate in urban development planning for territories, including residential areas; how architectural, urban development and construction activities are to be conducted; and other measures relating to architectural, urban development and construction activities.  Council of Ministers’ Resolution No. 109 of 10 February 2014, amending and adding to Resolution No. 687 of the Council of Ministers of the Republic of Belarus of 1 June 2011, adopted a new version of the Regulations on the Conduct of Public Discussions in the field of Architectural, Urban Development and Construction Activities. Resolution No. 109 came into force on 1 April 2014.  16. Nature conservation legislation provides additional means of ensuring the right of citizens and legal entities to participate in environmentally significant decision-making, *inter alia* through public discussions of conceptual frameworks, programmes, plans or 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; of laws and regulations of the Republic of Belarus (to the extent that these are intended to govern relations associated with carrying on economic and other activities regarded as environmentally hazardous under criteria defined by the President of the Republic of Belarus or a competent public environmental protection authority); of decisions on the issue of a permit for removal of flora in human settlements or a permit for the transplant of flora in human settlements in cases specified by the legislation of the Republic of Belarus on flora; of environmental impact assessment reports (Article 15-2 of the Environmental Protection Act). The right of citizens, public associations and local community organizations to participate in examining matters that affect their interests in relation to impending expropriation, compulsory purchase and allocation of land plots is enshrined in Article 22 of the Land Code. Under Article 17 of the Water Code, citizens and public associations active in the field of conservation and use of water resources have the right to take part in implementing measures for the conservation and efficient (sustainable) use of water resources, and in the work of watershed councils; to initiate a public environmental assessment according to the [established](consultantplus://offline/ref=7772224E1EE657D4EAF9360271939D8C4C95EDAD271E3914B71E39D29F6DD72BE83FD7BC71FBEC0B0992CC3D7FT4U8I) procedure; to receive environmental information on the conservation and use of water resources in accordance with the legislation; to bring claims before the courts seeking compensation for environmental damage. Other rights of citizens and public associations in the field of conservation and use of water resources may also be determined by legislation. In tackling issues that affect specially protected natural areas, Article 16 of the Specially Protected Natural Areas Act and Paragraph 6 of the Rules on Preparation of Management Plans for Specially Protected Natural Areas (which were confirmed by Decision No. 94 of the Ministry of the Environment of 29 October 2008 on certain issues relating to Specially Protected Natural Areas), provide for citizens and legal entities to participate in public discussions of management plans for specially protected natural areas in accordance with the [Regulations](consultantplus://offline/ref=B8BEABC17A19B3532FC0493DDDB33FFE9E1D364CCC77185BFDC970526FBA0B9D2BE8176D3BB6657E1C1BCEE6B7QDb1I) on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken, approved by Resolution No. 458, and to be provided with the conclusions of a public environmental review (Article 11 of the State Environmental Review Act of 9 November 2009 and Article 13 of the new SER, SEA and EIA Act), etc.  Council of Ministers’ Resolution No. 1592 of 29 October 2010 approving Regulations on the Organization and Conduct of Public Environmental Review.  On 20 June 2013, the Council of Ministers of the Republic of Belarus adopted Resolution No. 504 on certain issues relating to Environmental Protection and Environmental Management, which approved Regulations on the Procedure for the Activities of Public Environmental Specialists. Against the background of the fact that the institution of public inspectors has been abolished, these Regulations eliminate the accreditation procedure for public environmental specialists and streamline their reporting procedure, but significantly generalize their spheres of competence.  Provisions governing public compliance monitoring have been introduced into laws and regulations governing living and working conditions and into the Criminal Penal Code. At the same time, provisions relating to public monitoring have been eliminated from the Environmental Protection Act, the Flora Act, the Water Code of the Republic of Belarus.  The Institute of Public Environmental Specialists continues to operate, and, as of 1 March 2016, had 550 registered members across Belarus.  17. Examination of communications is carried out under Law No. 300-3 of the Republic of Belarus of 18 July 2011 on Communications from Citizens and Legal Entities (‘the Citizens’ and Legal Entities’ Communications Act’).  A department for information and public relations continues to operate within the Ministry of the Environment.  In July 2013, a Communications and Public Information Division was established within the Department for Nuclear and Radiation Safety at the Ministry of Emergencies.  The oblast executive committees have established enquiry desks working on the ‘one-stop shop’ principle.  An NPP Information Centre has been established at the Belarusian NPP (a State enterprise). Its aim is to inform Belarusians about nuclear power and its infrastructure, the nature of atomic energy and the principles on which the Belarusian NPP operates.  Aarhus Centres offer practical help to civil servants in carrying out their duties under the Aarhus Convention and give advice to natural and legal persons on exercising their rights to access to environmental information, participation in decision-making and access to justice in environmental matters.  In 2011, the first regional Aarhus Centre in Belarus was set up in the city of Grodno. The Grodno Aarhus Centre assists the public in Grodno Oblast in gaining access to information and makes it easier for them to participate in the decision-making process; an environmental rights consultant provides legal assistance.  **Article 3, paragraph 3**  18. Article 2.1.7. of Code No. 243-3 of the Republic of Belarus of 13 January 2011 on Education (‘the Education Code’) has declared a focus on the environmental dimension to be one of the principles of the country’s education policy. Article 18 of the Education Code enshrines the formation of moral, aesthetic and environmental understanding as one of the main cultural tasks of the education system (Article 18.2.3.) and environmental education directed at encouraging school children and students to value the natural world as one of the main components of education (Article 18.5.10.).  Chapter 13 of the 2002 Environmental Protection Act is entitled ‘Environmental protection: education, raising awareness and scientific research’ and, in addition to covering these three areas, sets out occupational knowledge requirements for workers whose activities relate to the use of natural resources and to environmental impacts. Under Article 75, citizens’ education on environmental protection and environmental management is to be ensured by including syllabuses covering fundamental knowledge in these areas in educational curriculum documentation.  Requirements for workers whose activities relate to the use of natural resources and to environmental impacts are enshrined in Article 76 of the Act. This states that workers whose activities relate to the use of natural resources and to environmental impacts are obliged to have the necessary knowledge of environmental protection and environmental management and to improve their knowledge on a regular basis. When authorized officials and specialists are appointed, their accreditation and re-accreditation must take into account whether or not they have the necessary knowledge of environmental protection.  Provisions relating to raising awareness of environmental protection issues are contained in Article 77 of the Act, under which, in order to forge a culture of environmental awareness among citizens and to cultivate an environmentally friendly attitude to the natural world, awareness of environmental protection issues is to be raised through dissemination of environmental information, including detailed information on environmental security, as well as conveying knowledge about what constitutes environmental information and about the procedure for formulating it, disseminating it and supplying it to various actors in the field of environmental protection.  On this basis, all educational institutions carry out environmental education, to various extents, in the course of their work with children and students, parents and other close relatives as well as for teaching staff and other employees.  Issues of environmental education are covered in teaching modules within the curricula for educational institutions, designed to provide syllabuses for general secondary education, as well as in programmes of extra-curricular activities.  Students are encouraged to develop into thrifty consumers and take an efficient, energy-saving approach to the use of natural resources; to this end, middle and general secondary school students from Years 2 to 10 are offered extra-curricular activities under the general heading of ‘Energy-saving Awareness’ (‘Starting out on the road to environmental friendliness’, ‘Learning more about environmental friendliness’, ‘Saving energy: the basics’, ‘Saving energy: energy production today’, ‘Energy efficiency and the environment: using and conserving energy at work, at school and at home’). Similarly, there are extra-curricular activities for Years 2 to 4 on ‘The Environment, Energy and Me’ and for Years 5 to 8 on ‘Energy and the Environment’.  Apart from the above, both younger pupils and general secondary school students can get involved in the following extra-curricular activities:  - in Year 1, a programme of extra-curricular activities entitled ‘Now I am 7’, which includes a ‘Nature and Me’ module providing greater knowledge about the natural environment and instilling respect for nature and an understanding of the wealth, beauty and originality of nature in the child’s own locality;  - in Years 2 to 4, a programme of extra-curricular activities entitled ‘My country and the environment’, designed to raise awareness of nature conservation and create a sense of environmental responsibility;  - in Years 7 to 8, a programme of extra-curricular activities, entitled ‘Belarus’s wildlife and its biology’, examines issues of nature conservation;  - in addition, ‘Green Schools’ offer extra-curricular activities to Years 1 to 9. This programme of extra-curricular activities is designed to raise pupils’ and students’ environmental awareness, including increasing their knowledge of the biodiversity of fauna and flora in their own locality, saving energy, the need to conserve surface and ground water, and waste recovery.  Organizations concerned with the learning process in higher education establishments also pay special attention to ecological and environmental protection issues. Educational Standards have been developed and approved (as at 5 September 2016) in the following specialisms at undergraduate level:  1-33 01 01 Bioecology;  1-33 01 02 Geoecology;  1-33 01 05 Medical ecology;  1-33 01 06 Agricultural ecology;  1-33 01 07 Practical nature conservation (for various fields of study)  and at postgraduate level (Masters):  1-33 80 01 Ecology;  1-33 80 02 Geoecology;  1-33 81 02 Radiobiology;  1-33 81 04 Ecological management.  In addition, model curricula have been developed across a range of study disciplines in higher education.  Environmental awareness-raising is carried out by public associations and the media as well as healthcare institutions, museums, libraries and other cultural establishments, nature conservation agencies, and sports and tourism organizations.  19. A separate section of the National Socio-economic Development Strategy for the period up to 2020 is devoted to public environmental education, development and information (point ~~6.2.4~~ 4.4 ‘Education for Sustainable Development’).  Decision No. 250 of the Ministry of Education of 28 March 2016 approved the Government’s ‘Education and Youth Policy’ [programme](consultantplus://offline/ref=156514328E14A360B686B94370F490293EB1798630EC5AAF4CBAA46C0537A46A4CFC7EF3EAC186DEE229C77A96U7eFM) for 2016 - 2020, which includes measures such as holding gatherings of young environmentalists and running competitions with environmental themes.  20. Belarusian pre-school institutions instil environmental awareness and the basics of education for sustainable development (ESD) through ‘The Child and the Natural World’, which looks at the topics of environment, plants, animals and relationships between human beings and nature, and ‘The Child and Society’, which looks at broader issues of human development, including health, nutrition, safety, co-operation with adults and peers, well-adjusted social behaviour and an understanding of the natural world and environmentally friendly attitudes. At least 20% of the curriculum is devoted to these two areas. To help teachers deliver ‘The Child and the Natural World’, two series – together comprising more than 30 illustrated teaching aids – on the themes ‘The World of Childhood’ and ‘Let's Wise up!’ have been developed and published.  As part of school reform, the environmental component of the general secondary education curriculum has been significantly strengthened. Students are taught environmental awareness in an integrated manner by including information on nature, society and humankind as part of curricular subjects as well as by highlighting themes and sections in natural science subjects that broaden and deepen individual aspects of environmental education.  Forty-four educational institutions have received the ‘Green School’ award, while 134 more have applied for it.  The role of non-school educational institutions that focus on ecology, biodiversity and local knowledge (including for tourism) has also been strengthened.  Environmental education and development is a compulsory element of technical and vocational secondary education for all students, regardless of their future specialism.  Educational standards for vocational secondary education include occupational knowledge requirements and environmental management skills for those graduating in every specialism.  To raise environmental awareness among future agronomists, optional courses on ‘Access to environmental information’, consisting of 30 classroom hours, have been introduced into vocational secondary education colleges.  Higher educational establishments occupy a particular place in the environmental education system. Maxim Tank Belarusian State Pedagogical University (BSPU) works with the NGO ‘Education for Sustainable Development’ on joint projects, in which not only students and lecturers but also other interested parties, such as educational institutions and foreign organizations, participate. They play an active role in research on ESD teaching. ESD forms an essential aspect of ‘Philosophy of Education’, a discipline studied by leading educationalists. BSPU uses ESD and sustainable development indicators in its own independent quality assessments.  Eight Belarusian universities take part in the University Twinning/UNESCO Chairs Programme, which aims to promote international co-operation between universities and university associations in a network for increasing their institutional capacities through knowledge exchange and joint endeavours in the fields of education, natural and social sciences, culture and communications.  Twenty-seven Belarusian universities take part in the Baltic Universities Programme, which involves 225 universities across the Baltic Sea region. The Programme focuses on issues of sustainable development, environmental protection and democracy. Universities in the network collaborate to develop academic courses, with general teaching materials and lesson plans, and also participate in joint projects for democratic, sustainable regional development.  The legal aspects of environmental management are studied in legal higher education programmes as well as in management training programmes.  21. The Co-ordination Council for Education for Sustainable Development continues to operate under the auspices of the Ministry of Education.  22.  **Article 3, paragraph 4**  23. Public associations that have not been officially registered are not allowed to operate in the Republic of Belarus. The Ministry of Justice registers political parties, national-level trade unions, international and national public associations and unions of such associations, while the justice directorates of oblast executive committees and Minsk City Executive Committee register local trade unions, workplace trade unions, local public associations and unions of such associations. The State registration procedure for public associations, unions, their symbols, amendments and (or) additions to the articles of association of a public association or union is laid down by the Public Associations Act (Article 13) and by decisions of the Ministry of Justice.  By way of State support for non-commercial organizations carrying out socially useful activities, for public associations, for unions of such associations, and for foundations (including nature conservation foundations), property rents may be reduced by a coefficient of 0.1 applied to base rates. This subsidy is available to organizations on the List of Public Organizations (Associations), Organizational Divisions of NGOs, Foundations, Associations of Legal Entities and (or) of Individual Entrepreneurs (Associations, Unions) established and approved by Council of Ministers’ Resolution No. 327 of 3 April 2013. Therefore this rent reduction has been granted to the Belarusian Nature Conservation Society, a public association.  24. The duty to involve public associations, other legal entities and citizens in environmental protection activities is enshrined in Article 4 of the Environmental Protection Act.  This Article has not been widely implemented, but efforts in this direction are ongoing and some examples of good practice already exist. For example, public meetings may be held to discuss an EIA report on the initiative of the project owner of a proposed activity, even if no request for such a meeting has been received from the public in accordance with its right under national legislation.  However, consultations have revealed that NGOs have a specific concern about the issue of sufficiently early public participation in decision-making, since not all authorities currently accord this aspect of the process due significance.  25. Under the National Public and Social Institutions Act of the Republic of Belarus, the State provides ongoing financial support to environmental organizations if they are nationwide public and social associations. Youth and children’s organizations can receive State support, including financial support, pursuant to the Act on State Support to Youth and Children’s Public Associations.  The participation of citizens, public associations and local community organizations in examining matters connected with the use, conservation and protection of forests and with reforestation is governed by Article 14 of the Forestry Code.  The participation of citizens, public associations and local community organizations in taking State decisions connected with activities relating to flora is enshrined in Article 16 of the Flora Act.  26. Public authorities may significantly reduce rents charged to public associations who lease premises for use as offices; however, there are no clear criteria for the granting of rent subsidies.  27. The Ministry of the Environment supports public environmental associations (NGOs) in implementing international technical assistance projects which focus on the environmental dimension.  If international technical aid for environmental protection and to promote efficient use of natural resources is to be granted under Decree No. 5 of the President of the Republic of Belarus of 31 August 2015 on Foreign Grant Aid, the Ministry of the Environment issues conclusions agreeing the purposes for which aid will be used and (or) whether to grant it free of taxes, dues (duties).  **Article 3, paragraph 7**  28. Chapter 7 of the Public Associations Actprovides that public associations or unions, in accordance with their founding documents, may take part in establishing international public associations or unions in the territory of foreign states and may join international public associations or unions established in the territory of foreign states. Public associations or unions may maintain direct international contacts and relationships, conclude appropriate agreements and engage in other activities that do not contravene the legislation of the Republic of Belarus, which includes international treaties concluded by the Republic of Belarus.  In 2016, the outcomes of the Eighth Environment for Europe Ministerial Conference, held in Batumi (Georgia), were discussed at a meeting of Belarus’s Public Co-ordination Committee on the Environment (‘the PCCE’).  In 2015, two NGO representatives – Nastassia Bekish, Climate Consultant (Climate Change Policy Consultant for the Green Network and Joint Co-ordinator of Climate Action Network Eastern Europe, Caucasus and Central Asia) and Maria A. Falaleeva, PhD, Consultant to the NGO ‘Ecoproject’ (Deputy Chair of the Central Council of Ecoproject) – took part in the official delegation of the Republic of Belarus which attended the twenty-first session of the Conference of the Parties to the UN Framework Convention on Climate Change and the eleventh session of the Meeting of the Parties to the Kyoto Protocol, as well as the forty-third session of the Subsidiary Body for Scientific and Technological Advice, the forty-third session of the Subsidiary Body for Implementation and the tenth session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (‘the Climate Change Conference’), which took place from 30 November to 11 December in Paris (French Republic). The main outcome of the Climate Change Conference was the adoption of a new climate change agreement – the Paris Agreement – which will replace the Kyoto Protocol after 2020 and become the international legal basis for the activities of nations (the Parties to the UN Framework Convention on Climate Change) directed at reducing greenhouse gas emissions.  Practices for involving NGO representatives in formulating the country’s official position for presentation in international environmental forums and for members of NGOs to be part of official delegations to international forums are improving.  **Article 3, paragraph 8**  29. Paragraph 8 of article 3 of the Convention is implemented on the basis of provisions of the Constitution. In accordance with Article 23 of the Constitution, personal rights and freedoms may be restricted only in the instances specified by law, in the interest of national security, public order, the protection of the morals and health of the population and the rights and liberties of other persons. Under Article 26, no one may be found guilty of a crime unless his or her guilt is proven by the procedure specified in law and established by a verdict of a court of law that has entered into legal force. The Criminal Code enshrines in law liability for interfering with the lawful activities of public associations and liability for persecuting citizens who express criticisms (Articles 194 and 197).  Nevertheless, information regarding the detention of Belarusian anti-nuclear activists in connection with their activities was submitted to the Aarhus Convention Compliance Committee by members of the public.  The Ministry of the Environment, as the national government authority responsible for implementing the provisions of the Aarhus Convention in Belarus, has been actively co-operating with other government bodies in order to comply with article 3, paragraph 8, of the Convention. In particular, over the period 2014 - 2016, information explaining that it is mandatory to comply with the provisions of the Aarhus Convention, especially with article 3, paragraph 8, has been sent to law enforcement agencies. Over the period 2013 - 2015, similar information was sent to the Belarusian NPP and to the Ministry of Energy of the Republic of Belarus. Over the period 2014 - 2016, representatives of the Ministry of the Environment have taken part in seminars and other working meetings – including some with the participation of international experts – during which they have assiduously drawn the attention of other government bodies to the mandatory nature of compliance with the provisions of the Aarhus Convention, especially article 3, paragraph 8. |
| 1. **OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3**   Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above. |
| *Answer:* |
| 30. Government officials do not always take the public’s suggestions seriously, as a result of which the potential expertise of members of the public is undervalued.  31. The ‘restricted’ nature of the Aarhus Convention implementation process presents a problem: sufficient headway is being made within Ministry of the Environment bodies, but other public authorities do not make sufficient use of all possible ways of implementing the Convention.  32. Current laws and regulations on international technical aid and foreign grant aid have undergone significant amendment, but the procedure for registering these resources remains fairly lengthy.  According to information from the public association ‘Ecohome’, in some particular instances public discussions of management plans for specially protected natural areas have been conducted only in a formal sense.  There is no single Internet portal for environmental information. |
| 1. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3   Provide further information on the practical application of the general provisions of article 3. |
| *Answer:* |
| The main operational priorities for the Ministry of the Environment and its regional bodies in the area of environmental education and awareness are:  - informing government bodies, legal entities and citizens about the state of the environment and environmental protection measures;  - organizing the promulgation of knowledge about the environment and environmental management, fostering a culture of environmental responsibility;  - involving citizens, environmental public associations, educational and cultural institutions, religious organizations and others in tackling environmental protection and efficient environmental management issues.  In the aim of providing opportunities for citizens, legal entities and individual entrepreneurs to submit their questions relating to environmental protection and efficient use of natural resources to representatives of the Ministry of the Environment and its regional bodies, direct phone lines and ‘hotlines’ facilitate ‘two-way communication’ with the public and also help to determine which environmental protection issues require additional explanation.  The work of the Ministry of the Environment includes publication of an in-house magazine entitled ‘Our Native Nature’ and a special environmental supplement (‘Ecosreda’) to the government-owned newspaper, *Zvyazda* [The Star].  Statements in the print media and on national TV and radio are organized by managers and specialists in various divisions of the Ministry of the Environment.  Information about the state of the environment and the efficient use of natural resources is regularly given in programmes broadcast by the radio station First Channel, such as ‘Ecological Monitor’, ‘Radiofact’, ‘Post Factum’, ‘Topical Microphone’ and others.  The Ministry of the Environment, its regional bodies and subordinate organizations are officially represented on the World Wide Web by some 30 Internet resources.  The Ministry of the Environment conducts information campaigns, in which press events (press conferences, briefings, round tables, press tours) on topical environmental protection and management issues play an integral part; these include events directed at preventing offences under environmental protection law.  The Ministry of the Environment distributes its publications to public libraries, academic libraries, libraries in educational institutions and NGOs, because these all play an important role in disseminating and promoting environmental knowledge.  The Ministry of the Environment and its regional bodies and the oblast executive committees are active in organizing and participating in a range of competitions and campaigns on environmental themes, as well as district-level environmental forums devoted to environmental issues and sustainable environmental management. Environmental campaigns are conducted in close co-operation with NGOs, which often act as co-organizers.  A number of schools in Belarus have established and equipped ‘environmental classrooms’ or study rooms, sometimes with international technical assistance. ‘Forest schools’ have also been established, and these operate all year round on a plan approved by the head teacher and the forestry staff.  Ecology centres and environmental trails have been established in specially protected natural areas and in *zakazniki* (less strictly protected natural areas).  The practice of involving big business (Coca-Cola, Velcom, MTS, Belgosstrakh) as joint organizers of environmental information campaigns and activities has continued.  33. Activities undertaken with a focus on environmental issues, in particular within the framework of the National Environmental Forum, have included the distribution of a Guide to the Implementation of the Aarhus Convention for civil servants, a Guide on the Implementation of the Aarhus Convention for members of the public, a Guide on Access to Environmental Information, the text of the Aarhus Convention itself and information materials on its implementation.  34. In order to guarantee that everyone in Belarus, including public authorities, has access to information about the Aarhus Convention and recommendations for compliance with it, the Ministry of the Environment has created a section entitled ‘Co-operation with the public and business’ on its website, where it posts the texts of the Aarhus Convention, the Implementation Guide, the Maastricht Recommendations and other documents. The Register of Environmental Information is also available there (i.e. at ***minpriroda.gov.by***).  35. Telephone ‘hotlines’ have been set up in all oblasts and in the City of Minsk in order to provide the public with environmental information and to respond to reports of contraventions of environmental legislation on the ground. The Belarus Aarhus Centre opened to the public in December 2005; a regional Aarhus Centre has been set up in the city of Grodno.  36. A National Centre for Environmental Training, Retraining and CPD has been set up in order to provide continuing and further professional development courses on environmental protection and environmental management for economists and for members of regional bodies of the Ministry of the Environment. The Centre’s study programme currently includes lectures on the themes of ‘Environmental Education in Belarus’, ‘Providing Environmental Information and Organizing Work with the Public’ and ‘Implementing the Provisions of the Aarhus Convention in Belarus’.  37. The PCCE has been operating under the auspices of the Ministry of the Environment since 2001. Its main aim is to assist the Ministry of the Environment and environmental NGOs.  In order to recognize the loss of force of Decision No. 2 of the Ministry of the Environment of 19 January 2007 and to improve the work of the PCCE, the Ministry of the Environment adopted Order No. 330-OD of 23 September 2015 on the Public Co-ordination Council for the Environment, attached to the Ministry of the Environment, which drew in some 23 public associations.  Newly created PCCEs attached to oblast committees for natural resources and environmental protection began active work in 2016.  Paragraph 8 of the Architecture and Urban Development Councils [Regulation](#Par22)s, approved by Decision No. 39 of the Ministry of Architecture of 20 July 2011, requires public environmental specialists, NGO representatives and representatives of educational institutions to be included in the membership of these Councils.  38. A National Environmental Forum has been held in Belarus since 2003 in the aim of consolidating and mobilizing all sectors of society to tackle issues of environmental protection and the efficient use of natural resources, involving citizens of the Republic in the environmental movement to the greatest possible extent, spreadin~~g~~ a culture of environmental responsibility among Belarusians and promoting the principles of sustainable use of natural resources. Campaigns, festivals, scientific and practical conferences, nationwide competitions with environmental themes and other mass events are organized within the framework of the Forum.  39. The Ministry of the Environment also uses press conferences, meetings with the Ministry’s leading figures and specialists for a wide audience of non-specialists, media statements and other similar activities to raise environmental awareness. Press releases are prepared and distributed.  40. Information material is published regularly, including the ‘State of the Environment in Belarus’ bulletin, annual reviews of the results of the programme of the National Environmental Monitoring System, etc.  41. The National Statistics Committee publishes aggregate data derived from State statistical reporting (there are 10 statistical forms relating to the environment and forestry) in its annual reports, newsletters and annual statistical compendium, ‘The Protection of the Environment and Natural Resources in the Republic of Belarus’.  42. The Ministry of the Economy of the Republic of Belarus has created a section on its website where it posts draft laws and regulations which are subject to public discussion. The websites of public authorities and of oblast and district executive committees also have ‘Public Discussions’ sections.  The practice of holding training seminars/round tables on implementation of the Aarhus Convention and on the Ministry of the Environment’s activities for putting the Convention’s provisions into operation has continued. Members of the Standing Committee on Ecology, Environmental Management and the Chernobyl Disaster of the House of Representatives of the National Assembly of the Republic of Belarus, representatives of the National Centre for Legislation and Legal Research, representatives of government bodies, of the Public Prosecution Service, of local executive and administrative agencies, of business and of NGOs, as well as lawyers and members of the mass media, have taken part in these events. A seminar on ‘Ensuring access to justice on matters relating to the environment’ was held in Minsk on 14 December 2015.  ‘Strengthening the implementation of the Aarhus Convention in the Republic of Belarus’, a project with international technical assistance and with funding from the OSCE, has been running throughout 2016. In that connection, seven seminars/round tables have been held across the whole country on ‘Implementation of the provisions of the Aarhus Convention’ and ‘Implementation of the provisions of the Aarhus Convention: focus on public participation in environmental decision-making’, as well as a seminar on ‘Ensuring effective public participation in environmentally significant decision-making in the Republic of Belarus’. A number of printed publications have also been produced. |
| 1. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3   Give relevant website addresses, if available: |
| 43. Websites as follows:  (a) http://www.minpriroda.gov.by/ru/ – Ministry of the Environment;  (b) http://belstat.gov.by – the National Statistics Committee’s information site;  (c) http://www.minzdrav.by –Ministry of Health;  (d) http://ozone.bsu.by – National Ozone Monitoring Research Centre, Belarusian State University;  (e) <http://greenbelarus.info> – Green Belarus portal;  <http://oobpo.by/component/content/article/9-2012-10-24-12-35-54/98-l-r-.html> - website of the Belarus Pedagogical Association (an NGO);  <http://gymnasy4.mne.by/111.html> - website of the Head of Information Technology at Grammar School No. 4, Vitebsk  <http://bspu.by/events/mezhdunarodnyi-simpozium-obrazovanie-v-interesah-ustoichivogo-razvitiya-dlya-vseh-pokolenii---socialnyi-dogovor> - website of BSPU  There are currently 37 functioning Belarusian websites on environmental themes, which can be accessed through the official Ministry of the Environment website. |

1. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

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| List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4. |
| Explain how each paragraph of article 4 has been implemented. Give an account of the adoption at national level of the relevant definitions contained in article 2 and of the requirements contained in article 3, paragraph 9, on absence of discrimination. Also, and in particular, indicate the following: |
| a) With respect to paragraph 1, measures taken to ensure that: |
| i) Any person may have access to information without having to state an interest; |
| ii) Copies of the actual documentation containing or comprising the requested information are supplied; |
| iii) The information is supplied in the form requested; |
| b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected; |
| c) With respect to paragraphs 3 and 4, measures taken to: |
| i) indicate exemptions from the practice of providing information on request; |
| ii) Ensure that the public interest test at the end of paragraph 4 is applied; |
| d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary steps; |
| e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available the information held is implemented; |
| f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other conditions with respect to refusals; |
| g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met. |
| *Answer:* |
| 44. In 2007, in compliance with the Aarhus Convention, amendments and additions relating to access to environmental information were inserted into the Environmental Protection Act: concepts of ‘environmental information’ were defined; the content, sources and types of environmental information and the forms in which it can be provided and disseminated were specified; requirements for the content of requests for environmental information were indicated; and the procedure and conditions for restricting access to environmental information, the procedure for providing environmental information to public authorities and other State agencies, citizens and legal entities, the procedure for providing specialist environmental information and the procedure for disseminating general environmental information, etc., were established. Council of Ministers’ Resolution No. 734 of 25 May 2008 approving Regulations on the Procedure for Creating and Maintaining a Government Repository of Data on the State of the Environment and Environmental Impacts and of General Environmental Information subject to Mandatory Dissemination, the Holders of such Information who have a Duty to Disseminate it and the Frequency of its Dissemination came into force on 1 July 2008. This Resolution approved the procedure for creating and maintaining the Government Data Repository and specified the [content](file:///C:\Gbinfo_u\Owner\Temp\132383.htm#a3) and frequency of dissemination of environmental information.  45. The Republic of Belarus has not created a separate body to oversee access to environmental information.  46. Under the Citizens’ and Legal Entities’ Communications Act, organizations are responsible for ensuring compliance with legislation on citizens’ communications, including and in particular the provision of environmental information, in accordance with the scope of their authority.  47. Under the Public Prosecution Service of Belarus Act, the Public Prosecution Service is responsible for overseeing exact, uniform compliance with laws and regulations, including those dealing with the provision of environmental information.  **Article 4, paragraph 1**  48. Article 34 of the Constitution enshrines the duty of public authorities to supply information “that affects the rights and legal interests of citizens”, as do laws and regulations passed on the basis of Article 34. Article 74-4 of the Environmental Protection Act states that “the applicant is not obliged to explain his or her interest in receiving environmental information”.  49. The Information, Informatization and Information Protection Act came into force in 2009, establishing the procedure for disseminating and (or) providing information, setting out rights and duties in the field of information and establishing liability for contravening legislation on information, informatization and information protection.  50. Article 74-4 of the Environmental Protection Act requires a holder of environmental information of a general nature to present it in the form, scope and content indicated in a request for general environmental information. If the holder lacks the technical means to provide the information in the form and scope requested, it must provide it in a form and scope at its disposal, indicating the reasons for this variation. Specialist environmental information is provided to State agencies, to other legal entities that are not public authorities and to citizens in return for payment, in accordance with the time frame and conditions set out by an agreement to provide specialist environmental information. (Article 74-5 of the Environmental Protection Act).  Sometimes environmental information is not presented in accordance with the form, scope or content indicated in the request.  Through the adoption of Law No.[18-3](consultantplus://offline/ref=469AFB49B67373AD894C47BEFEC4A0C90A9CDB71CF7EE93FA7E4EFBE1748F2CDD1EAA8A68E2F0D7C0918F6A717Q2q2R) of the Republic of Belarus of 22 January 2013, information about the state of biofuels has been brought under the heading of ‘environmental information’ as defined in the Environmental Protection Act.  The procedure for issuing – and also for refusing to issue – copies of documentation has been established by Council of Ministers’ Resolution No. 1256 of 30 December 2012 on certain questions of the Issuing and Attestation of Copies of Documents relating to the Rights and (or) Legal Interests of Citizens, including Individual Entrepreneurs, and of Legal Entities.  51. Article 74-6 of the Environmental Protection Act provides that a request for environmental information must indicate the form in which it is to be supplied.  **Article 4, paragraph 2**  52. The procedure and time frame for citizens and legal entities to be provided with environmental information is set out by Article 74-4 of the Environmental Protection Act, and fully complies with article 4, paragraph 2, of the Convention. Article 74-5 specifies the procedure for obtaining specialized environmental information.  **Article 4, paragraphs 3 and 4**  53. Under the Constitution and other laws and regulations, the right to receive environmental information may be restricted by law. Legal restrictions on the provision of environmental information in accordance with article 4, paragraphs 3 and 4, of the Convention are enshrined, in particular, in Article 74-2 of the Environmental Protection Act, in the Citizens’ and Legal Entities’ Communications Act, in the State Secrets Act, in the Civil Code (Articles 128 and 140), in the Copyright and Allied Rights Act (Law No. 262-3 of the Republic of Belarus of 17 May 2011), and in other legislation.  54. Article 74-2 of the Environmental Protection Act as amended on 21 December 2007 sets out restrictions on access to environmental information under the Aarhus Convention and circumstances where restrictions on access to environmental information are not permitted.  55. The State Secrets Act (Law No. 170-3 of the Republic of Belarus of 19 July 2010) defines which information may and may not be categorized as a State secret.  Public authorities need to make greater efforts to inform the public about the provision of environmental information contained in documents to which access is restricted.  Article 18-1 of Law No. 102-3 of the Republic of Belarus of 4 January 2014 amending and adding to the Law of the Republic of Belarus on Information, Informatization and Information Protection defines the various types of official information subject to restricted dissemination.  With a view to avoiding refusals to provide environmental information on this ground, Law No. 362-3 of the Republic of Belarus of 11 May 2016 amending and adding to certain Laws of the Republic of Belarus made the following additions to the s[econd paragraph of Article 2](consultantplus://offline/ref=7B1C44B7F342119AD5E29FCE4A9493970B6130F29B715654F813D387F34E7FF02D31F4A024C3C930BE465EF4AAE1RBK): the words “the protection of children from information harmful to their health and development” after “advertising,” and the word “, environmental” after “legal”.  Thus, a specific legal regulatory procedure for the provision of environmental information is being laid down, as defined in the Environmental Protection Act.  It is still too early to draw conclusions as to whether or not the implementation of this legislation is effective, since it came into force only in July 2017.  56. Article 140 of the Civil Code defines ‘trade secrets’. Law No. 16-3 of the Republic of Belarus of 5 January 2013 on Trade Secrets (‘the Trade Secrets Act’) governs the approach to establishing, amending and revoking the rules on trade secrets and the way in which the legal protection of trade secrets is to be handled. The force of the Act does not extend to State secrets.  57. The ‘public interest test’ is not enshrined in any laws or regulations of the Republic of Belarus apart from the Convention.  **Article 4, paragraph 5**  58. The general approach to regulating time frames for the examination of communications is enshrined in Article 17 of the Citizens’ and Legal Entities’ Communications Act.  59. Under Article 74-4 of the Environmental Protection Act, if a request for environmental information of a general nature relates to environmental information that is in the process of preparation and, after its preparation is complete, must be provided or disseminated within a time frame laid down by the legislation of the Republic of Belarus, the holder of the environmental information must inform the applicant of this in writing within five working days of receiving the request and must indicate the time frame within which and the means by which the applicant will be able to obtain the information being prepared; if the holder of the general environmental information requested is a legal entity that is not a public authority or other State agency, or an individual entrepreneur, then the public authority or other State agency that has received the request and is responsible for satisfying it must of its own accord request this environmental information from its holder within five working days of receiving the request, and must at the same time inform the applicant of this in writing; where a public authority or other State agency receives a request for general environmental information, the holder of the environmental information must provide the information requested within ten working days of receipt of the request or must inform the applicant within three working days that it is refusing to provide the information, indicating the reasons for this refusal.  According to representatives of environmental NGOs, from time to time public authorities refuse to provide information, claiming that it is not environmental information or that the request has not been formulated in a sufficiently specific manner. Under the Aarhus Convention and national legislation, an applicant who is not satisfied with the quality of a response may submit a second request or take the matter to court.  **Article 4, paragraph 6**  60. The principle of separating out information in accordance with paragraph 6 of article 4 of the Convention is enshrined in Article 74-2 of the Environmental Protection Act. The criteria used to separate out restricted information are contained in national legislation (the Civil Code, the States Secrets Act, etc.).  **Article 4, paragraph 7**  61. Under Article 74-4 of the Environmental Protection Act, if there are grounds for refusing to provide environmental information as specified by the Act and other major legislation of the Republic of Belarus, the holder of the environmental information must notify the applicant in writing of its refusal to provide environmental information within three working days, indicating the reasons for the refusal and explaining the procedure and time frame for appealing this decision. A refusal to provide environmental information may be appealed to a higher public authority or another State agency (or higher official) and (or) in court.  The circumstances in which communications may be dismissed without examining the substance of the communication have been defined by Article 15 of the Citizens’ and Legal Entities’ Communications Act.  **Article 4, paragraph 8**  62. Article 74-4 specifies that general environmental information must be provided free of charge by its holder at the request of a citizen or legal entity that is not a public authority or other State agency.  63. Specialist environmental information is provided to State agencies, to other legal entities that are not public authorities and to citizens in return for payment, in accordance with the time frame and conditions set out by an agreement to provide specialist environmental information. The charge for providing this information may not exceed the realistic cost of collecting, processing and analysing it (Article 74-5).  Article 19 of the Citizens’ and Legal Entities’ Communications Act establishes that communications are to be examined free of charge. However, the Article further provides that expenses incurred by organizations or individual entrepreneurs in connection with the examination of unfounded communications systematically sent to the same organization or to the same individual entrepreneur by the same applicant or in connection with communications containing deliberately false information may be claimed from the applicant in judicial proceedings in accordance with legislation.  Under Article 6 of the Trade Secrets Act, information about the state of the environment cannot constitute a trade secret.  Specifically, Article 6 of the Trade Secrets Act provides that information about the state of the environment that has or may have a negative impact on ensuring the safe operation of manufacturing facilities, the safety of each individual citizen and of the population as a whole cannot constitute a trade secret: this, however, does not fully accord with article 4, paragraph 4(d) of the Aarhus Convention, which provides that no environmental information on emissions can be confidential. |
| 1. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4   Describe any obstacles encountered in the implementation of any of the paragraphs of article 4. |
| *Answer:* |
| 64. Public authorities often do not manage to provide environmental information on request within the time frames stipulated by the Environmental Protection Act for environmental information and by the Citizens’ and Legal Entities’ Communications Act for information in general; as a rule, they take 3 - 4 weeks to reply to the applicant. In addition, the information provided may correspond to the information requested only in a formal sense, lacking the relevant scope or content.  Despite the fact that the Environmental Protection Act defines the nature, content and sources of environmental information, public authorities often refuse to provide information, claiming that it is not environmental information. |
| 1. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4   Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for refusal? |
| *Answer:* |
| 65. Public authorities keep count of the total number of citizens’ communications, but separate statistics on requests for environmental information are not kept. However, public associations report individual instances of failure to provide information, some of which have led to cases being brought before the courts.  66. The Aarhus Centre maintains an electronic list of topical questions and answers, which it posts on the Internet. |
| 1. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4   Give relevant website addresses, if available: |
| 67.  http:// www.minpriroda.gov.by - Ministry of the Environment,  http://www.aarhusbel.com/eco-help/ - Belarusian Aarhus Centre, <http://www.ohranaprirody.grodno.by/aarhus/> - Grodno Aarhus Centre,  <http://mas.by/> - Ministry of Architecture,  <http://minzdrav.gov.by/> - Ministry of Health,  http://[www.minenergo.gov.by](http://www.minenergo.gov.by) - Ministry of Energy.  <http://www.dsae.by/ru/informacionnyj_centr> - NPP Information Centre,  http://hmc.by/category/rhmc/ - Centre for Hydrometeorology,  http://www.wildlife.by/ - Wildlife Belarus (‘RIFTUR’ Publishing House),  http://greenmap.by/ - ‘Green Map’,  http://greeneconomy.minpriroda.gov.by/ru/ - the Green Economy. |

1. **LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5**

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| **List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.** |
| Explain how each paragraph of article 5 has been implemented. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are being adopted at the national level. Also, and in particular, indicate the following: |
| a) With respect to **paragraph 1**, measures taken to ensure that: |
| i) Public authorities possess and update environmental information; |
| ii) There is an adequate flow of information to public authorities; |
| iii) In emergencies, appropriate information is disseminated immediately and without delay; |
| b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible; |
| c) With respect to **paragraph 3**, measures taken to ensure that environmental information is progressively accumulated in electronic databases which are easily accessible to the public through public telecommunications networks; |
| d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment; |
| e) Measures taken to disseminate the information referred to in **paragraph 5**; |
| f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products; |
| g) Measures taken to publish and provide information as required in **paragraph 7**; |
| h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public; |
| i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers. |
| *Answer:*  In 2008, Council of Ministers’ Resolution No. 734 was adopted, approving Regulations on the Procedure for Creating and Maintaining a Government Repository of Data on the State of the Environment and Environmental Impacts and of General Environmental Information subject to Mandatory Dissemination, the Holders of such Information who have a Duty to Disseminate it and the Frequency of its Dissemination. The Government Data Repository is made up of environmental information accumulated by the Ministry of the Environment, the Ministry of Forestry, the Ministry of Agriculture, the Ministry of Emergencies, the Ministry of Education, the State Committee for Property, the State Inspectorate for Fauna and Flora under the auspices of the President of the Republic of Belarus, the National Academy of Sciences, local executive agencies and administrative authorities and other public authorities and State agencies, pursuant to the performance of their duties under legislation and included by them on registers of environmental information held by the Government Data Repository.  The basic function of the Repository is to collect, process, accumulate and organize environmental information, with data on its composition, content, the holders and conditions of access to this information, as well as to ensure access to environmental information for public authorities, other State agencies, other legal entities and citizens.  The Republic of Belarus currently maintains the following inventories and registers: greenhouse gases and sinks; carbon units; water resources; ambient air quality; fauna; subsoil resources; flora; climate; environmental monitoring points; specially protected natural areas; botanic collections; waste. It also maintains an information storage and retrieval system on rare and endangered species included in the Red Book of the Republic of Belarus; a State databank of drilling studies in Belarus; the ‘Inventories’ electronic information system; the Government Register of Observation Points for the National Environmental Monitoring System; a list of specially protected natural areas of national and local significance in the Republic of Belarus; a register of waste storage, landfill and neutralization facilities; a register of waste reclamation facilities; a database of harmful pesticides and areas polluted by them.  For the purposes of collecting and disseminating environmental information, the publication ‘National Environmental Monitoring System: Results of Observation’ appears on an annual basis, and inventories of ambient air, water, etc. are maintained, containing information on emissions and discharges, including those which do not exceed permissible levels. These are made available to the public, in particular by posting on the website of the Ministry of the Environment.  In order to step up efforts to provide the public with information on environmental emissions and discharges, the Ministry of the Environment is examining the possibilities of applying the principles underlying the Protocol on Pollutant Release and Transfer Registers (PRTRs) to the Aarhus Convention, and widening the scope of the information on emissions and discharges that is provided annually by economic entities.  **Article 5, paragraph 1**  68. In compliance with the Aarhus Convention, Article 74 of the Environmental Protection Act was redrafted in 2007 and now defines what is to be categorized as ‘environmental information’ as well as the types of activities that generate environmental information.  69. Articles 68 and 69 of the Environmental Protection Act have established the National Environmental Monitoring System (NEMS) for the purposes of receiving and providing full, reliable and timely information on the state of the environment and environmental impacts. Information is exchanged on a mandatory basis and free of charge between NEMS, the public health monitoring system and the system for monitoring and predicting natural and technological emergencies (Joint Decision No. 41/30/45 of the Ministry of the Environment, the Ministry of Health and the Ministry of Emergencies of 12 September 2005).  The Republic of Belarus is undertaking work to improve its monitoring system by making monitoring points automatic so as to receive real-time environmental information. All this information is accessible to the public.  The Ministry of the Environment, the Ministry of Housing and Communal Services, the National Statistics Committee and the State Committee for Property have produced a system of basic environmental indicators in the aim of making environmental assessments conducted in Eastern Europe, the Caucasus and Central Asia comparable, in accordance with Guidelines for the application of environmental indicators in those regions.  70. The content of information relating to the protection of the population and territories from emergencies is defined by Article 8 of the Act on the Protection of the Population and Territories from Natural and Technological Emergencies. This information is to be transparent and open, unless otherwise specified by legislation. The national government authority in charge of emergencies, other national government bodies, other State agencies under the authority of the Council of Ministers of the Republic of Belarus, local executive agencies and administrative authorities and other organizations are required to provide the public through the media with up-to-date and reliable information on the state of protection of the population and territories from emergencies and on methods and means of protecting the population from them.  Under Article 20 of the Act, citizens of the Republic of Belarus have the right, in regard to the protection of the population and territories from emergencies, to protection of life, health and personal property if emergency situations arise; to information about the risk to which they may be exposed in particular residential areas within the country, and about essential safety measures; to communicate their concerns to the public authorities, other organizations and also to individual entrepreneurs on matters of protection of the population and territories from emergencies.  71. In accordance with Council of Ministers’ Resolution No. 1280 of 23 August 2001, the Ministry of Emergencies must inform the population of potential or actual emergencies through communications and notification systems and the media.  In the aim of establishing a mutual information-sharing procedure for operational response to natural and technological emergencies, the Border Service has drawn up an Instruction for organizing the exchange of information between the Border Service and the Ministry of Emergencies’ National Centre for Emergency Management and Response. This round-the-clock information exchange is achieved using information technology and communication resources.  72. Article 24 of the Industrial Safety of Hazardous Manufacturing Facilities Act provides that information regarding industrial safety and information about the work of the national government body responsible for industrial safety must be transparent and open.  73. The Drinking Water Supply Act requires the owners of the drinking water supply system, drinking water supply enterprises and State public health inspection bodies to inform consumers immediately if drinking water fails to comply with regulatory standards, indicating the time frame for the non-compliance to be rectified as well as precautionary measures, additional means of treating water or times and places where drinking water that complies with regulatory standards will be made available.  **Article 5, paragraph 2**  74. The Ministry of the Environment has undertaken a number of measures in order to ensure that the procedures for public authorities to provide environmental information to the public are comprehensible and that environmental information is easily accessible: it initiated amendments and additions to the Environmental Protection Act on access to environmental information, and it set up the Belarus Aarhus Centre. The Aarhus Centre continues to function, with basic information on the implementation of the Aarhus Convention and topical information on the environment posted on its website.  The Ministry of the Environment’s website explains how to obtain information in keeping with the ‘one-stop shop’ principle and provides a list of public authorities and State agencies that collect, store and disseminate environmental information.  75. Article 23 of Law No. 96-3 of the Republic of Belarus of 9 January 2006 on Genetic Engineering Safety (‘the Genetic Engineering Safety Act’) enshrines the right of citizens and public associations to obtain information on the safety of genetic engineering activities.  Under Article 19 of the Drinking Water Supply Act, drinking water consumers have the right to receive, under a procedure provided for by the legislation of the Republic of Belarus, complete, reliable and timely information about the quality of drinking water and any possible distribution failures.  **article 5, paragraph 3**  Under Paragraph 7 of the Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken, approved by Resolution No. 458, public authorities which act as organizers of public discussions have a duty to create a special ‘Public discussions’ section on their official Internet sites, accessible from the main page, and to post the following information there:  announcements that the drafting of environmentally significant decisions is being initiated; notices; drafts of environmentally significant decisions; EIA reports; outcomes of public discussions (minutes of meetings held, records of public discussions, documents consolidating comments and suggestions submitted into tabular form and presenting the outcomes of reviewing them); announcements that a process of drafting environmentally significant decisions has been concluded; decisions taken; information on reversal of decisions taken; information on the conduct of public environmental reviews initiated (if any); other information.  **Article 5, paragraph 4**  76. A national state-of-the-environment report (SoE Report) on Belarus is published every four years. 1,500 copies of the Russian version of the 2010 report were published and it was posted at [***http://minpriroda.gov.by/ru/***](http://minpriroda.gov.by/ru/). 500 copies of an English version of the report were published.  **Article 5, paragraph 5**  77. Under Presidential Decree No. 712 of 30 December 2010 (as amended on 25 July 2013) on measures to improve the Belarusian State System of Legal Information, the National Legal Information Centre collects, accumulates, stores, consolidates and organizes the legislation of the Republic of Belarus, as well as disseminating legal information in hard copy and electronically. Paragraph 9 of the Decree requires State-run public libraries to ensure that citizens have free access to standard legal information, including through public legal information centres. These centres are an essential component of the government’s system of legal information, and their creation enables citizens to exercise their constitutional right to access official information. They are also a practical mechanism for providing the population with official legal information relevant to their oblast or district, which enhances the effectiveness, rationality and appropriateness of regional-level regulatory decisions affecting the public in various spheres.  Under Decision No. 4 of the Ministry of Culture of the Republic of Belarus of 10 February 2011 (as amended on 16 July 2013) approving the Public Legal Information Centre Regulations, nationwide **co-ordination and responsibility for procedural functioning** of the centres are to be undertaken by the Ministry of Culture, the National Library of Belarus (a State institution) and the National Legal Information Centre. At oblast level, they are undertaken by the divisions of the oblast executive committees and of the Minsk City Executive Committee that exercise governmental powers in cultural affairs, by oblast libraries and also by regional legal information centres, which are branches of the National Legal Information Centre; and at district (city) level, by the divisions of the district (city) executive committees that exercise governmental powers in cultural affairs and by district (city) libraries.  Public legal information centres offer any user, regardless of age and social status, the **opportunity to study the texts of laws, to print out copies of them or to save them on a separate data-storage device.** Librarians may, at the user’s request, answer queries, compile thematic lists of legislation and supply print and electronic publications containing standard legal information. Any user who is not accustomed to working with legal information resources can always rely on assistance from a librarian in finding the information needed and in obtaining advice about working with databases and databanks of legal information or with Internet resources.  **The establishment and operation of public legal information centres is a clear example of the implementation of government policy in organizing unhampered access for citizens to official, reliable, up-to-date legal information and of the development of a State system of legal information in Belarus.**  78.  79. In accordance with the Statutes and Regulations Act and with Decree No. 3 of the President of the Republic of Belarus of 24 February 2012 on certain issues of the Publication and Entry into Force of Legislation of the Republic of Belarus – which was adopted in the aim of improving the procedure for publishing legislation and bringing it into force by the use of modern information technology – statutes and regulations of the Republic of Belarus and international agreements that have come into force in Belarus are to be published officially. Laws and regulations on the rights, freedoms and duties of citizens come into force only after their official publication. As a rule, legislation is published after it has been included in the National Register of Legislation of the Republic of Belarus.  80. Laws and regulations must be published in official publications: these are held by public libraries (among others), which can be visited free of charge. Moreover, the texts of laws and regulations, including international agreements that have been ratified or have come into force in the Republic of Belarus by other means, are published at [***www.pravo.by***](http://www.pravo.by), although access is not provided free of charge to all the texts of laws and regulations. Legal information is also supplied on the websites of ministries and other government bodies. Legal environmental information can be found on the Ministry of the Environment’s website in the ‘Legislation’ and ‘International agreements’ sections.  81. Under Presidential Decree No. 318 of 16 July 2007 on the Procedure for Making Technical Regulations Generally Available, public authorities that approve technical regulations must publish the following documentation on their websites and, at their discretion, in their print publications: programmes (or plans) for preparing technical regulations (if such programmes/plans exist); constantly updated lists of the current technical regulations that they are responsible for approving; texts of decisions (or orders) adopting, amending and (or) adding to, interpreting, suspending or repealing technical regulations, or recognizing their loss of force. Moreover, technical regulations are sent to libraries on the compulsory distribution list, which includes the main central and specialist libraries, as well as regional libraries.  **Article 5, paragraph 6**  82. The Environmental Protection Act, the Consumer Protection Act and the Conformity Assessment Act (which aims to ensure compliance with the requirements of technical legislation in the field of technical regulation and standardization) cover voluntary environmental certification and eco-labelling of food and manufactured goods.  A ‘Natural Product’ food label has been introduced in order to certify that a given product corresponds to the established requirements and to give effect to the right of consumers to receive reliable information and make an informed choice. Technical code of established practice [TKP 126-2008](http://www.tnpa.by/ViewFileText.php?UrlRid=70797&UrlOnd=%D2%CA%CF%20126-2008%20%2803220%29), entitled ‘Food products. Rules for the ‘Natural Product’ Label. Basic regulations’, came into force on 1 June 2008.  In Belarus, environmental certification is one of the major elements of State environmental policy; it aims to protect the interests of the State, society and citizens in the environmental sphere, to guarantee safety and to ensure the preservation of biodiversity.  83.  **Article 5, paragraph 7**  84. Under Article 12 of the Consumer Protection Act, any food products or raw ingredients for food products that are produced on radioactive land must have a Certificate of Compliance, as laid down by legislation governing agriculture and agricultural produce or by public health legislation; this must show their place of production, the producer and that their radiation indicators conform to nationally established permissible levels.  ‘EkologiyaInvest’ (a State enterprise) actively works on establishing, introducing and certifying environmental management systems; it publishes a list of certified environmental service organizations on its website.  85.  86.  **Article 5, paragraph 9**  87. Preparatory work on establishing a National PRTR is ongoing in the Republic of Belarus. The following documents have been produced: a procedure for maintaining and updating PRTR data; methodological recommendations for scoring PRTR environmental indicators; methodological recommendations for collecting and presenting information on facilities covered by the PRTR. As part of the Republic of Belarus’s preparations for accession to the PRTR Protocol, the Belarusian Ecology Research Centre has compiled a list of facilities that are significant sources of pollution, on which information should be included in the database, as well as a list of indicators and their threshold values to be included in the National PRTR, in accordance with the PRTR Protocol.  Within the framework of the Project to develop and introduce a Pollutant Release and Transfer Register (PRTR) in Grodno Oblast, Republic of Belarus, which received international technical assistance, a pilot version of the National PRTR has been established in Grodno Oblast (<http://prtr.ecoinfo.by/index.xhtml>), reporting the relevant figures for 2014.  A system for environmental monitoring and for recording adverse environmental impacts has been created in Belarus, anda system of integratedenvironmentalpermits has been put in place, providing for the inclusion of the public’s suggestions as to whether or not integrated permits should be issued. |
| 1. **OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5**   Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5. |
| *Answer:*  88. There is no single information resource bringing together all the various types of environmental information (data from inventories of natural resources, statistical reporting, information on public discussions, etc., technical regulations adopted) that would simplify searches for the required environmental information.  Plans and programmes approved under local regulations are not, as a rule, posted on the Internet. |
| 1. **FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5**   **Provide further information on** thepractical application of the provisions on the collection and dissemination of environmental information in article 5, **e.g., are there any statistics available on the information published?** |
| *Answer:*  89. An **electronic catalogue** has been created at the National Library of Belarus. This representsthe National Library’s main information search system. The National Scientific and Technical Library holds databases on energy efficiency, environmentally sound and safe technologies in industry, processing and disposal of industrial and household waste, and sustainable development.  90. There is no collection of official statistics on information published by means of approved report forms.  The websites of various Ministry of Architecture organizations provide public information about businesses’ environmental protection policies, about the certification of businesses in accordance with the requirements of STB ISO 14001-2005 and about proposed environmental protection activities. |
| 1. **WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**   Give relevant website addresses, if available: |
| 91. Websites as follows:  http://www.minpriroda.gov.by/ru/ - Ministry of the Environment,  <http://portal.nlb.by/portal/page/portal/index/resources/basicsearch?lang=ru&classId=0D4E036732EA41E7BD68CEE4B159CA2D&submitR=reset>- electronic catalogue of the National Library of Belarus,  <http://rntbcat.org.by> - electronic catalogue of the National Scientific and Technical Library,  <http://ecoinfo.bas-net.by> – ‘Eco-Info’: Environmental Information Centre of the Central Scientific Library of the National Academy of Sciences,  <http://www.ecoinv.by/> - EkologiyaInvest Centre for International Environmental Projects, Certification and Audit (a national unitary enterprise),  [www.greencross.by](http://www.greencross.by) - Belarus Green Cross, a national public organization,  www.[greenbelarus.info](http://greenbelarus.info/) - the ‘Green Network’ environmental partnership,  <http://www.ecoproject.by/> - ‘Ecoproject Partnership’, an international public organization,  <http://www.ecoidea.by/> - the Centre for Environmental Decision-making,  <http://www.geoversum.by/catalog/item5817.html> - the main Information and Analysis Centre for the National Environmental Monitoring System,  [www.cricuwr.by](http://www.cricuwr.by) - the Central Research Institute for Integrated Use of Water Resources (a national unitary enterprise),  [www.aarhusbel.com](http://www.aarhusbel.com) - Belarus Aarhus Centre,  <http://www.ohranaprirody.grodno.by/aarhus/> - Grodno Aarhus Centre,  www.[rad.org.by](http://rad.org.by/) - [National Centre](http://rad.org.by/) for Hydrometeorology, Radioactive Contamination Control and Environmental Monitoring (a State institution),  <http://hbc.bas-net.by/bcb/> - the Belarus Botanical Collections,  <http://hbc.bas-net.by/plantae/>- ‘Plants of Belarus’,  <http://biosafety.org.by> - National Biosafety Co-ordination Centre,  <http://ozone.bsu.by> - National Ozone Monitoring Research Centre of the Belarusian State University,  www.[spare-belarus.by](http://spare-belarus.by/page.php?66) - Schools Project on Application of Resources and Energy,  [www.ptushki.org](http://www.ptushki.org) – ‘BirdLife Belarus’, a public association,  <http://wildlife.by> - Wildlife Belarus (‘RIFTUR’ Publishing House),  http://lit-journals.com/mir-zhivotnyh/ - the national magazine ‘World of Animals’. |

1. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

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| **List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.** |
| Explain how each paragraph of article 6 has been implemented. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are being adopted at the national level. Also, and in particular, indicate: |
| a) With respect to **paragraph 1**, measures taken to ensure that: |
| i) The provisions of article 6 are applied with respect to decisions on whether to issue permits to carry out proposed activities listed in annex I to the Convention; |
| ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment; |
| b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2;** |
| c) Measures taken to ensure that the time frames laid down within the framework of the public participation procedures respect the requirements of **paragraph 3;** |
| d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation; |
| e) With respect to **paragraph 5**, measures taken in order to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit; |
| f) With respect to **paragraph 6**, measures taken to ensure that: |
| i) The competent public authorities give the public concerned all information relating to the decision-making process referred to in article 6 that is available at the time of the public participation procedure; |
| ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph; |
| g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity; |
| h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation; |
| i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures; |
| j) With respect to **paragraph 10**, measures taken to ensure that in cases where a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate; |
| k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment. |
| *Answer:*  92. The Aarhus Convention is binding and has the force of a Presidential decree, in accordance with Article 20 of the Statutes and Regulations Act.  93. The procedures specified by article 6 of the Convention are applied to decisions that require environmental impact assessment (‘EIA’) under the 2009 State Environmental Review Act and under Council of Ministers’ Resolution No. 755 of 19 May 2010 on several measures to implement the State Environmental Review Act, which approved the Regulations on the Conduct of State Environmental Review [*Expertiza*] and the Regulations on the Conduct of Environmental Impact Assessment.  Amendments and additions have been made to Decree No. 349 of the President of the Republic of Belarus of 24 June 2008 on Criteria for categorizing economic and other activities that have an adverse environmental impact as ‘environmentally hazardous activities’; these entered into force on 12 February 2016.  These amendments were intended *inter alia* to supplement and specify the types of activities covered by annex 1 to the Aarhus Convention, which are mentioned in an annex on the Criteria for categorizing economic and other activities that have an adverse environmental impact as ‘environmentally hazardous activities’. This ensures opportunities at an earlier stage – i.e. before the EIA takes place – for public participation with respect to laws and regulations intended to govern relations associated with carrying on economic and other activities regarded as environmentally hazardous under the Criteria.  The new SER, SEA and EIA Act has been adopted, to enter into force on 22 January 2017.  In particular, Article 7 of this Act includes a list of installations that are subject to environmental impact assessment. This list of installations conforms with annex I to the Aarhus Convention. Types of activities mentioned in annex 1 to the Aarhus Convention and not listed in Article 7 of the SER, SEA and EIA Act will be subject to EIA under Article 7(1)1.1 or Article 7(1)1.2. (The dimensions of public health protection zones are defined in Decision No. 35 of the Ministry of Health of the Republic of Belarus of 15 May 2014 approving Public Health Protection Standards and Rules for the requirements for establishing Public Health Protection Zones around enterprises, facilities and other installations with an impact on human health and the environment, and recognizing the loss of force of Decision No. 11 of the Ministry of Health of 10 February 2011.)  Resolution No. 458 of the Council of Ministers of the Republic of Belarus of 14 June 2016 approving Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken and amending and adding to certain Resolutions of the Council of Ministers has been adopted.  The Resolution provides for public participation in environmentally significant decision-making and in public discussions of EIA reports.  94. Furthermore, the procedures specified in article 6 of the Convention are currently applied to decisions on construction and urban development, pursuant to Article 4 of the Architecture, Urban Development and Construction Act.  Article 13 of the 2009 State Environmental Review Act lists the installations that are subject to EIA and the procedure for conducting an EIA.  95.  **Article 6, paragraph 2**  96. Under Paragraph 7 of the Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken, approved by Resolution No. 458, organizers of public discussions shall create a special ‘Public discussions’ section on their official websites, accessible from the main page, and shall post the following information there:  announcements that the drafting of environmentally significant decisions is being initiated; notices; drafts of environmentally significant decisions; EIA reports; outcomes of public discussions (minutes of meetings held, records of public discussions, documents consolidating comments and suggestions submitted into tabular form and presenting the outcomes of reviewing them); announcements that a process of drafting environmentally significant decisions has been concluded; decisions taken; information on reversal of decisions taken; information on the conduct of public environmental reviews initiated (if any); other information.  97.  98. In addition, under Article 4 of the Architecture, Urban Development and Construction Act, decisions taken by local councils of deputies on planning, developing and improving residential areas and housing must be made after public discussions have been held.  99. The duty of public authorities, legal entities and officials to grant the public the opportunity to examine information on questions relevant to their rights and lawful interests that arise from architectural, urban development and construction activities is also enshrined in the Act.  100. The public also has the right to submit suggestions before urban development documentation is approved, to participate in discussion and decision-making relating to urban development and to conduct independent professional reviews of urban development documentation at their own expense. If an independent professional review of urban development documentation is conducted, the State review body shall issue its conclusion [full report] after it receives the conclusion of the independent professional review.  Procedures for public participation in decision-making relating to architectural, urban development and construction activities are currently governed by Council of Ministers’ Resolution No. 687 of 1 June 2011, as amended on 16 May 2013, on several measures to implement the Law of the Republic of Belarus amending and adding to certain Laws of the Republic of Belarus on Architectural, Urban Development and Construction Activities (‘Resolution No. 687’), along with the Regulations on the Procedure for the Creation and Maintenance of the State Urban Planning Cadastre of the Republic of Belarus and for Monitoring Architectural, Urban Development and Construction Activities, and the Regulations on the Conduct of Public Discussions in the field of Architectural, Urban Development and Construction Activities.  The Architecture, Urban Development and Construction Act and Resolution No. 687 employ the concept of ‘independent professional review’; but other national legislation does not currently expand on this, and no procedure has been drawn up for conducting such reviews.  **Article 6, paragraph 6**  101.  **Article 6, paragraph 7**  102.  103.  104.  105. Article 61 of the Environmental Protection Act makes provision for a particular form of public participation – public environmental review, organized and conducted in accordance with Council of Ministers’ Resolution No. 1592 of 29 October 2010, on the initiative of public associations and citizens, by independent experts, who are entitled to receive documentation from the project owner, including materials on the EIA and other activities.  However, it has been difficult to enforce this right in relation to architectural, urban development and construction activities because, in these cases, under Resolution No. 687, only the organizer’s details must be given in the notification.  106. Under paragraph 18 of the Regulations on the Organization and Conduct of Public Environmental Review, approved by Council of Ministers’ Resolution No. 1592 of 29 October 2010 (as amended on 13 October 2011), where the conclusions of the public environmental review include comments, suggestions and recommendations on the intended activity, the project owner is to prepare a reasoned reply to all the comments, taking into account as necessary the outcomes and findings of the public environmental review and amending the project documentation before submitting it to State environmental review.  107. Article 12 of the 2009 State Environmental Review Act specified the types of project documentation or other documents to be submitted to State environmental review. Under the second subparagraph of the first paragraph of Article 5 of the Act, project documentation for the projects listed must include the outcomes of discussions on urban development projects with the public whose rights and lawful interests may be affected by implementation of these projects (for example, minutes of meetings, comments and suggestions from interested parties, publications in the media).  For installations listed in the first paragraph of Article 13 of the 2009 Act, the project documentation submitted to State environmental review must include an EIA report.  To the EIA report must be appended *inter alia* the outcomes of discussions on the EIA report with the public whose rights and lawful interests may be affected by implementation of the project (minutes; comments and suggestions from interested parties; media publications, etc.); documentation evidencing approval of the EIA report by affected parties (for proposed economic and other activities in the Republic of Belarus that may have a transboundary impact); and the conclusions of public environmental review (if one exists).  108.  **Article 6, paragraph 11**  109. The Republic of Belarus has passed legislation on biosafety. The Cartagena Protocol was ratified by Law No. 97-3 of 6 May 2002. The Genetic Engineering Safety Act, passed in 2006, covers the provision of information to the public on genetic engineering taking place in the Republic of Belarus. A Law amending certain Codes of the Republic of Belarus with respect to Liability for Contravention of Legislation on Genetic Engineering Safety, passed in 2007, amended Article 278 of the Criminal Code and Article 15.4 of the Administrative Offences Code. |
| 1. **OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6**   Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6. |
| *Answer:*  110. There is no provision enshrined in legislation obliging local executive agencies and administrative authorities to provide Ministry of the Environment bodies with information about the opening of public discussions.  111. At present, under Article 15(4) of the SER, SEA and EIA Act, “the conclusion [full report] of a State environmental review [*expertiza*] is deemed, for the purposes of the [Convention](consultantplus://offline/ref=D9A22599833AB6796447843845668972A66835E355D35D0F963D45093CE1D1DF10w1R4K) on Environmental Impact Assessment in a Transboundary Context, signed at Espoo on 25 February 1991, to be a final decision on proposed economic and other activities with regard to the acceptable environmental impact of such activities and to the use of natural resources for their implementation”.  The question of how to define ‘final decision’ requires further critical analysis. |
| 1. **FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6**  Submit further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes? |
| *Answer:*  112. Statistics are not kept on public participation in decisions relating to specific types of activities nor on decisions not to apply article 6 of the Aarhus Convention to a proposed activity serving national defence purposes.  Public discussions of EIA materials on proposed activities have become significantly more frequent.  The Aarhus Centre website has an ‘EIA’ section where EIA materials on proposed activities are published. The ‘News’ section provides information on forthcoming public discussions of EIA materials on proposed activities.  113.  114. When new manufacturing facilities with an environmental impact are to be constructed, Ministry of Industry organizations involve the public in discussions of the proposed activities. |
| 1. **WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6**   Give relevant website addresses, if available: 115. Websites where information about the proposed construction in the Republic of Belarus of installations subject to environmental impact assessment is posted: (<http://www.priroda.brest.by/content/informaciya-o-zaklyucheniyah-gosudarstvennoy-ekologicheskoy-ekspertizy-po-obektam>) - Brest Oblast,  (http://priroda-vitebsk.gov.by/ru/static/ekol\_ekspert - Vitebsk Oblast,  (<http://naturegomel.by/ru/expertiza>) - Gomel Oblast,  ([http://ohranaprirody.grodno.by/state/AA:navID.98/AC:-1.180004045334)](http://ohranaprirody.grodno.by/state/AA:navID.98/AC:-1.180004045334) - Grodno Oblast,  <http://www.minoblpriroda.gov.by/index.php?option=com_content&view=category&id=87&Itemid=550> - Minsk Oblast,  <http://mogilevpriroda.gov.by/yekologiya-oblasti/yekologicheskaya-yekspertiza-proektov> -  Mogilev Oblast,  <http://www.aarhusbel.com/> - Belarus Aarhus Centre website,  <http://perv.minsk.gov.by/obshchestvennye-obsuzhdeniya> - Pervomaysky District Administration, Minsk,  [http://perv.minsk.gov.by/obshchestvennye-obsuzhdeniya](http://part.gov.by/obshchestvennye-obsuzhdeniya)  - Partizansky District Administration, Minsk,  <http://lenadmin.gov.by/obshchestvennoe-obsuzhdenie> - Leninsky District Administration, Minsk,  http://www.fr.gov.by/public\_disc/ - Frunzensky District Administration, Minsk,  <http://mogilev.gov.by/obshchestvennye-obsuzhdeniya.html> - Mogilev City Executive Committee,  http://mrik.gov.by/ru/obsuzhdenia/ - Minsk District Executive Committee (Minsk Oblast),  http://www.soligorsk.by/ru/obsch\_obsuzhd/ - Salihorsk District Executive Committee (Minsk Oblast),  <http://www.borisov.minsk-region.by/ru/obsugdenija> - Barysaw District Executive Committee (Minsk Oblast),  <http://lida.by/isp/124/495> - Lida District Executive Committee (Grodno Oblast),  http://www.petrikov.gomel-region.by/ru/o-o/ - Pyetrykaw District Executive Committee (Gomel Oblast),  http://mozyrisp.gov.by/ru/ob\_obsuzdenia/ - Mazyr District Executive Committee (Gomel Oblast),  <http://svetlogorsk.by/for-citizens/public-discussion.html> - Svietlahorsk District Executive Committee (Gomel Oblast),  http://www.novopolotsk.by/content/blogcategory/241/333/ - Navapolatsk City Executive Committee. |

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| 1. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7 |
| **List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Please indicate how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are being adopted at the national level.** |
| *Answer:*  116. Belarusian legislation provides the legal basis for the public to be involved in deciding issues that relate to environmental plans and programmes.  117.The National and Local Assemblies Act gives local assemblies the power to review draft development and redevelopment plans for the area in question, draft plans for the efficient use of natural resources, etc. The procedure for holding referendums is described in the Electoral Code.  Under Article 15-2 of the Environmental Protection Act, conceptual frameworks, programmes, plans and 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 documents, are subject to discussion.  The procedure for organizing and conducting public discussions of drafts of environmentally significant decisions, of EIA reports and of the record of environmentally significant decisions taken is enshrined in the Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken, approved by Resolution No. 458. Chapter 2 of these Regulations also enshrines a procedure for conducting public discussions of drafts of plans, the implementation of which has an environmental impact and (or) is related to the use of natural resources.  Under Paragraph 8 of these Regulations, the procedure for conducting public discussions of drafts of conceptual frameworks, programmes, plans, schemes or legislation shall include the following stages:  - preliminary information to citizens and legal entities that the drafting of conceptual frameworks, programmes, plans, schemes or legislation is being initiated;  - organizing and conducting public discussions of drafts of conceptual frameworks, programmes, plans, schemes or legislation, and, if there is interest from citizens and legal entities, organizing and conducting meetings to discuss them;  - ensuring that information about a decision taken is communicated to citizens and legal entities.  The time frame for public discussions cannot be less than 30 days.  Resolution No. 458 also enshrines the duty to review comments and (or) suggestions made by participants in public discussions, submitted in written or electronic form; to prepare detailed, reasoned written answers to them; to prepare a document consolidating comments and suggestions (including any submitted in the course of any meeting held to discuss a draft conceptual framework, programme, plan, scheme or piece of legislation) and replies to them into tabular form, and to post it in the ‘Public Discussions’ section of the website. Provision is also made for the possibility of holding consultations with the public concerned.  According to Paragraph 20 of the above-mentioned Regulations, a meeting to discuss the draft conceptual framework, programme, plan, scheme or piece of legislation shall be held if, within 10 working days of the date of publication of the notice of public discussions, a written or electronic application for such a meeting to be held is submitted by a citizen or legal entity.  Citizens and legal entities have the right to put forward written or oral comments and suggestions in the course of a meeting. Based on the outcomes of the meeting, a record of the meeting is to be compiled, with a list of questions, comments and suggestions about the draft conceptual framework, programme, plan, scheme or piece of legislation which were submitted in the course of the meeting, with details of the names of those submitting them, the answers given and the number of participants at the meeting; a summary of feedback is to be prepared as an appendix to the record of the meeting, to include all comments and suggestions on the draft conceptual framework, programme, plan, scheme or piece of legislation which were submitted as part of the meeting procedure.  The minutes of the meeting shall be signed by members of the committee for the preparation and conduct of the public discussions and approved by the committee Chair.  The Rules on Preparation of Management Plans for Specially Protected Natural Areas were confirmed by Decision No. 94 of the Ministry of the Environment of 29 October 2008 on certain issues relating to Specially Protected Natural Areas. Under paragraph 6 of these Rules, public authorities shall submit [these plans] to public discussion according to the procedure established by Resolution No. 458. |
| 1. **OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7**   **Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.** |
| *Answer:*  120. Article 7 of the Environmental Protection Act states that involving citizens and public associations in environmental protection and monitoring is a fundamental area of State policy. Article 4 lists the duty to involve public associations, other legal entities and citizens in activities to protect the environment as one of the principles of environmental protection.  121. A section entitled ‘Public discussions’ has been created on the main page of the Ministry of the Environment’s website at ***http://minpriroda.gov.by/ru/ob\_obsuzd\_ru//***; it includes the following subsections:  ‘Drafts of environmentally significant decisions’  ‘In the pipeline’  ‘Draft laws currently under discussion’  ‘List of decisions taken’  ARCHIVE |
| 1. **OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7**   Describe any **obstacles encountered** in implementing the provisions of article 7. |
| *Answer:*  122. Because the legislative provisions on public participation in the preparation of plans and programmes came into force only in July 2016, it is too early to draw any conclusions. |
| 1. **FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7**   **Provide further information on the practical application of the** **provisions on** public participation in decisions on specific activities in article 7. |
| *Answer:*  123. Information about public discussions of the National Action Plan for the introduction of ‘green economy’ principles into branches of the national economy of the Republic of Belarus up to 2020 is posted in the ‘Drafts of environmentally significant decisions’ section of the Ministry of the Environment website at [***http://minpriroda.gov.by/ru/plan/***](http://minpriroda.gov.by/ru/plan/). |
| 1. **Website addresses relevant to the implementation of article 7**   Give relevant website addresses, if available: |
| http://minpriroda.gov.by/ru/ob\_obsuzd\_ru// - Ministry of the Environment  <http://www.aarhusbel.com> – Belarus Aarhus Centre.  http://perv.minsk.gov.by/obshchestvennye-obsuzhdeniya - Pervomaysky District Administration, Minsk  [http://perv.minsk.gov.by/obshchestvennye-obsuzhdeniya](http://part.gov.by/obshchestvennye-obsuzhdeniya)  - Partizansky District Administration, Minsk.  <http://mogilev.gov.by/obshchestvennye-obsuzhdeniya.html> - Mogilev City Executive Committee  125. |
| 1. **EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8** |
| **Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. Describe, as far as possible, how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are being adopted at the national level.** |
| *Answer:*  126. Under the Statutes and Regulations Act, transparency in the operation of rule-making authorities (and their officials) is ensured by informing citizens of the activities of rule-making authorities (and their officials) and of the laws and regulations which they pass, and by publishing laws and regulations in official publications and the mass media or making them generally available through other means. At the discretion of the rule-making authority (or an official), a draft law or regulation may be submitted to public (nationwide, community or workplace) consultation (discussion and/or referendum). In practice, there is evidence of insufficient involvement of the public in drafting laws and regulations. National legislation covering this area needs to be improved.  127. Presidential Decree No. 609 of 16 December 2002 created the National Legal Internet Portal, one of the goals of which is “the timely provision of full and reliable legal information, commentaries and other legal analytical material to citizens, public authorities and other organizations”.  128. Under Presidential Decree No. 318 of 16 December 2007 on the Procedure for Making Technical Regulations Generally Available, public authorities that approve technical regulations must publish the following documentation on their websites: programmes (or plans) for developing technical regulations (if such programmes/plans exist); constantly updated lists of current technical regulations which they are responsible for approving; texts of decisions (or orders) adopting, amending and (or) adding to, interpreting, suspending or repealing technical regulations or recognizing their loss of force.  129. Law No. 333-3 of the Republic of Belarus of 24 December 2015 amending and adding to certain Laws of the Republic of Belarus with regard to Environmental Protection and to Public Participation in Environmentally Significant Decision-Making introduced Article 15-2, which enshrines the right of citizens and legal entities to participate in public discussions of draft laws and regulations of the Republic of Belarus (to the extent that these provisions are intended to govern relations associated with carrying on economic and other activities regarded as environmentally hazardous under criteria defined by the President of the Republic of Belarus or a competent public environmental protection authority). The Law came into force on 1 July 2016. The procedure for organizing and conducting public discussions of such draft laws and regulations is enshrined in the Regulations on the Procedure for Organizing and Conducting Public Discussions of Drafts of Environmentally Significant Decisions, of Environmental Impact Assessment Reports, of the Record of Environmentally Significant Decisions Taken, approved by Resolution No. 458. This also came into force on 1 July 2016.  A section entitled ‘Public discussions’ has been created on the main page of the Ministry of the Environment’s website at ***http://minpriroda.gov.by/ru/ob\_obsuzd\_ru//***; it includes the following subsections:  ‘Drafts of environmentally significant decisions’  ‘In the pipeline’  ‘Draft laws currently under discussion’  ‘List of decisions taken’  ARCHIVE |
| 1. **Obstacles encountered in the implementation of article 8**   Describe any **obstacles encountered** in implementing the provisions of article 8. |
| *Answer:*  130. It is not at present mandatory to disseminate information on the preparation and contents of draft generally applicable laws, regulations and other legally binding rules (with the exception of draft statutes), including those adopted by government bodies, and this information is not made generally available. It is planned to eliminate this problem by adopting draft amendments and additions.  Not all legislation that may have a significant effect on the environment is subject to public discussion within the meaning of Article 15-2. It is only for the draft legislation indicated in Article 15-2 that a procedure for conducting public discussions is provided, that a 30-day public discussion period is defined and that there is a guaranteed opportunity to submit comments and suggestions and have these taken into account.  131. Moreover, Council of Ministers’ Resolution No. 802 of 5 October 2016 amended and added to Council of Ministers’ Resolution No. 247 of 20 March 2012 on certain issues in the Organization of Public Discussion of Draft Laws and Regulations on Business Development and amending Council of Ministers’ Resolution No. 2070 of 31 December 2008, thus enshrining the duty of national government bodies and other organizations subordinate to the Belarusian Government, of oblast executive committees and of Minsk City Executive Committee to conduct public discussions of draft laws and regulations which may have a significant effect on the conditions in which business activities are carried on. Resolution No. 802 came into force on 12 November 2016. |
| 1. **Further information on the practical application of the provisions of article 8**   **Provide further information on the practical application of the provisions on** public participation in the field covered by article 8. |
| *Answer:*  132.  133.  134. Legislation that is subject to public discussion is posted on the Ministry of the Environment website at <http://minpriroda.gov.by/ru/obsuzhdaem/> in the section ‘Draft laws currently under discussion’. |
| 1. **Website addresses relevant to the implementation of article 8**   Give relevant website addresses, if available: |
| 135. Websites as follows:  http://www.minpriroda.gov.by/ru/obsuzhdaem/ - Ministry of the Environment  <http://www.economy.gov.by/ru/actproject> - Ministry of the Economy |

1. **Legislative, regulatory and other measures implementing the provisions on access to justice in article 9**

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe how the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9, are being adopted at the national level. Also, and in particular, indicate the following:

a) With respect to **paragraph 1,** measures taken to ensure that:

i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

c) With respect to **paragraph 3,** measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

d) With respect to **paragraph 4,** measures taken to ensure that:

i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

ii) Such procedures otherwise meet the requirements of this paragraph;

e) With respect to **paragraph 5,** measures taken to ensure that information is provided to the public on access to administrative and judicial review.

*Answer:* The right to apply to the courts is enshrined in the Constitution. Under Article 60 of the Constitution, “everyone is guaranteed protection of rights and freedoms by competent, independent, impartial courts of law within time periods defined by law”. It has been enshrined in Article 10 of the Code on the Judicial System and the Status of Judges that “citizens of the Republic of Belarus are guaranteed the right to the protection of the courts from offences against life and health, honour and dignity, from infringements on personal freedom and property and other rights and freedoms provided for by the Constitution of the Republic of Belarus and by other legislation, as well as from the unlawful acts (or omissions) of public authorities, other organizations and their officials. Foreign citizens and persons without citizenship are guaranteed the right to the protection of the courts on an equal basis with citizens of the Republic of Belarus, if not otherwise specified by the Constitution of the Republic of Belarus and by the laws and international agreements of the Republic of Belarus. Organizations and individual entrepreneurs have the right to the protection of the courts from infringements on their rights and lawful interests, as guaranteed by legislation, as well as from unlawful acts (or omissions) of public authorities, other organizations and their officials”.

Apart from generally applicable provisions on the right to apply to the courts, the legislation of the Republic of Belarus contains the following special provisions, enshrined in the Environmental Protection Act: Article 13 provides for judicial protection of the right to a favourable environment; Articles 12 and 15 provide for the right of citizens and public associations engaging in environmental protection activities to file claims for the suspension (or prohibition) of economic and other activities of legal entities and individual entrepreneurs that have an adverse environmental impact; where the supply of environmental information is refused, Article 74-4 provides for the right of appeal to a higher public authority or another State agency (or higher official) and (or) to a court. In addition, under Articles 12 and 15 of the Act, citizens have the right to bring compensation claims before the courts for harm caused to life, health or property as a result of adverse environmental impact, while public associations engaging in environmental protection activities are entitled to bring compensation claims before the courts for harm caused to the life, health or property of their members (or participants) as a result of adverse environmental impact.

136. Under Article 74-4 of the Environmental Protection Act, a refusal to supply environmental information may be appealed to a higher public authority or another State agency (or higher official) and (or) in court. No payment is required for appealing to higher authorities. Complaints must be reviewed within a month of receipt and those not requiring further research and verification must be reviewed within 15 days, unless another time frame is specified by law. If special verification or a request for additional documentation is required, the head of the authority, institution, organization or enterprise that has received the communication may extend the time frame, but to no more than two months, and must at the same time inform the applicant accordingly.

Members of the public note the following shortcomings in enforcement of the law:

- appealing to a higher authority is not effective where the latter belongs to the same branch of government and is not an independent body within the meaning of article 9, paragraph 1, of the Convention;

- there is no point in bringing an appeal as such, since there is very rarely a direct refusal to supply information. In most cases, impairment of the right of access to information takes the form of an incomplete answer or partial provision of information.

137.

138.

Under Article 357 of the Code of Civil Procedure, a court must hand down a judgment based on its review of a complaint. A court finding the contested acts (or omissions) to be wrongful and in breach of the rights of the citizen must rule that the complaint is justified and that the infringement of rights is to be rectified. A court finding that the contested acts were performed in compliance with the law and within the scope of the powers of the public authority, legal entity, organization, official or military authority concerned must hand down a judgment refusing to satisfy the complaint. An enforceable ruling that infringements must be rectified is sent to the head of the public authority, legal entity, organization, official or military authority whose actions were contested, or to a hierarchically superior public authority, legal entity, organization, official or military authority, within three days of the judgment being handed down. The court and the appellant must be informed within a month of receipt of the court’s judgment that the court’s judgment has been executed.

The Code of Civil Procedure lays out the judicial procedure for appeals concerning acts (or omissions) by public authorities, other legal entities, organizations that are not legal entities, or officials, which impair the rights of citizens; it also makes similar provision, in circumstances established by legislation, for the rights of legal entities (Chapter 29 of the Code).

**Article 9, paragraph 2**

139. Article 86 of the Code of Civil Procedure grants public associations the right to institute legal proceedings to defend the rights and lawful interests of their members, if this is provided for by their articles of association.

Articles 12, 15 and 100 of the Environmental Protection Act enshrine the rights of citizens and public associations engaging in environmental protection activities to file claims for the suspension (or prohibition) of economic and other activities that have an adverse environmental impact. Article 1 defines ‘adverse environmental impact’ as “any direct or indirect impact on the environment by an economic or other activity, the consequences of which lead to negative changes in the environment”.

Analysis of the legislation leads to the conclusion that, in environmental cases relating to article 9, paragraph 2, natural persons are entitled to apply to the courts, in particular to file claims:

requesting the suspension (or prohibition) of economic or other activities of legal entities and individual entrepreneurs that have an adverse environmental impact (Article 12 of the Environmental Protection Act);

requesting a ban on any activity that creates a risk of causing harm (to life, health or property) in the future (Article 934 of the Civil Code);

requesting that where a decision of a public authority, a local administrative body or a local authority, which has legal force and is applicable to specific circumstances, or a piece of generally applicable legislation does not comply with other legislation and infringes civil rights and the interests of the citizen as protected by the Constitution, statutes, codes and [Governmental and Presidential] decrees, it should be recognized as invalid (Article 12 of the Civil Code);

complaining about acts (or omissions) by public authorities, other legal entities, organizations that are not legal entities, or officials, which impair the rights of citizens (Article 335 of the Code of Civil Procedure).

A natural person is also entitled to seek a judgment ordering performance of a duty, restitution of a right that has been infringed, or prohibition or prevention of acts leading to infringement of a right (Article 7 of the Code of Civil Procedure).

In environmental cases relating to article 9, paragraph 2, organizations registered under the established procedure are entitled to apply to the courts, in particular to file claims:

requesting a ban on any activity that creates a risk of causing harm to property in the future (Article 934 of the Civil Code);

requesting that where either a decision of a public authority, a local administrative body or a local authority which has legal force and is applicable to specific circumstances or a piece of generally applicable legislation does not comply with other legislation and infringes civil rights and the interests of the citizen as protected by legislation, it should be recognized as invalid (Article 12 of the Civil Code);

complaining about acts (or omissions) by public authorities, other legal entities, organizations that are not legal entities, or officials, which impair the rights of citizens in circumstances provided for by legislation (Article 335 of the Code of Civil Procedure).

Only public associations engaged in environmental activities are entitled, alongside citizens, to file claims before the courts seeking the suspension (or prohibition) of economic and other activities of legal entities and individual entrepreneurs that have an adverse environmental impact (Article 15 of the Environmental Protection Act).

**Article 9, paragraph 3**

140. Article 11 of the Civil Code lists remedies for infringement of civil rights: curtailment of actions that infringe a right or create a threat that it might be infringed; declaration of invalidity of an act [i.e. a rule or decision] of a public authority, a local administrative body or a local authority; compensation for loss; compensation for non-pecuniary loss; other means provided for by legislation. Under procedural legislation, a court is entitled, on receiving a petition from an interested party or at its own initiative, to adopt interim remedies while the matter is under review, including prohibiting performance of given activities.

Under Article 12 of the Environmental Protection Act, citizens have the right to bring compensation claims before the courts for harm caused to life, health or property as a result of adverse environmental impact and requesting the suspension (or prohibition) of economic or other activities of legal entities and individual entrepreneurs that have an adverse environmental impact.

Under Article 19 of the Drinking Water Supply Act, drinking water consumers have the right to bring compensation claims for harm caused to them as a result of the provision of drinking water that does not comply with regulatory standards.

Under Article 43 of the Ambient Air Protection Act, contravention of the ambient air protection legislation entails civil, administrative, criminal and other forms of liability pursuant to statutes, codes, Governmental and Presidential decrees and the Constitution.

141. Under civil and commercial procedural legislation, claimants are sent copies of court judgments. A record is kept of every court hearing; this may be consulted on request by an interested party, who has the right to make comments on it that must be considered by the court. Court fees are laid down by the Tax Code. Legal entities and citizens who file a claim in defence of the rights and lawful interests of others are exempted from court fees and other costs relating to court hearings in cases provided for by legislation. Moreover, those who instigate claims seeking compensation for harm caused to their life and/or health are also exempted from court fe~~e~~s. The court may also exempt claimants and applicants from court fees in consideration of their financial situation if they file a petition to this effect.

**Article 9, paragraph 5**

142. Information on administrative and judicial procedures for reviewing decisions is available: the Code of Civil Procedure, the Code of Commercial Procedure and plenary judgments of the Supreme Court and the Supreme Commercial Court are posted on the website of the National Legal Information Centre of the Republic of Belarus at [***http://ncpi.gov.by***](http://ncpi.gov.by).

The National Legal Internet Portal of the Republic of Belarus at [***http://pravo.by/***](http://pravo.by/) may also be consulted.

1. Obstacles encountered in the implementation of article 9

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

*Answer:*

143. Instances of claims being filed before the courts in regard to protection of the right to a favourable environment, access to information and the right to participate in the environmental decision-making process have become more frequent in Belarus.

144. Citizens often do not use appeals procedures because they do not have information on possible access to justice in environmental matters. The Aarhus Centre does provide advice to citizens, but this problem requires at the very least a network of regional Aarhus Centres to be set up.

In the past, there was a significant problem determining jurisdiction over a case – in other words, whether it should be heard by the ordinary courts or by a special (economic) court. Review on the merits of a dispute connected with the Aarhus Convention is subject to the jurisdiction of the ordinary courts; however, when the applicant was an NGO (and almost all NGOs in Belarus are legal entities), the ordinary courts refused to instigate proceedings and instead directed the parties to the economic court, without regard to the non-economic essence and purpose of the dispute. This approach can lead to protracted proceedings and higher fees (because fees are higher in the economic courts) and does not accord with the principles of procedural legislation, since relations regulated by the Aarhus Convention fall within the remit of public interests, not commercial or economic activities.

# The public association ‘Ecohome’ applied to the Supreme Court in 2015 for this legal uncertainty to be resolved. However, a Resolution of the Presidium of the Supreme Court of the Republic of Belarus of 30 November 2016 on certain issues in Determining Jurisdiction over Civil and Economic Cases within the System of Ordinary Courts has not entirely solved the problem: procedural legislation on jurisdiction over matters where the claimant/applicant is an NGO and the defendant is another type of organization requires further improvement. Another obstacle to access to justice is that those who put the law into effect – not only judges but also lawyers and members of the public – are not sufficiently proficient in reviewing this type of case. Therefore it is essential to improve the awareness and capabilities of judges, Public Prosecution Service staff, lawyers and ordinary citizens in relation to environmental protection legislation and the provisions of the Aarhus Convention (through continuing professional development, training materials, round tables, seminars, etc.).

# There is no system of administrative courts as such.

The courts have practically never adopted interim remedies – for example, preventing activities being put into effect before final review of the case.

1. Further information on the practical application of the provisions of article 9

**Provide further information on** the practical application of the provisions on access to justice pursuant to article 9, **e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?**

145. The number of citizens and public environmental associations applying to the courts in claims connected with enforcing the public’s rights under the Aarhus Convention has significantly increased.

Over the period 2014 - 2016, the public association ‘Ecohome’ brought 17 cases (claims and complaints taken together) before the courts with regard to legal relations governed by the Aarhus Convention.

Of these, the courts refused to admit nine claims on the basis of lack of jurisdiction. In most other instances, the claims concerned were dismissed on review. In some instances, the defendant voluntarily provided the requested environmental information at the review stage. Three of the claims sought the suspension of activities: at the time of writing this report, one of these is under review, while a second has been dismissed. One positive thing in this area was one court’s decision to award only partial costs against an NGO for payment of the defendant’s lawyer’s fees. By far the majority of the negative court judgments have been appealed on a point of law or form.

Citizens sometimes use the services of lawyers to defend their environmental interests in court. Some lawyers have based their defence of environmental rights on the provisions of civil or other legislation that, in practice, is more often applied by the courts in settling disputes. In a number of instances, this has led to the case being won.

146. An example of positive practice is that one case in 2016 was settled by amicable agreement.

In 2014, the ‘Green Network’ Association of NGOs produced a review of judicial practice in cases connected with implementation of the Aarhus Convention – available at <http://greenbelarus.info/files/downloads/court_review_web_02.2015.pdf>

1. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

147. http://ncpi.gov.by - National Legal Information Centre.

<http://pravo.by/> - National Legal Internet Portal of the Republic of Belarus.

**Articles 10-22 are not for national implementation.**

1. GENERAL COMMENTS ON THE CONVENTION’S OBJECTIVE

Where appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

*Answer:*

148. The Convention defines the legal framework or principles for the protection of the right to a favourable environment, which are further developed in national legislation in the form of specific legal mechanisms. It undoubtedly provides an incentive to improve legislation in this field.

1. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and annex I bis

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| Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMOs) in article 6 bis, describe: |
| a) With respect to **paragraph 1** of article 6 bis and: |
| i) **Paragraph 1** of annex I bis, arrangements in the Party’s regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis; |
| ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party’s regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception; |
| iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available; |
| iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential; |
| v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example: |
| a. The nature of possible decisions; |
| b. The public authority responsible for making the decision; |
| c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis; |
| d. An indication of the public authority from which relevant information can be obtained; |
| e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments; |
| vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market; |
| vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis; |
| viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based; |
| b) With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party’s national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity. |
| *Answer:*  [The Genetic Engineering Safety Act (Law No. 96 of the Republic of Belarus](http://biosafety.org.by/sites/default/files/downloads/Regul/act-2006-N96-biosafety.pdf)  of 9 January 2006).     ♦[Law No. 200 of the Republic of Belarus of 4 January 2007 amending the Seeds Act](http://biosafety.org.by/sites/default/files/downloads/Regul/act-2007-N200-add-seeds.pdf).   ♦[Law No. 231 of the Republic of Belarus of 18 May 2007 amending and adding to certain Codes of the Republic of Belarus with Respect to Establishing Liability for Contravention of Genetic Engineering Safety Legislation](http://biosafety.org.by/sites/default/files/downloads/Regul/act-2007-N231-add-codexes.pdf) (the Administrative Offences Code of the Republic of Belarus and the Criminal Code of the Republic of Belarus)    **Resolutions of the Council of Ministers of the Republic of Belarus**  ●[Resolution No. 608 of 13 May 2006 amending and adding to Council of Ministers’ Resolution No. 218 of 18 March 1997 and amending Council of Ministers’ Resolution No. 1853 of 29 November 1999.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N0608-custom.pdf)  ●[Resolution No. 1049 of 16 August 2006 approving Regulations on the Procedure for Permitting the Import, Export and Transit of Opportunistic Pathogenic Genetically Modified Organisms and Genetically Modified Pathogens.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N1049-pathogens.pdf)  ●[Resolution No. 1135 of 5 September 2006 on certain issues in the State Regulation of Seed Production and Crop Variety Testing.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N1135-seeds.pdf)   * The State Seed Production Compliance Assurance Regulations; * the Crop Variety Testing Regulations; * Regulations governing the State Register of Seed Producers and Suppliers; * Regulations governing the State Register of Varieties and Hardy-Shrub Species.   ●[Resolution No. 1160 of 8 September 2006 approving Regulations on the Procedure for Conducting State Review of the Safety of Genetically Modified Organisms and on Model Terms and Conditions for Agreements relating to the Conduct of State Review and approving Regulations on the Procedure for Permitting the Release of Non-pathogenic Genetically Modified Organisms into the Environment for Trial Purposes.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N1160-RA.pdf)   * Regulations on the Procedure for Conducting State Review of the Safety of Genetically Modified Organisms and on Model Terms and Conditions for Agreements relating to the Conduct of State Review; * Regulations on the Procedure for Permitting the Release of Non-pathogenic Genetically Modified Organisms into the Environment for Trial Purposes.   ●[Resolution No. 1195 of 12 September 2006 approving Regulations on the Procedure for State Registration of Varieties of Genetically Modified Plants, Species of Genetically Modified Animals and Strains of Non-pathogenic Genetically Modified Microorganisms.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N1195-regist.pdf)  ●[Resolution No. 1222 of 15 September 2006 approving Regulations on the Procedure and Conditions for Providing Information from the Genetically Modified Organisms Databank.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-SovMin-N1222-info.pdf)    **Decisions of the Ministry of Health of the Republic of Belarus**  ●[Decision No. 65 of 25 August 2006 on certain issues in Genetic Engineering Safety](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinZdr-N65-biosafety.pdf)   * Instructions on the Safety Requirements for Contained Use Systems in Second-, Third-and Fourth-level Risk Work with Genetically Modified Organisms; * Instructions on the Procedure for Accreditation of Contained Use Systems in Second-, Third-and Fourth-level Risk Work with Genetically Modified Organisms; * Instructions on the Safety Requirements for Transport of Opportunistic Pathogenic Genetically Modified Organisms and Genetically Modified Pathogens; * Instructions on the Procedure for Registration by State Legal Entities of Opportunistic Pathogenic Genetically Modified Organisms and Genetically Modified Pathogens Engineered in the Republic of Belarus, Imported into the Republic of Belarus, Exported from the Republic of Belarus or Transiting through Its Territory.   ●[Decision No. 73 of 21 September 2006 approving Forms of Permits for and Declaration of Import, Export and Transit of Opportunistic Pathogenic Genetically Modified Organisms and Genetically Modified Pathogens.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinZdr-N73-patogen-import.pdf)  ●[Decision No. 076-0806 of 25 August 2006, Instructions on Application of the Procedure for Conducting Risk Assessment of Potential Adverse Impacts of Genetically Modified Organisms on Human Health.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinZdr-instr.pdf)  ●[Decision No. 116 of 22 December 2006 approving Forms for the Provision of Information to the Genetically Modified Organisms Databank.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinZdr-N116-forms-info.pdf)    **Decisions of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus**  ●[Decision No. 49 of 17 August 2006 on the Procedure for a Carrier to Notify the Ministry of the Environment of the Transit of Non-pathogenic Genetically Modified Organisms through the Territory of the Republic of Belarus.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N49-transit.pdf)  ●[Decision No. 50 of 17 August 2006 on the Safety Requirements for Contained Use Systems in First-level Risk Work with Genetically Modified Organisms.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N50-contained.pdf)  ●[Decision No. 51 of 17 August 2006 on the Procedure for Registration by Legal Entities and Individual Entrepreneurs of Non-pathogenic Genetically Modified Organisms Engineered in the Republic of Belarus, Imported into the Republic of Belarus, Exported from the Republic of Belarus or Transiting through Its Territory.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N51-registr.pdf)  ●[Decision No. 52 of 17 August 2006 approving Regulations on the Ministry of the Environment’s Expert Council on the Safety of Genetically Modified Organisms.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N52-expert.pdf)  ●[Decision No. 55 of 29 August 2006 approving Instructions on the Procedure for Conducting Risk Assessment of Potential Adverse Environmental Impacts of Genetically Modified Organisms.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N55-RA.pdf)  ●[Decision No. 56 of 29 August 2006 on Safety Requirements for Experimental Fields and Other Facilities Designated for the Conduct of Trials of Non-pathogenic Genetically Modified Organisms on their First-time Release into the Environment.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N56-fields.pdf)  ●[Decision No. 57 of 29 August 2006 approving Instructions on the Procedure for Conducting Trials of Non-pathogenic Genetically Modified Organisms on their Release into the Environment.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinNat-N57-trials.pdf)  ●[Decision No. 37 of 23 April 2007 on the Provision of Information to the Genetically Modified Organisms Databank.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2007-MinNat-N37-forms.pdf)    **Decisions of the Ministry of Agriculture and Food of the Republic of Belarus**  ●[Decision No. 61 of 19 September 2006 approving Instructions on the Procedure for Permitting Seeds to be Imported into and Exported from the Republic of Belarus.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-MinAgr-N61-perm-seeds.pdf)    **Decisions of the Ministry of Statistics and Analysis of the Republic of Belarus**  ●[Decision No. 260 of 28 September 2007 approving the form of State Statistical Reporting for Genetic Engineering 1 – ‘Report on Genetic Engineering Activities’](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2007-MinStat-N260.pdf).  ●[Decision No. 263 of 14 October 2008 recognizing the loss of force of Decision No. 260 of the Ministry of Statistics and Analysis of 28 September 2007.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2008-MinStat-N263.pdf)    **Decisions of the State Customs Committee of the Republic of Belarus**  ●[Decision No. 40/38 of 24 May 2006 amending and adding to Decision No. 54/19 of the State Customs Committee and the Ministry of Agriculture of 5 July 2002 and to Decision No. 55/20 of the State Customs Committee and the Ministry of Agriculture of 5 July 2002.](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2006-GTK-MinAgr-N40-38.pdf)  ●[Decision No. 7 of 16 February 2009 on the Procedure for Providing Information to the Institute for Genetics and Cytology of the National Academy of Sciences of Belarus, a State Scientific Institution](http://biosafety.org.by/sites/default/files/downloads/Regul/res-2009-GTK-N07-forms.pdf).    Additional information about the legislation of the Republic of Belarus may be found on the website [of the National Legal Information Centre.](http://www.pravo.by/)  The Law of the Republic of Belarus on Accession to the Cartagena Protocol on Biosafety to the Convention on Biodiversity was passed in 2002.  Council of Ministers’ Resolution No. 734 of 5 June 2002 on measures to implement the Cartagena Protocol on Biosafety to the Convention on Biodiversity lists the national government bodies responsible for implementing the Protocol. The Ministry of the Environment is responsible for implementing the Protocol as regards the release of living modified organisms into the environment; the Ministry of Agriculture and the Ministry of Health are responsible as regards the use of living modified organisms for economic purposes.  Council of Ministers’ Resolution No. 963 of 19 June 1998 provides that a State scientific institution, the Institute for Genetics and Cytology of the National Academy of Sciences of Belarus, is to fulfil the functions of a National Biosafety Co-ordination Centre. The Centre’s site contains a database of legislation on biosafety.  Council of Ministers’ Resolution No. 1222 of 15 September 2006 approved [Regulations](consultantplus://offline/ref=D9E897A27514A1469F693DFCA8A6F5EA2D8676A0FCF3FA5C87A1ADB3A801572551E171BAB63F766323BC4AD1B2G3T) on the Procedure and Conditions for Providing Information from the Genetically Modified Organisms Databank.  Under these Regulations, information may be retrieved from the databank in the form of electronic documents over the Internet, using standard data transfer protocols. Information must be provided free of charge and without restrictions to Belarusian national government bodies, local executive agencies and administrative authorities, legal entities and citizens; biosafety co-ordination centres of other countries; international organizations; foreign legal entities and foreign citizens. |
| 1. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS   Describe **any obstacles** encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis. |
| *Answer:*  The relevant Belarusian authorities have not received any applications for the deliberate release into the environment and placing on the market of genetically modified organisms. |
| 1. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS  AND ANNEX I bis   **Provide further information on the practical application of the provisions** of article 6-bis on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, **e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?** |
| *Answer*: Because there have been no applications for deliberate release into the environment and placing on the market of genetically modified organisms in Belarus, there has been no involvement of the public in decisions regarding GMOs. |
| 1. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6-BIS AND ANNEX I-BIS   Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms: |
| http://www.minpriroda.gov.by/ru/ - Ministry of the Environment.  http://biosafety.org.by - **National Biosafety Co-ordination Centre.** |
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XXXVII. Follow-up on issues of compliance

*If, upon consideration of a report and any recommendations of the Compliance Committee (‘the Committee’), the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate: (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.*

*Please include cross-references to the respective sections, as appropriate.*

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| *Answer:*  a) At the fifth session of the Meeting of the Parties to the Aarhus Convention, Decision V/9c on compliance by Belarus with its obligations under the Convention was made, and the following recommendations were put forward in this connection:  6. *Reiterates* its recommendation to the Party concerned to take as a matter of urgency the necessary legislative, regulatory, and administrative measures and establish the practical arrangements to ensure that, in accordance with paragraphs 4 (a)-(i) of decision IV/9b:  (a) The general law on access to information refers to the 1992 Law on Environmental Protection that specifically regulates access to environmental information, in which case the general requirement of stating an interest does not apply;  (b) There is a clear requirement for the public to be informed of decision-making processes that are subject to article 6 in an adequate, timely and effective manner;  (c) There are clear requirements regarding the form and content of the public notice, as required under article 6, paragraph 2, of the Convention;  (d) There are reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, including those that may not be subject to an EIA decision procedure, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;  (e) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);  (f) There is a clear responsibility of the relevant public authorities to ensure such opportunities for public participation, as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;  (g) there are clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in the publicly available statement of reasons and considerations on which the decisions is based;  (h) There is a clear responsibility of the relevant public authorities to:  (i) Promptly inform the public of the decisions taken by them and their accessibility;  (ii) Maintain and make accessible to the public: copies of such decisions along with the other information relevant to the decision-making, including the evidence of fulfilling the obligations regarding informing the public and providing it with possibilities to submit comments;  (iii) Establish relevant publicly accessible lists or registers of the decisions held by them;  (i) Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1(c), of the Convention;  7. *Recommends,* in addition, that the Party concerned to take the necessary legislative, regulatory, and administrative measures and establish the practical arrangements to ensure that, in accordance with paragraph 90 (b), (c), and (d) of the Committee’s findings on communication ACCC/C/2009/44:  (a) the amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is made public, as required under article 6, paragraph 9, of the Convention;  (b) The full content of all the comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the authorities responsible for taking the decision (including those responsible for the *expertiza* conclusion);  (c) Appropriate practical and other provisions are made for the public to participate during the preparation of plans and programmes relating to the environment;  8. *Requests* the Party concerned to provide information to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in the implementation of the above recommendations;  9. *Undertakes* to review the situation at its sixth session.  Law No. 362-3 of the Republic of Belarus of 11 May 2016 amending and adding to certain Laws of the Republic of Belarus made the following additions to the s[econd paragraph of Article 2](consultantplus://offline/ref=7B1C44B7F342119AD5E29FCE4A9493970B6130F29B715654F813D387F34E7FF02D31F4A024C3C930BE465EF4AAE1RBK) of the Information, Informatization and Information Protection Act: the words “the protection of children from information harmful to their health and development” after “advertising,” and the word “, environmental” after “legal”.  Amendments and additions have been made to Decree No. 349 of the President of the Republic of Belarus of 24 June 2008 on Criteria for categorizing economic and other activities that have an adverse environmental impact as ‘environmentally hazardous activities’. These amendments entered into force on 12 February 2016, and were intended *inter alia* to supplement and specify the types of activities covered by Annex 1 to the Aarhus Convention, which are mentioned in an annex on the [Criter](consultantplus://offline/ref=147A1785A192FD9B145C5595033889AFDF035735D08695400177656411A25ECB5E332687AC960E1B5E0039DD61iCZ5L)ia for categorizing economic and other activities that have an adverse environmental impact as ‘environmentally hazardous activities’.  Law No. 333-3 of the Republic of Belarus of 24 December 2015 amending and adding to certain Laws of the Republic of Belarus with regard to Environmental Protection and to Public Participation in Environmentally Significant Decision-Making has been adopted, adding Article 15-2 to the Environmental Protection Act in order to enshrine the right of citizens and legal entities to participate in public discussions of drafts of environmentally significant decisions, namely conceptual frameworks, programmes, plans or 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 associated with carrying on economic and other activities regarded as environmentally hazardous under criteria defined by the President of the Republic of Belarus or a competent public environmental protection authority); decisions on the issue of a permit for removal of flora in human settlements or a permit for the transplant of flora in human settlements in cases specified by the legislation of the Republic of Belarus on flora; EIA reports. The Law came into force on 1 July 2016.  A new SER, SEA and EIA Act has been adopted, to enter into force on 22 January 2017. In particular, Article 7 of the Act includes a list of installations that are subject to EIA. This list of installations conforms with annex I to the Aarhus Convention.  Resolution No. 458, which came into force on 1 July 2016, enshrines provisions for public participation in environmentally significant decision-making and in public discussions of EIA reports.  Decision No. 26 of the Ministry of the Environment of the Republic of Belarus of 4 July 2016 amending Ministry of the Environment Decision No. 94 of 29 October 2008 has been adopted in order to amend Paragraph 6 of the Rules on Preparation of Management Plans for Specially Protected Natural Areas. The amended version provides for the submission of draft management plans to public discussion under the procedure approved by Resolution No. 458. |