



# **Review of legislation on strategic environmental assessment of Belarus with regard to implementation of the Protocol on SEA to the Espoo Convention**

*Report*

*English translation*

**Unedited version**



**EaP GREEN PROGRAMME**

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## I. Introduction

1. The UNECE Protocol on Strategic Environmental Assessment (SEA Protocol) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) establishes the obligations of its Parties with regards to the evaluation of the likely environmental impacts, including on health, of certain plans and programmes, as well as, to the extent possible, policies and legislation at the early stage of drafting. Also, the Article 10 of the Protocol requires the Parties to notify and enter into consultations with each other on considered plans and programmes that are likely to have a significant transboundary environmental impact. The Protocol further envisages for a wide public participation in making governmental decisions, as well as early, timely and effective consulting with the environmental and health authorities.
2. In the recent years Belarus, with the support of the international organizations (mainly UNDP<sup>1</sup>) has been purposefully developing its practical experience, and has improved its institutional capacity in the field of SEA aiming at the strengthening of national capacity prior to accession to the SEA Protocol.
3. In June 2011, at the fifth Meeting of the Parties to the Espoo Convention which served as the first Meeting of the Parties to the SEA Protocol, Belarus expressed its wish for technical assistance on the improvement of legislation and on preparation of necessary revisions, aimed at the accession to the Protocol. It also expressed the wish to get training for practical implementation of SEA. These activities were included into the workplan under the Convention and the Protocol for 2011-2014. The technical assistance was provided with funding from Environment and Security Initiative (EnvSec), as a part of a joint project “Managing Environmental Security Risks with EIA and SEA” between UNECE, UNEP and UNDP, implemented in the framework of “Greening economies in the Eastern Neighbourhood” (EaP GREEN) Programme.
4. Based on the outcomes of the previous activities related to the capacity building and assessment of the legislation in force and institutional capacity to conduct SEA, the objective of this technical assistance project was to provide specific recommendations to support Belarus in the development of legislation in the field of SEA and to ensure that the national legislation and its enforcement in Belarus will be completely in line with the provisions of the Protocol on SEA. The technical advice included: (a) review of the national legislation and institutional structures and procedures in force, as well as (b) development of a report incorporating the recommendations and proposals for necessary revisions to the legislation or new draft law in the sphere of SEA implementation.
5. From 3 to 7 June, 2013, the international consultant visited Belarus to collect information on current legislation and institutional capacity of Belarus related to the implementation of the SEA Protocol. With the assistance of the national expert the consultant had meetings with the representatives of the relevant stakeholders and collected the necessary documents and other corresponding information.

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<sup>1</sup> For instance, Project “Building Capacity for Strategic Environmental Assessment and Environmental Conventions Implementation in Belarus” (2008-2010) - <http://undp.by/ru/undp/db/a7110c5826f7832e.html>

In August 2013 the preliminary draft report was submitted by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (MNREP) to the relevant state authorities for comments. Written comments were received from: the National Centre of Legislation and Legal Research of the Republic of Belarus, Ministry of Agriculture and Food, Ministry of Industry, Ministry of Health, Ministry of Energy, and Ministry of Architecture and Construction.

Also, on September 5 2013, the draft report was discussed at the round table meeting with the representatives of the concerned stakeholders, which took place in the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. The comments and proposals delivered are accounted in the present Report.

6. The Report is prepared by the international consultant Mr. Dmytro Skrylnikov with the assistance of the national expert Ms. Larisa Pankrutska based on the analysis of the legislation in force in the Republic of Belarus and information provided by the national expert, MNREP, as well as representatives of the concerned stakeholders (as of September 16, 2013). The schemes (Annexes 2, 3, and 4) are developed by the national expert.

## **II. Review of activities on building the capacity and legislation in force**

### **Previous SEA related projects and activities**

7. A number of projects have been implemented in the Republic of Belarus that have incorporated various activities, including both the analysis of legislation, and elaboration of recommendations on establishment of legislative and regulatory base for SEA.
8. The following could be highlighted among the major ones:
  - Regional project “SEA – Promotion and Capacity Building” implemented by the UNDP Regional Centre for Europe and CIS jointly with the Regional Environmental Center for Central and Eastern Europe (2004-2006)<sup>2</sup>;
  - UNDP project “Building Capacity for Strategic Environmental Assessment and Environmental Conventions Implementation in Belarus” (2008-2010)<sup>3</sup>.
9. A number of pilot projects related to the strategic environmental assessment have been implemented in the Republic of Belarus: “National Tourism Development Programme of the Republic of Belarus for 2006-2010”; “Programme of Development of Inland Waterway and Sea Transport of the Republic of Belarus for 2011-2015”; and “Scheme of integrated spatial planning of Myadzel district”.
10. The SEA related pilot projects aimed at:
  - demonstrating the possibilities for practical implementation of the provisions of the SEA Protocol in Belarus;

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<sup>2</sup>[http://www.unece.org/ru/env/sea/ecca\\_capacity\\_r.html](http://www.unece.org/ru/env/sea/ecca_capacity_r.html)

<sup>3</sup><http://un.by/ru/undp/db/a7110c5826f7832e.html>

- developing recommendations on optimizing and improving national programmes (*please refer to the Annex 1 for more details*).

## Review of legislation

11. Belarus has a well-developed system of strategic planning. The development of plans, policies and programmes is regulated with number of laws and sub-laws. It should be noted that the legislation does not provide for clear definition and distinction of such state planning documents as ‘plan’ and ‘policy’, in that context that is used in the SEA Protocol. However, the relatively complicated system includes several types of planning documents of national, regional and local levels, which could be considered as strategic and fall under the definition of programmes and plans, as well as policies pursuant to the SEA Protocol (for instant, forecasts of socio-economic development, programmes, schemes, strategies etc.). There are different hierarchy levels of the above documents.

### State forecasting and socio-economic development programmes

12. One of the major legal acts in the sphere of the state forecasting and planning is the Law “On the state forecasting and socio-economic development programmes of the Republic of Belarus” (1998). The Law identifies the goals and content of the system of the state socio-economic development forecasting of the Republic of Belarus and its socio-economic development programmes, as well as general order for the development of these forecasts and programmes and control for their implementation.

Aimed at the implementation of this Law a number of regulatory acts was adopted detailing the provisions of the Law, including regarding the order for the development and adoption of the relevant programmes and other documents of the state forecasting, methodic provisions for their preparation, etc.

13. The Law combines a number of types of the state planning documents under the broader name “forecasting”. Thus, according to the Article 2 of the Law “On the state forecasting and socio-economic development programmes of the Republic of Belarus” the state socio-economic development forecasting system of the Republic of Belarus includes:

- For a long-term perspective – the national *strategy* of sustainable socio-economic development of the Republic of Belarus for 15 years and *main directions* of the socio-economic development of the Republic of Belarus for 10 years;
- For mid-term perspective – the *programme* of the socio-economic development of the Republic of Belarus for five years;
- For short-term period – *annual forecast* of the socio-economic development of the Republic of Belarus.

14. The development of the state forecasts of the socio-economic development for long-, mid- and short-term perspectives is provided by the Council of Ministers of the Republic of Belarus.

15. The socio-economic development forecasts are prepared for the whole Republic, for economy sectors and national economic complexes, for administrative-territorial units.
16. The Resolution of the Council of Ministers of the Republic of Belarus of March 31, 2009 № 404 (as amended by the Resolution of the Council of Ministers of the Republic of Belarus of March 7, 2013 № 152) adopted the 'Provision on the order for formation, financing and control of implementation of the state (national), regional, and sectoral programmes', which establishes the order for formation (making revisions and amendments), financing and control of implementation of the state, regional and sectoral programmes (hereinafter – programmes).
17. The following types of programmes are distinguished in the aforementioned Provision depending on level of its endorsement and on sources of financing:
- *State programme* – is a programme adopted by the President of the Republic of Belarus or the Council of Ministers of the Republic of Belarus, which financing is carried out fully or partially at the costs of the Republican budget, budgets of the state non-budgetary funds in line with the legislative acts;
  - *Regional programme* – is a programme adopted by the local Councils of Deputies, financing of which activities is carried out partially or fully at the costs of local budgets;
  - *Sectoral programme* – is a programme aimed at the implementation of tasks and functions assigned with the Republican state authorities, which is developed and adopted by them.
18. The Provision also envisages the order for development and adoption of programmes. The basic stages of programme development include (*please also see pp. 19-23 and Annex 2*):
- *Development and agreement of programme concept;*
  - *Making decision on draft programme development;*
  - *Draft programme development;*
  - *Agreement of draft programme.*
19. *Development and agreement of programme concept.* A programme concept shall be developed and agreed upon with the potential customers<sup>4</sup>. After the agreement with the potential customers the concept of the state, sectoral programme shall be forwarded to the Ministry of Economy, Ministry of Finance, Ministry of Natural Resources and Environmental Protection (in case the programme implementation is related to the natural resources utilization and (or) is likely to cause environmental impact), State Committee on Science and Technology, and National Academy of Sciences of Belarus (in part of the scientific support or research, development and technological works) in order to receive in accordance with their competence the conclusions on expediency of program development. The concept of a regional programme shall be developed by the local executive and administrative authority and presented for adoption to the local Council of Deputies. In case the regional programme is elaborated in the development of the state programme the regional programme concept development is not required.

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<sup>4</sup> Customer – is the manager of funds of the Republican or relevant local budget, budget of the state non-budgetary fund, implementing one or several programme tasks.

20. *Making decision on draft programme development.* A decision on the development of the state sectoral programme shall be made under condition that it receives a positive conclusions and approval of the concept by:

- The Presidium of the Council of Ministers of the Republic of Belarus – with regards to the state programmes;
- The collegium of the Republican governmental authority – with regards to the sectoral programmes.

The development of a draft regional programme is carried out by the local executive and administrative body after the regional programme concept is approved by the local Council of Deputies.

21. *Draft programme development.* The customer-coordinator<sup>5</sup> jointly with the customers shall in stages develop a draft programme.

22. *Agreement of draft programme.* The customer-coordinator shall forward the draft programme for agreement to the Ministry of Economy, Ministry of Finance, and State Committee on Science and Technology (in part of the scientific support or research, development and technological works), as well as to the Ministry of Natural Resources and Environmental Protection for the state ecological expertise in case the draft programme implementation is related to the utilization of the natural resources and (or) is likely to cause environmental impact. The draft programmes envisaging the implementation of investment projects on construction, re-construction or modernization of electricity and heat generating sources shall be agreed with the State Committee for Standardization. Simultaneously with forwarding to the Ministry of Economy the customer-coordinator shall provide the draft state programme to the expert council on the draft state programmes for a conclusion, and at the request of the Council of Ministers of the Republic of Belarus – the draft sectoral or regional programmes as well.

23. Based on the results of agreement and conclusion of the expert council the customer-coordinator shall finalize jointly with the customers the draft programme and forward it again for agreement, if necessary.

24. Following the decisions made on the adoption of programmes the information on the programmes shall be included within one month by the Ministry of Economy to the Programme Register. The Programme Register is maintained by the Ministry of Economy.

#### Urban planning for the development of areas and settlements

25. The Republic of Belarus Law “On architectural, urban planning and construction activity in the Republic of Belarus” (2004) determines, *inter alia*, the specificities of spatial (urban) planning (*please refer to the Annex 3*).

26. Pursuant to the Article 5 of the Law the development of urban planning documentation and

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<sup>5</sup> Customer-Coordinator – is one of programme customers, which pursuant to the decision on approval of a programme carries out the coordination of the customers’ activity to achieve the goal of a programme. As for the regional programmes the local executive and administrative body shall act as the customer-coordinator.



project documentation, construction of settlements, construction of facilities should be carried out in compliance with the requirements of the legislation in the field of environmental protection and rational natural resources use, provision of safety of territories and their protection against emergencies of natural and technogenic character, as well as in the field of public security, defense, including civil defense, and in compliance with the sanitary norms, rules and hygienic standards, and requirements of other legal acts. The compliance with the requirements in the field of conservation of immovable material historical and cultural values and protection of specially protected areas should be provided under the implementation of architectural, urban planning and construction activity.

27. Three levels of urban planning are established in the Republic of Belarus:

- National – for the whole Republic of Belarus, two or more oblasts;
- Regional – for oblast, group of districts; and
- Local – for area or part of area of a district, settlement or its part (with or without the suburban area).

28. The urban planning types include:

- general planning;
- special planning; and
- detailed planning.

29. General planning – is an integrated urban planning aimed at identification of priorities, basic directions of development strategy, formation of a system of resettlement, use of areas and establishing of restrictions for their use, as well as development of social, industrial, transport and engineering infrastructure. The urban planning projects of general planning are:

- the state scheme of integrated territorial organization of the Republic of Belarus;
- schemes of integrated territorial organization of oblasts and other administrative-territorial and territorial units; and
- general plans of cities and other settlements.

30. The Ministry of Architecture and Construction of the Republic of Belarus shall act as the customer for general urban development plans, when their development is carried out at the costs the Republican budget. The local executive and administrative bodies shall act as the customers for general urban development plans, when their development is carried out at the costs the local budgets.

31. Unless otherwise established by the President of the Republic of Belarus, the general urban development plans shall be agreed upon with the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, Ministry of Emergencies of the Republic of Belarus, Ministry of Health of the Republic of Belarus, Ministry of Defense of the Republic of Belarus, Ministry of Internal Affairs of the Republic of Belarus, Committee of the State Security of the Republic of Belarus in cases determined by the legal acts and resolutions of the Council of Ministers of the Republic of Belarus.

32. The organization of the agreement of the draft general urban development plan shall be carried out by its customer, while defense of the project ideas – by its developer.

33. The approved general urban development documentation, as well as all amendments thereto shall be registered in the urban planning cadastre according to the procedure established by the Ministry of Architecture and Construction of the Republic of Belarus.
34. *Special planning* – is the urban planning aimed at reasoning and implementation of urban planning projects of general or detailed planning, which is carried out through the development of schemes, forecasts, programmes, strategies, feasibility studies for the development and streamlining of the system of settlement, land use, as well as the development of social, production, transport, and engineering infrastructure. The boundaries of objects of special planning are established in accordance with the legislation and may not coincide with the boundaries of the administrative-territorial units.
35. At the national level the urban planning projects of special planning consist of schemes, forecasts, programmes and strategies of:
- territorial development of border areas;
  - development of areas along the international and major national communications;
  - territorial development of zones impacted by the natural and technogenic disasters;
  - development of a system of specially protected areas;
  - rational location of specially protected areas of national significance;
  - national ecological network;
  - territorial development of systems of energy, communication, transport communications and other infrastructure facilities;
  - development of other areas stipulated by the legislation.
36. At the local level the urban planning projects of special planning are:
- projects of planning of certain territories;
  - projects of boundaries of suburban areas;
  - projects and schemes of social, production, transport, and engineering infrastructure;
  - regional schemes of rational location of specially protected areas of local significance;
  - territorial schemes for environmental protection;
  - projects of territorial organization of other areas stipulated by the legislation;
  - other urban planning projects stipulated by the legislation.
37. The urban planning projects of special planning shall be developed following the decisions made by the state authorities and (or) local executive and administrative bodies. The state authorities and local executive and administrative bodies could act as the customers of the urban planning projects of special planning.
38. The approved urban planning projects of special planning, as well as all changes and (or) amendments to them should be registered in the urban planning cadastre according to the procedure determined by the Ministry of Architecture and Construction of the Republic of Belarus.
39. *Detailed planning* – is the urban planning at the local level of developed and undeveloped areas, their parts (blocks, micro-districts, and other elements of planning structure).

40. The Article 4 of the Law “On architectural, urban planning and construction activity in the Republic of Belarus” (2004) is regulating the issues related to the implementation of the right of a physical person for favourable environment, through, *inter alia*, provision of access to information and public participation.
41. The physical persons has the right for favourable environment under the implementation of architectural, urban planning and construction activity, for reliable, complete and timely information on the state of environment and its proposed alterations, if other is not established pursuant to the legal acts. The implementation of the right of physical persons for favourable environment shall stipulate for their participation in:
- urban planning development of areas, including the settlements;
  - implementation of architectural, urban planning and construction activity;
  - other activities in the field of architectural, urban planning and construction activity.
42. The decisions of the local Councils of Deputies, executive and administrative bodies on issues related to planning and construction of settlements, residential construction, shall be made after the public discussions.
43. State authorities, legal persons, and officials are obliged to provide the possibility for the physical person to review the information on issues concerning his rights and legitimate interests under the implementation of architectural, urban planning and construction activity.
44. The state authorities, local executive and administration bodies, bodies of the state construction surveillance shall inform physical and legal persons on architectural, urban planning and construction activity through mass media, as well as through provision of regulated access to data of urban planning cadastre, developed and approved urban planning projects, public discussion of urban planning projects, organization of expositions and exhibitions, and implementation of other activities.
45. Prior to approval of urban planning documentation the physical and legal persons are provided with the right to make proposals, participate in the discussions and decision-making in the area of urban planning activity, carry out the professional independent expertise of urban planning documentation at their own costs. In case of professional independent expertise of urban planning documentation the conclusion of the state expertise is provided after the conclusions of professional independent expertise. At that the professional independent expertise of urban planning documentation shall not entail the increase of timing for its agreement and approval.
46. The Resolution of the Council of Ministers of the Republic of Belarus of June 1, 2011 № 687 adopted the Provision on the procedure for public discussions in the field of architectural, urban planning and construction activity, according to which the public discussion shall be carried out with respect to, *inter alia*:
- master plans of cities and other settlements, urban planning projects of special, detailed planning, including the reconstruction of the existing residential development areas, reconstruction and regeneration of areas of historical and cultural heritage, landscape and recreational areas; and

- draft programmes of residential construction of administrative-territorial (territorial) units.
47. It should be noted that the Provision stipulates for the duration of 15 days for the public discussion. Furthermore, according to paragraph 22 of the Provision the comments and proposals of the participants in the public discussions that are not based on the regulatory legal acts, including the technical regulatory legal acts, could not act as the ground for changes and amendments to the urban planning project and architectural project of a settlement area development.

#### **Territorial integrated schemes for rational use of natural resources and environmental protection**

48. The legislation of the Republic of Belarus also stipulates for “territorial integrated schemes for rational use of natural resources and environmental protection”. The Resolution of the Council of Ministers of the Republic of Belarus of November 1, 2007 № 1436 adopted the Provision on the procedure for the development, adoption of the territorial integrated schemes for rational use of natural resources and environmental protection, and their financing.
49. The schemes shall be developed for concrete administrative-territorial units aimed at:
- Identification of nature use and environmental protection problems based on the analysis of the state of the environment and natural resources use, economic development of areas;
  - Substantiation and development of a complex of interrelated activities on the protection of natural complexes and objects, environmental quality improvement, provision of rational natural resources use and ecological safety;
  - Preparation of proposals on implementation of a complex of environmentally oriented activities in line with the urban planning development of areas, including the settlements.
50. The local executive and administrative bodies shall act as the customers of the schemes, while their developers shall include scientific, project and other institutions, which activity is connected to the environmental protection, as well as development of urban planning projects.
51. The schemes shall be developed ahead of the timing for the development of urban planning projects of general planning for a corresponding area or settlement, or in parallel with their development for a time period determined in the urban planning documentation. These schemes are in fact the urban planning projects of special planning.
52. The schemes shall be agreed with the Ministry of Health, Ministry of Architecture and Construction, Ministry of Defense, Ministry of Internal Affairs, Ministry of Housing and Utilities, Ministry of Transport and Communications, State Security Agency according to the procedure determined by the aforementioned state bodies, and shall be adopted in case of a positive conclusion of the state ecological expertise.

## Other strategic planning documents

53. In addition to the aforesaid the Republic of Belarus has the documents of strategic planning (concepts, strategies), which are developed following the orders of the Government or the President of Belarus proceeding from their powers. These documents are adopted by Government or President, respectively. For instance, the Strategy of Technological Development of the Republic of Belarus for the period by 2015 (2010), the Strategy of Development of Energy Capacity of the Republic of Belarus (2010), the Strategy of Transit Capacity of the Republic of Belarus for 2011-2015 (2010), the National Strategy for Development and Management of the Environmental Protection Areas System by January 1, 2015 (2007). The procedure for the development and agreement of this kind of documents is not clearly determined.

## State ecological expertise

54. The Republic of Belarus has the state ecological expertise (SEE), which is carried out by the authorized officials of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, oblast (Minsk City) committees of natural resources and environmental protection.

55. The SEE main requirements and procedure are stipulated in the Law “On the state ecological expertise” (2009), which determines the SEE as the identification of correspondence or non-correspondence of project or other documentation on proposed economic and other activity to the requirements of the legislation on environmental protection and rational natural resources use. The Law also determines the list of activities, subject for the environmental impact assessment and its procedure.

56. The following project documentation, *inter alia*, shall be provided for the state ecological expertise:

- urban planning projects of general planning, special planning, detailed planning, architectural projects of area development;
- drafts of territorial integrated schemes for rational natural resources use and environmental protection;
- drafts of concepts, forecasts, programmes and schemes of sectoral development, which implementation is connected to natural resources use and (or) is likely to cause environmental impact;
- drafts of technical regulatory legal acts, which establish the requirements in the field of environmental protection and (or) rational natural resources use to production, its development processes, manufacturing, exploitation (utilization), storage, transportation, realization and disposal or to providing of services.

Another project or other documentation, stipulated by the legal acts and international agreements of the Republic of Belarus might be the object for the state ecological expertise.

It should be noted that the first step towards the introduction of SEA elements was made in the Unified List of Administrative Procedures, which are conducted by the state bodies and other organizations with respect to legal persons and individual entrepreneurs, adopted by the Resolution of the Council of Ministers of the Republic of Belarus of February 2, 2012

№ 156. Paragraph 3.9 of the Unified List stipulates that to obtain the conclusion of environmental expertise on draft concepts, forecasts, programmes, and sectoral development schemes, implementation of which is related to natural resources use and (or) is likely to cause environmental impact, the “report on environmental assessment (if available)” is provided in addition to the application and draft document. However, the obligation to have the environmental assessment report and procedure for its preparation are not currently stipulated by other regulatory legal acts. Thereby, such a report could only be prepared in a voluntary manner.

57. The authorized officials of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus shall conduct the state ecological expertise, among others, of:

- Drafts of concepts, forecasts, programmes and sectoral development schemes approved by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, Republican state authorities, which implementation is related to natural resources use and (or) is likely to cause environmental impact;
- Drafts of territorial integrated schemes of rational natural resources use and environmental protection for the city of Minsk, administrative centres of oblasts and cities, the urban planning projects of general planning of which are adopted by the President of the Republic of Belarus;
- The urban planning projects of general planning, special planning, detailed planning (under the development of built-up areas) architectural projects of area development using the landscape-recreational zones of the city of Minsk, administrative centres of oblasts, the urban planning projects of general planning of which are adopted by the President of the Republic of Belarus;
- Drafts of technical regulatory legal acts, which establish the requirements in the field of environmental protection and (or) rational natural resources use to production, its development processes, manufacturing, exploitation (utilization), storage, transportation, realization and disposal or to providing of services.

SEE shall be conducted with respect to documents other than aforementioned by the authorized officials of the oblast (Minsk City) committees of natural resources and environmental protection.

### **III. Analysis of existing procedures, structure and responsibility of the state bodies considering the obligations under the SEA Protocol**

#### **General aspects**

58. Definition of the strategic environmental assessment provided in the SEA Protocol identifies the key elements of strategic environmental assessment procedure. According to the Protocol, SEA is defined as “the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme” (Article 2, paragraph 6).<sup>6</sup>

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<sup>6</sup> This very translation (*provided in the original Russian text of the present report – note by translator*) more closely

59. Articles 5-12 of the Protocol describe the process of conducting the SEA of plans and programmes:

- Preliminary assessment (screening) (Article 5);
- Identification of the scope of the SEA procedure (scoping) for determination of the content of the environmental report (Article 6);
- Environmental report (Article 7);
- Public participation (Article 8);
- Consultation with environmental and health authorities (Article 9);
- Transboundary consultations (Article 10);
- Decision on plan or programme adoption (Article 11);
- Monitoring (Article 12).

60. For the effective application of SEA it is preferably that the SEA would be conducted by the organization, which is responsible for the development of the plan or programme. Ideally, SEA should be embedded into the process of plan or programme development. SEA should be conducted as early as possible in the process of decision-making, when all activity alternatives and options are available for consideration. The SEA financing is also an important issue. In case SEA is integrated into the development of other planning documents, funds for conducting the SEA should be included into the budget for development of the planning document. This would also allow utilization of an existing mechanism for financing the development of planning documents in the Republic of Belarus.

61. Often SEA, mistakenly at our view, is compared to the SEE, which also reviews the drafts of the planning documents. However, the SEE by its definition is intended to identify the conformity or discrepancy of the project or other documentation on the proposed economic or other activity with the requirements of the legislation on environmental protection and rational use of natural resources, but not to completely conduct the environmental assessment. Accordingly, SEE does not ensure a complete procedure that would meet all the requirements of the SEA Protocol (please refer to paragraphs 54-57 of the Report). **The SEE stage does more correspond to the stage of consultations with the environmental authorities** (Article 9 of the Protocol). *The recommendations of this Report suggest considering and using the SEE as a procedure for consultations with the environmental authorities in case the SEE institute will be retained for the planning documents*<sup>7</sup>.

62. All SEA stakeholders are present in the institutional system of the Republic of Belarus : authorized state bodies that are developers (customers or customer-coordinators) of plans and programmes; state bodies that make decisions on plan or programme approval, local and regional administration bodies; Ministry of Natural Resources and Environmental

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resembles the English version. The official Russian translation contains a number of inaccuracies regarding the consultation and environmental report. For instance, in the official translation the “environmental report” is provided as the term “ecological доклад” what defines less accurately the essence of the document – the report on assessment.

<sup>7</sup> The state could independently determine the form of the consultations or agreement with the relevant authorities. Taking into account the fact that the mechanism of the state ecological expertise is well-established and its utilization is stipulated by the legislation on the state forecasting and socio-economic development programmes of the Republic of Belarus, as well as the legislation on architectural, urban planning and construction activity, for SEA purposes there is no critical necessity in its substitution with any other consultation mechanism at this stage.

Protection, Ministry of Health and other concerned state bodies; NGOs; experts and expert institutions capable of participation in SEA.

63. It should be noted that within the structure of the sectoral ministries the system of scientific research institutions and engineering organizations is maintained, developing and effectively operating and could serve as the basis for the expert capacity. Moreover, as the pilot projects demonstrated, the establishment of the register (list) of experts in various spheres for their involvement for different SEA aspects on a contractual basis might be useful.

### **Identification of plans and programmes covered by the Protocol, including screening (definition of the significant impact)**

64. The rather complicated system includes a number of documents at the national, regional and local levels, which could be considered as strategic (for instance, forecasts of the socio-economic development, programmes, schemes, strategies etc.). Also, there are various levels of hierarchy of plans and programmes.
65. It is necessary to be noted, that a significant number of policy (programme) documents, which could be subject to SEA according to the Protocol, are being developed in the country. It is not always possible to clearly determine whether the programme is likely to have significant environmental effects based on the programme titles.
66. To determine the need for an SEA according to the Protocol it is necessary to identify whether the document in question fits the definition of the plan or programme provided in the Protocol (Article 2.5), and is covered by the scope of the Protocol (Article 4). For certain planning documents it will be necessary to determine the significance of their likely effects on the environment (Article 5 “Screening” of the Protocol).
67. Taking into account the limited resources of the state authorities, there is a general view that it is necessary to avoid overloading the authorities with the assessment of documents that are not covered by the Protocol and are not likely to have significant environmental, including health, effects, as well as are not setting the framework<sup>8</sup> for future development consent for projects (Article 4.2), which require environmental impact assessment. It is important to prioritize and determine the types of the planning documents that should be covered by the proposed SEA legislation.
68. The following types of documents to be covered by the proposed legislation on SEA might be distinguished among the aforementioned planning documents:
- Socio-economic development programmes (possibly, the socio-economic development long-term forecasts<sup>9</sup>) (*Please also refer to the Annex 4*);
  - Urban planning projects of general and special planning;
  - Territorial integrated schemes for rational use of natural resources and environmental

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<sup>8</sup> “Set the framework” means that on the basis of (in connection with) the relevant plans or programmes in future the project development consent might be granted.

<sup>9</sup> Requires additional consideration and discussion (also see paragraph 85).



- protection;
- Documents stipulated by the paragraph 53 of the present Report, in case they meet the relevant criteria.

Respectively, the procedures for the development for these documents should be supplemented with the SEA procedure.

69. Moreover, to develop SEA in Belarus, it is necessary to have a clear mechanism for screening (preliminary assessment), to determine whether a plan or programme is subject to SEA. The combined approach could be used when developing the mechanism for screening (preliminary assessment and determination of a significant impact), which would include predefined list and screening on a “case-by-case” basis. The plans and programmes that require mandatory SEA could be listed (specified) in the legislation, along with criteria stipulated by the same legal act with respect to those plans and programmes that are not specified in the list, but should be subject for SEA in case they may have significant effect on the environment and human health.
70. Also, to ensure the consultations with the environmental and health authorities at the preliminary assessment stage in line with the Article 5 paragraph 2 of the SEA Protocol it is necessary to include a mechanism of consultations (agreement) at the initial stage of the development of documents in the legislation. The existing mechanism for an agreement on the programme concept could be used for the state, regional and sectoral programmes of socio-economic development. At the same time it should be noted, that such a concept agreement is stipulated by the Ministry of Natural Resources and Environmental Protection, but not the Ministry of Health<sup>10</sup>. In addition, there are exceptions when the concept is developed. For other documents specified in the paragraph 68 of the present Report the agreement with the relevant authorities (in a form of an agreement or expertise) is taking place at later stages, in fact after the draft document is prepared.

## Scoping (determination of the scope)

71. According to Article 7 of the Protocol each Party shall ensure that an environmental report is prepared for plans and programmes subject for the strategic environmental assessment. The report should contain the information specified in the Annex IV to the Protocol. The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.
72. Each Party shall ensure that the environmental and health authorities are consulted when determining the relevant information to be included in the environmental report. To the extent appropriate, each Party shall endeavor to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the

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<sup>10</sup> Please refer to the order for agreement according to the ‘Provision on order for formation, financing and control of implementation of the state, regional and sectoral programmes’, adopted by the Resolution of the Council of Ministers of the Republic of Belarus of March 31, 2009 № 404. Please also see the Annex 2.

environmental report. (Article 6.)

73. At the current stage the legislation of the Republic of Belarus does not provide for preparation of such a report. To a certain degree the urban planning documentation (for instance general plans of settlements) contains certain rationale for forecasts of the state of the environment and activities on its protection; however this information does not fully correspond to the requirements of the SEA Protocol.
74. Also, the mechanism of consultations (agreement) at the initial stage of the development of documents should be provided to ensure the consultations with the environmental and health authorities, as well as public participation at the scoping stage. Similarly to the paragraph 70 of the present Report the existing mechanism for the development and agreement of a programme concept could be used (supplemented) for the socio-economic development programmes.

## **Public participation**

75. Public participation in strategic decision-making exists to a certain degree in Belarus. Despite the fact that the legislation on the state forecasting does not regulate public participation, there was a possibility for acquainting with a number of draft programmes on the web-sites of the responsible bodies. Also, the outcomes of the public consultations on draft regulatory legal acts are available at [www.economy.gov.by](http://www.economy.gov.by). Moreover, the legislation stipulates for the public participation under the development of the urban planning documentation (please refer to paragraphs 40-47). Attention should also be paid to the information in paragraph 47 of the present Report, as the indicated provisions require revisit taking into account the Convention requirements on access to information and public participation in decision-making and access to justice in environmental matters (Aarhus Convention).
76. It is necessary to improve the practice and provide a more detailed provision in the legislation for opportunities at an early stage for timely and effective public participation pursuant to the SEA Protocol. The proposed SEA procedure could stipulate for provision of public participation procedures through mandatory consultations in written, and, additionally, through organization of public hearings upon the decision of a body responsible for draft plan or programme and its SEA procedure.

## **Consultations with environmental and health authorities**

77. The existing system provides for wide enough participation of the Ministry of Natural Resources and Environmental Protection in the process of planning, mainly in agreement of a programme concept and under the state ecological expertise of draft planning documents. Therefore, there should be no problem with determination of the role of environmental authorities and their integration into the SEA process at the screening and scoping stages, as well as at the stage of consultations with environmental authorities (Articles 5, 6, and 9 of

the Protocol).

78. It is also necessary to involve authorized bodies, which by reason of their specific responsibilities in the health sphere are likely to be concerned by the environmental, including health, effects of the plan or programme implementation. In this case this could be the Ministry of Health. At the present time, the regular and mandatory participation of the health authorities at the stage of agreement on the socio-economic development programmes by the state bodies is not stipulated according to the order for development financing and control of implementation of the state, regional and sectoral programmes<sup>11</sup> (*please see also the Annex 2*). As it was noted during the meeting with the representatives of the Ministry of Health, only few draft programmes were forwarded for agreement to the Ministry of Health. To ensure the compliance with the obligations under the SEA Protocol, the new legislation (the procedures) should also provide for the consultations with the health authorities at the stages of screening and scoping, and at the stage of consultations with environmental and health authorities on the draft plan and programme and the environmental report.

### **Transboundary consultations**

79. The procedure of transboundary consultations in the Republic of Belarus is regulated only for cases of significant transboundary impact of proposed activity. It is also necessary to develop more detailed terms for the transboundary consultations procedure under the SEA, for both cases, when Belarus is the Party of origin, and when it is the affected Party.

### **Decision and taking into account the outcomes of the consultations and the conclusions on the environmental report**

80. The decision-making authority shall determine which of the plan or programme alternatives, or which decision options within the plan or programme should be adopted, or decide that no alternative can be adopted. When a decision on adoption of plan or programme is made it is necessary to take due account of the conclusions of the environmental report, including the proposed measures to prevent, reduce or mitigate the adverse effects of implementation of the various plan or programme alternatives. Moreover, the comments from the relevant environmental and health authorities, concerned public, and any affected Parties should be taken into account in the decision-making (Article 11 paragraph 1 of the Protocol).

81. After the adoption of the plan or programme it is necessary to inform the relevant environmental and health authorities, public (not only public concerned), and any affected Parties on the decision made (Article 11 paragraph 2 of the Protocol). The adopted plan or programme shall be made available for them, as well as the statement summarizing:

- how the environmental, including health, considerations have been integrated into it (provided in the environmental report);
- how the comments received have been taken into account (in case of the public – the

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<sup>11</sup> With the exception of specialized programmes in the field of sanitary and epidemiological welfare of population, in which the Ministry of Health is the customer.

- opinions of the “public concerned”); and
- the reasons for adopting of a plan or programme alternative it in the light of the reasonable alternatives considered.

82. The majority of requirements specified in the paragraphs 80 and 81 of the present Report are not currently stipulated by the legislation of the Republic of Belarus (with the exception of accounting of views of the relevant environmental and health authorities, and publication of the decision itself). These requirements should be taken into account under the development of the corresponding legislation.

## Monitoring

83. Both the legislation on the state forecasting, and on architectural, urban planning and construction activity provides for the mechanisms of monitoring of the planning documents implementation. The monitoring stipulated in the article 12 of the SEA Protocol could be integrated into the existing mechanisms, or it is necessary to provide for an individual procedure of monitoring of the significant environmental, including health, effects of the implementation of the plans and programmes.

## Policies and legislation (not a mandatory requirement)

84. The SEA Protocol, primarily, considers “plans and programmes” as the object for SEA. At the same time, the SEA Protocol encourages the Parties to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health (article 13 of the Protocol). It should be noted that a number of UNECE member states are already applying SEA systems, which are applicable to the policies and legal acts.

85. As mentioned above, the legislation of the Republic of Belarus lacks the clear definition and delimitation with other documents of such documents of the state planning as “policies”<sup>12</sup> (please see the paragraph 11 of the present Report). At our view the forecasts for a long-term perspective could be the closest to this term (please refer to the paragraph 68 of the present Report). Thereby, these documents, possibly, should be referred to the types of documents that should be covered by the proposed legislation on SEA.

86. With regards to the legislation, at this stage the issue requires additional study.

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<sup>12</sup> In the legislation such term, related to the document of the state planning, as the “policy” is not clearly determined, however, sometimes is used in various contexts, for instance, the Law of the Republic of Belarus “On the state innovation policy and innovation activity in the Republic of Belarus” of July 10, 2012 № 425-Z. The Article 1 of the Law reads that “the state innovation policy – is the constituent of the state socio-economic policy representing the complex of organizational, economic, and legal measures, implemented by the state, aimed at the regulation of innovative activity”.

#### **IV. Recommendations on possible changes to the national legislation**

87. Pursuant to the Article 5 of the Law of the Republic of Belarus “On international treaties of the Republic of Belarus” (2008) the proposals on accession to an interstate agreement, which the SEA Protocol is, should, among other, contain the list of laws of the Republic of Belarus, decrees and edicts of the President of the Republic of Belarus, resolutions of the Council of Ministers of the Republic of Belarus (their structural elements) to be revised, supplemented, revoked, recognized as repealed, or adopted in connection with accession of the Republic of Belarus. Thereby, the relevant analysis (Section III) and recommendations on possible revisions to the national legislation, as well as improvement of institutional structure and procedures aimed at compliance with and implementation of the obligations under the SEA Protocol (Section IV) could be used under the development of the respective regulatory legal acts.
88. As the acting system of strategic planning provides for several mechanisms to take into account environmental, including health, considerations (for instance, corresponding provisions in the legislation on the development of programmes related to considering environmental requirements; agreement of programme concepts with environmental authorities; state ecological expertise of draft planning documents), the SEA principles and procedures could be effectively integrated into this process through making revisions and changes to the legislation in force and/or adoption of a new law on SEA.
89. Consideration and forecasting of environmental aspects is also required under the urban planning and with small changes (for instance, with regards to public participation, making the environmental report as a separate document) could correspond to the SEA Protocol requirements. However, at the present time the transboundary consultations are not stipulated under the urban planning.
90. In the course of the meeting in Minsk with the relevant state authorities and other stakeholders several alternatives for the revisions to the legislation were discussed, including:
- 1) Elaboration of a separate law on SEA;
  - 2) Insertion of a separate chapter with the detailed procedural provisions on SEA into the existing Law on environmental protection and/or Law on the state environmental expertise;
  - 3) Insertion of relevant articles on introduction of obligations on SEA into the existing legislation, namely to the Law on environmental protection and/or Law on the state ecological expertise, as well as development of the Provision that would regulate in details the procedure (order) of SEA to be adopted by the Governmental Resolution.
- Alternatives 1 and 3 could be named as the most reasonable.
91. Taking into account that with regard to the Espoo Convention, the Implementation Committee was of the opinion that “the EIA procedure, for example regarding public participation, should rather be included in the legislation than left for implementing

regulations” (Meeting of the Parties to the Espoo Convention, Decision IV/2 (Review of compliance), Annex II, paragraph 32, ECE/MP.EIA/10), the alternative 1 is recommended for a more detailed consideration and adoption.

92. It should be noted that the alternative of adopting a Law on SEA is more appropriate in terms of recognition of the SEA and providing it with a certain status. Establishing a corresponding hierarchy of regulatory legal acts, including the law and relevant sub-laws, would allow for the more effective SEA integration into the decision-making procedure in the sphere of the state planning. In addition, various aspects of SEA are relevant to nearly all bodies of the state and local administrations, public rights, transboundary consultations, and, correspondingly, regulating the procedure, functions, rights and responsibilities of the SEA stakeholders at the level of law is more logical. In fact, the main argument against adoption of the law is the complex and lengthy legislative procedure, however, given the political will, this argument will not be a significant barrier. A number of participants at the round table (5 September 2013) also supported the alternative for adoption of a separate law on SEA.
93. In the course of the consultations on June 3-7, 2013, in Minsk, the alternative 3 was mentioned by the state authorities as the most acceptable and real, as the majority of procedures in Belarus are adopted by the resolutions of the Government. The concrete methodology (technical guidelines) on SEA could be elaborated in a form of the technical codices of common practice (TCPs)<sup>13</sup>, but this could be done at a later stage and not in the frameworks of this project, after the relevant revisions to the legislation will be made and the governmental resolution will be adopted.
94. In case the alternative 3 will be selected, it is suggested to prepare the textual proposals of the draft revisions to the Law on environmental protection and the Law on the state ecological expertise, aimed at the introduction of SEA into the legislation in force and, taking into account the aforesaid findings and recommendations in the sections III and IV, determine the SEA procedure for adoption with the Resolution of the Government.
95. Regardless of the choice of a form for a regulatory legal act determining the SEA procedure, the main revisions to the legislation, which will be required for the introduction of SEA, could be indicated as follows:
- The Article 1 of the Law “On environmental protection” should be revised with a new definition:

“Strategic environmental assessment” means the evaluation of the likely environmental, including health, effects, which consists of the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in the development of the [documents of the state forecasting and planning].”
  - To complement the Article 12 of the Law “On environmental protection”, which

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<sup>13</sup> It is also possible with the adoption of a separate law on SEA.

determine the “Rights of citizens” with the words “participate in the discussion of materials on the environmental impact assessment of the proposed economic and other activity, strategic environmental assessment”.

- To complement the title of the Chapter 8 of the Law of the Republic of Belarus “On environmental protection” with the words “Strategic Environmental Assessment. <...>”
- To complement the Law of the Republic of Belarus “On environmental protection” with the Article 58-1 “Strategic Environmental Assessment” of the following contents:  
“Strategic Environmental Assessment shall be carried out for [documents of the state forecasting and planning]<sup>14</sup>, the list of which shall be established by the legislation of the Republic of Belarus on the strategic environmental assessment [Council of Ministers].”

The order for carrying out the strategic environmental assessment, requirements for the materials and content of the environmental report on the results of such an assessment shall be established by the legislation of the Republic of Belarus on the strategic environmental assessment [Council of Ministers].

- Other revisions (it will be possible to identify them after the discussion and selection of the respective alternative):
  - To make amendments to the Article 9 of the Law “On environmental protection” determining the authorities of the Council of Ministers in the field of environmental protection;
  - To make amendments to the Article 10 of the Law “On environmental protection” determining the authorities of the Ministry of Natural Resources and Environmental Protection;
  - To make amendments to the Law of the Republic of Belarus “On sanitary and epidemiological well-being” (Article 21) on the authorities and role of bodies and institutions carrying out the state sanitary surveillance in the strategic environmental assessment.

In addition to the aforementioned acts it will be necessary aimed at the introduction of the provisions on SEA to make revisions and amendments to the following laws: “On architectural, urban planning and construction activity in the Republic of Belarus”, “On the state forecasting and programmes of the socio-economic of the Republic of Belarus”, “On the state ecological expertise”.

96. Moreover, in future the amendments into the Provision on the Ministry of Natural Resources and Environmental Protection and the Provision on the Ministry of Health in part of the interaction of the state authorities under the SEA procedure will be required.

97. Also, after the SEA procedure will be adopted (in a form of a law or other regulatory legal act) the revision of other regulatory legal acts, which regulate the order for the development

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<sup>14</sup> Due to the fact that there is no clear delimitation between plans, programmes, policies, while the planning documents are developed according to the various legislation and procedures, it is recommended to introduce the generalized term. One of the options for such generalization is proposed here for consideration.

of the relevant planning documents, including the regulatory legal acts that regulate the issues on financing the forecasting and planning documents development, could be required.

98. The regulatory legal act determining the SEA procedure should include the following sections:
- General provisions;
  - Field of application of SEA (objects for SEA, list of the state planning documents subject for the mandatory SEA, criteria with regards to the documents that are not on the list, but should be subject for SEA in case of a significant impact on the environment and human health);
  - Preparation of an environmental report and scoping;
  - Public discussion within the SEA process;
  - Consultations with the authorized bodies (environmental and health);
  - Procedure for transboundary consultations (in case of the party of origin and the affected Party); and
  - Account of results of the consultations and conclusions of the environmental report, informing on the decision made, and monitoring.
99. When planning and developing the legislation the Rules for drafting the regulatory legal acts adopted by the Decree of the President of the Republic of Belarus of August 11, 2003 № 359 “On measures to improve rulemaking activity” (hereinafter – Rules) should be accounted. According to the paragraph 11 of the Rules the preparation of the draft laws is carrying out on the basis of their inclusion into the annual plan for preparation of the draft laws adopted by the President of the Republic of Belarus (hereinafter – Plan). The draft laws not covered by the Plan are provided to the House of Representatives of the National Assembly of the Republic of Belarus after their inclusion into the plan, as a rule. The proposals on the preparation of the draft laws for the next calendar year are, as a rule, provided not later than September 1. The proposals on the preparation of the draft laws provided after December 1 are not accepted for consideration, unless it is stipulated otherwise by the decisions of the President of the Republic of Belarus.

The draft plan is developed by the National Centre of Legislation and Legal Research of the Republic of Belarus on the basis of proposals by the subjects of the law of the legislative initiative, as well as the House of Representatives of the National Assembly of the Republic of Belarus, Constitutional Court, Supreme Court, Supreme Economic Court, Administration of the President of the Republic of Belarus, Prosecutor's Office, Committee for the State Control, State Secretariat of the Security Council of the Republic of Belarus, National Bank, the Office of the President of the Republic of Belarus, Central Commission of the Republic of Belarus on Elections and Republican Referenda, deputies of the House of Representatives of the National Assembly of the Republic of Belarus, scientific institutions, public associations and citizens.

Proposals on inclusion of a draft law into the Plan should contain information referred to in the paragraph 18 of the Rules, as well as the brief concept of the draft law should be attached (paragraph 14 of the Rules).



Taking into consideration that both the alternative 1, and the alternative 3 require development of draft laws, the requirements specified in this paragraph will affect the timing for submission and approval of draft laws in general, however, formally there will be no significant difference in timing for adoption of the relevant legislation on SEA between alternatives 1 and 3.

100. The preparation of the proposed revisions to the legislation and procedure to implement the obligations on public participation under the SEA Protocol could be coordinated with the current UNDP project in Belarus, which include the development of the legislation on public participation pursuant to the Aarhus Convention. The draft regulatory legal acts developed under the above UNDP project on the Aarhus Convention implementation<sup>15</sup> might be also considered with the aim to inclusion of the relevant provisions on the public participation in the SEA, which are essential for the complete implementation of the SEA Protocol. In general, the introduction of the legislation on SEA will not contradict to the approaches proposed in the aforementioned projects. For instance, the Chapter 2 of the draft Provision on procedure for public discussions of the environmentally significant decisions stipulates for the public discussions of the draft concepts, forecasts, programmes, which implementation is connected with the natural resources use and (or) is likely to have environmental impact. Consequently, insignificant amendments concerning SEA could be included both into the draft of the above acts, and after their adoption.

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<sup>15</sup>[http://greenlogic.by/index\\_ru\\_p\\_7\\_p\\_1.html](http://greenlogic.by/index_ru_p_7_p_1.html)

## Regulatory legal acts and other sources:

1. On adoption by the Republic of Belarus of the Convention on Environmental Impact Assessment in a Transboundary Context. Decree of the President of the Republic of Belarus of October 20, 2005 // National register of legal acts of the Republic of Belarus, 02.11.2005, № 171, 1/6874;
2. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, June 25, 1998: adopted by the Decree of e President of the Republic of Belarus of December 14, 1999, № 726. // National register of legal acts of the Republic of Belarus. – 2003. – № 95. – 1/837.
3. On adoption of the Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context: Decree of the President of the Republic of Belarus of 28.02.2011 № 81 // National register of legal acts of the Republic of Belarus of 01.03.2011 № 1/12388.
4. On the state forecasting and programmes of socio-economic development of the Republic of Belarus: Law of the Republic of Belarus of 05.01.1998 № 157-Z // National register of legal acts of the Republic of Belarus of 20.03.2001 № 2/689.
5. On measures to implement the Law of the Republic of Belarus “On the state forecasting and programmes of socio-economic development of the Republic of Belarus”: Resolution of the Council of Ministers of the Republic of Belarus of 20.08.1998 № 1321, as revised by the Resolution of the Council of Ministers of 16.12.2008 № 1943// National register of legal acts of the Republic of Belarus of 15.08.2001 № 5/6840.
6. On the state innovation policy and innovation activity in the Republic of Belarus: Law of the Republic of Belarus of 10.07.2012 № 425-Z // National register of legal acts of the Republic of Belarus of 24.07.2012 № 2/1977.
7. On the state ecological expertise: Law of the Republic of Belarus of 09.11.2009 № 54-Z, as revised on 14.07.2011 № 293-Z // National register of legal acts of the Republic of Belarus // National register of legal acts of the Republic of Belarus of 11.09.2009 № 2/1606.
8. On several measures to implement the Law of the Republic of Belarus of November 9, 2009 “On the state ecological expertise” (jointly with the Provision on the procedure for the state ecological expertise, Provision on the procedure for the environmental impact assessment): Resolution of the Council of Ministers of the Republic of Belarus of 19.05.2010 № 755 // National register of legal acts of the Republic of Belarus of 24.05.2010 № 5/31876.
9. On several measures to implement the Law of the Republic of Belarus of “On revisions and amendments to several laws of the Republic of Belarus related to architectural, urban planning and construction activity”: Resolution of the Council of Ministers of the Republic of Belarus as amended on 01.06.2011 № 687 // National register of legal acts of the Republic of Belarus of 06.06.2011 № 5/33881.
10. On sanitary epidemiological well-being of population: Law of the Republic of Belarus of 07.01.2012 № 340-Z // National register of legal acts of the Republic of Belarus of 10.01.2012 № 2/1892.
11. On strategic environmental assessment: Model law of the Inter-Parliamentary Assembly of the member states of the Commonwealth of Independent States, Resolution № 36-7 of 16.05.2011.
12. On measures to improve rulemaking activity: Decree of the President of the Republic of Belarus of 11.08.2003 № 359, as revised on 24.02.2012 № 106 // National register of legal

- acts of the Republic of Belarus of 14.08.2003 № 1/4856.
13. On architectural, urban planning and construction activity: Law of the Republic of Belarus of 05.07.2004 № 300-Z, as revised on 13.07.2012 № 419-Z // National register of legal acts of the Republic of Belarus // National register of legal acts of the Republic of Belarus of 13.07.2004 № 2/1049.
  14. On environmental protection: Law of the Republic of Belarus of 26.11.1992 № 1982-XII, as revised on 22.01.2013 № 18-z // National register of legal acts of the Republic of Belarus of 16.03.2001 № 2/360.
  15. On adoption of main directions of internal and foreign policy of the Republic of Belarus: Law of the Republic of Belarus of 14.11.2005 № 60-Z // National register of legal acts of the Republic of Belarus of 24.11.2005 № 2/1157.
  16. On adoption of the general plan of the city of Minsk with adjacent areas and several issues related to its implementation: Decree of the President of the Republic of Belarus of 23.04.2003 № 165, as revised on 05.05.2010 № 234, with amendments of 01.02.2013 № 5467 // National register of legal acts of the Republic of Belarus of 24.04.2003 № 1/4555.
  17. On adoption of the Instruction on identification of the requirements to the composition and content of the spatial integrated schemes of rational natural resources use and environmental protection: Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus of 02.11.2009 № 67 // National register of legal acts of the Republic of Belarus of 27.10.2009 №8/21635.
  18. On adoption of the Instruction on organization of the state expertise of urban planning projects, rationales for investing in the construction and of the architectural and construction projects, work stages distinguished within them, phases of construction, launching complexes and estimates (estimate documentation): Resolution of the State Committee for Standardization of the Republic of Belarus of 31.08.2011 № 65 // National register of legal acts of the Republic of Belarus of 03.10. 2011 № 8/24224.
  19. On adoption of the Concept of National Security of the Republic of Belarus: Decree of the President of the Republic of Belarus as revised on 30.12.2011 № 621 // National register of legal acts of the Republic of Belarus of 11.11.2010 № 1/12080.
  20. Instruction on the procedure for expertise and agreement (defense) of forecasts of development of commercial organizations subordinated to the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus for five years, their annual development business-plans, and business-plans of investment projects: Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus as revised on 12.12.2008 № 115 // National register of legal acts of the Republic of Belarus of 09.12.2005 № 8/13526.
  21. Provision on the procedure for formation, financing and control of implementation of the state, regional and sectoral programmes, adopted by the Resolution of the Council of Ministers of the Republic of Belarus of 31.03.2009 № 404, as revised on 07.03.2013 № 152-Z // National register of legal acts of the Republic of Belarus of 13.03.2013 № 5/36974.
  22. Provision on the procedure for the development and adoption of the state, regional and sectoral programmes of energy saving: adopted by the Resolution of the Council of Ministers of the Republic of Belarus of 20.02.2008 № 229 // National register of legal acts of the Republic of Belarus of 26.02.2008 № 5/26845.
  23. On requirements for drafting the water-protective zones and coastal stripes of water bodies: Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus as revised on 04.02.2010 № 4// National register of legal acts of the

- Republic of Belarus of 18.01.2008 № 8/17991.
24. On requirements to the content of scientific substantiation and feasibility studies of nomination, re-organization and discontinuation of operation of the specially protected areas: Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus as revised on 30.12.2008 № 128 // National register of legal acts of the Republic of Belarus of 15.01.2009 № 8/20320.
  25. Provision on the procedure for public environmental expertise, adopted by the Resolution of the Council of Ministers as revised on 13.10.2011 № 1370 // National register of legal acts of the Republic of Belarus of 2.11.2010 № 5/32760.
  26. Provision on the procedure for formation of the expert commissions for the state ecological expertise and carrying out their activity: Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus of 09.10.2012 № 45 // National register of legal acts of the Republic of Belarus of 20.12.2012 № 8/26654.
  27. Provision on the procedure for the development, adoption of spatial integrated schemes of rational natural resources use and environmental protection, their financing: Resolution of the Council of Ministers of 01.11.2007 № 1436, as revised on 28.04.2010 № 625 // National register of legal acts of the Republic of Belarus of 08.11.2017 № 5/26087.
  28. Model methodical provisions for the preparation of the long-term, mid-term, and short-term forecasts of the development of the sectors of industry: as amended by the Resolution of the Ministry of Economy, Ministry of Finance, Ministry of Statistics and Analysis, Board of the National Bank of the Republic of Belarus of 27.12.2006 № 229/167/232/220 // National register of legal acts of the Republic of Belarus of 03.08.1999 № 8/685.
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## **Annex 1. Brief description of pilot projects on SEA:**

### *“National Tourism Development Programme of the Republic of Belarus for 2006-2010”*

The established group of experts responsible for SEA procedure had identified the following scope and concrete objectives for the SEA: atmosphere pollution; water bodies pollution and use; waste management; biodiversity protection and sustainable use; sustainable land use; as well as population health.

The assessment of the programme was focused on the analysis of implementation process of the proposed programme, as well as its impact on the identified aspects of the environment and population health. Apart from the impact assessment in general, the alternative territories for placing the several activities were proposed.

The consultations were organized to discuss the findings of the pilot SEA with the environmental authorities, main ministries of Belarus, as well as the public.

*SEA findings.* The assessment was carried out in parallel with the programme development process, and its findings were presented to the developers prior to the completion of this process. Not all SEA recommendations were included into the finalized version of the Programme. However, the SEA allowed including “the effective use of natural resources” as one of the programme goals, as well as protecting one of the major natural reserves (Berezinsky Biosphere Reserve) against the future development of the national and international tourism in it due to the potential significant impact on the nature.

### *“Programme of Development of Inland Waterway and Sea Transport of the Republic of Belarus for 2011-2015”*

The decision on SEA was made following the initiative of the Ministry of Transport and Communications of the Republic of Belarus to identify the possible effects of the Programme implementation on the environment and health of the population. The group of SEA experts was formed.

The environmental assessment was carried out for individual components, such as the water transport, waterworks facilities (hydropower plants, locks, canals/channels, port terminals etc.); water regime of waterways, waterbed processes, water quality; nature protection and use (SPAs, ecological network, water and near-water ecosystems, hunting and fishing sectors). It also included the following sections: mineral resources (non-metallic building materials); tourism; health protection and social development; legislation in the field of nature protection, water and maritime transport, health; economy.

*SEA findings.* Experts considered both the possible adverse and positive effects of the Programme implementation for the environment and population health. The transboundary cooperation issues were identified. Taking note of possible adverse effects, the experts proposed the concrete recommendations on optimization of the Programme to avoid or eliminate these effects. The implementation of the programme activities following the recommendations of experts would

enable addressing not only issues related to the economic development of the water transport sector, but also partially take into account the environmental and social aspects.

The broad public participation in environmental decision-making on the draft Programme was organised

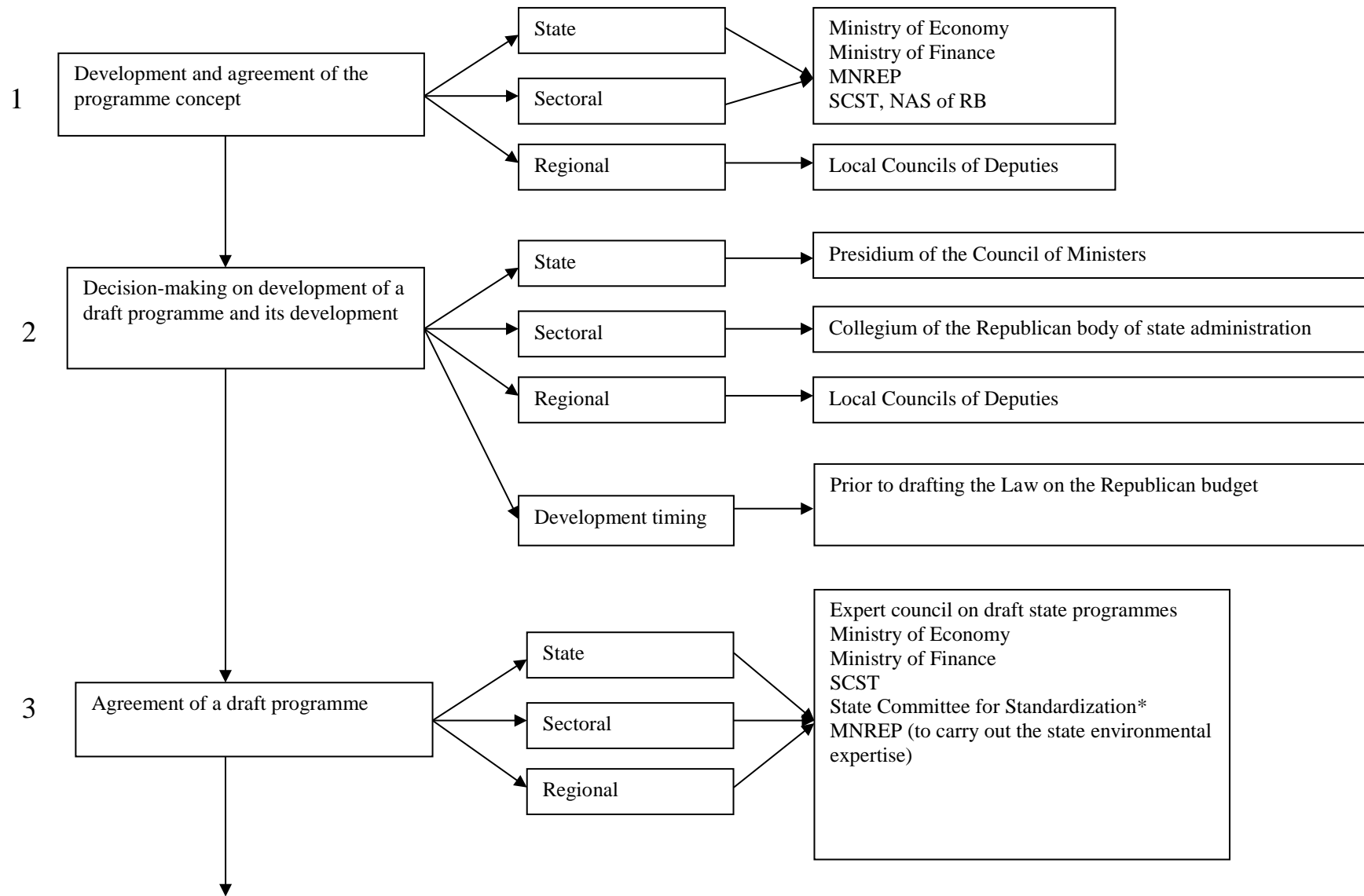
*“Scheme of integrated spatial planning of Myadzel district”*

SEA was carried out by the group of national experts.

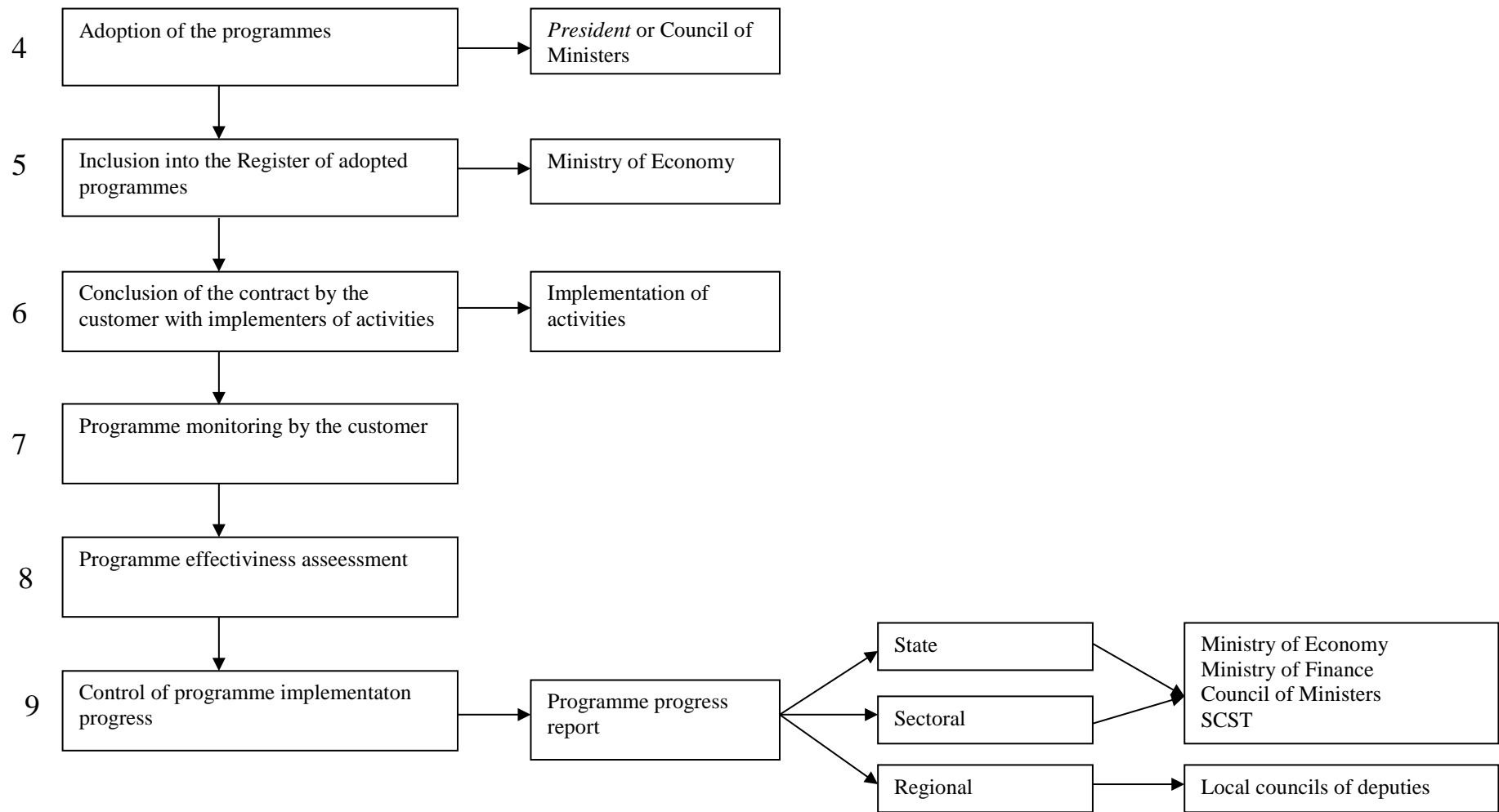
The environmental assessment was performed for individual environment components: specially protected areas and objects, tourism and development of recreational activity, agriculture and wastes, health of population, development of transportation, use of natural resources (aquatic ecosystems, forestry, hunting and fishing sectors). In addition to the main materials the legislation in the field of nature protection and ecological standardization, health, and the scheme of integrated spatial planning were used in the course of the assessment.

*SEA findings.* The experts identified the positive and adverse aspects of the Scheme and provided proposals on its optimization to avoid or eliminate the significant adverse impacts on the environment and human health that are likely to be caused from its implementation.

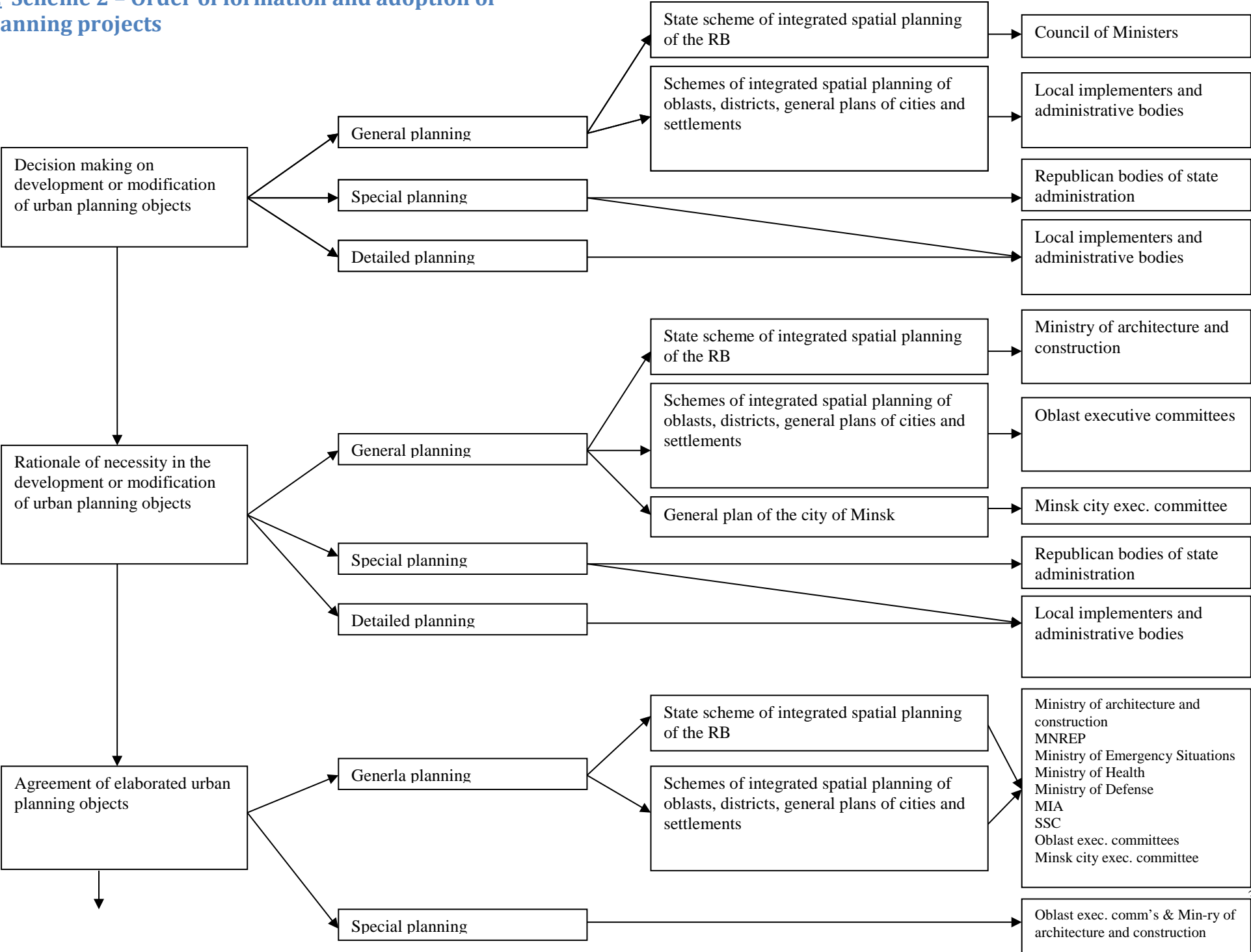
**Annex 2. Scheme 1 - Order for formation and implementation control of the state, regional and sectoral programmes**

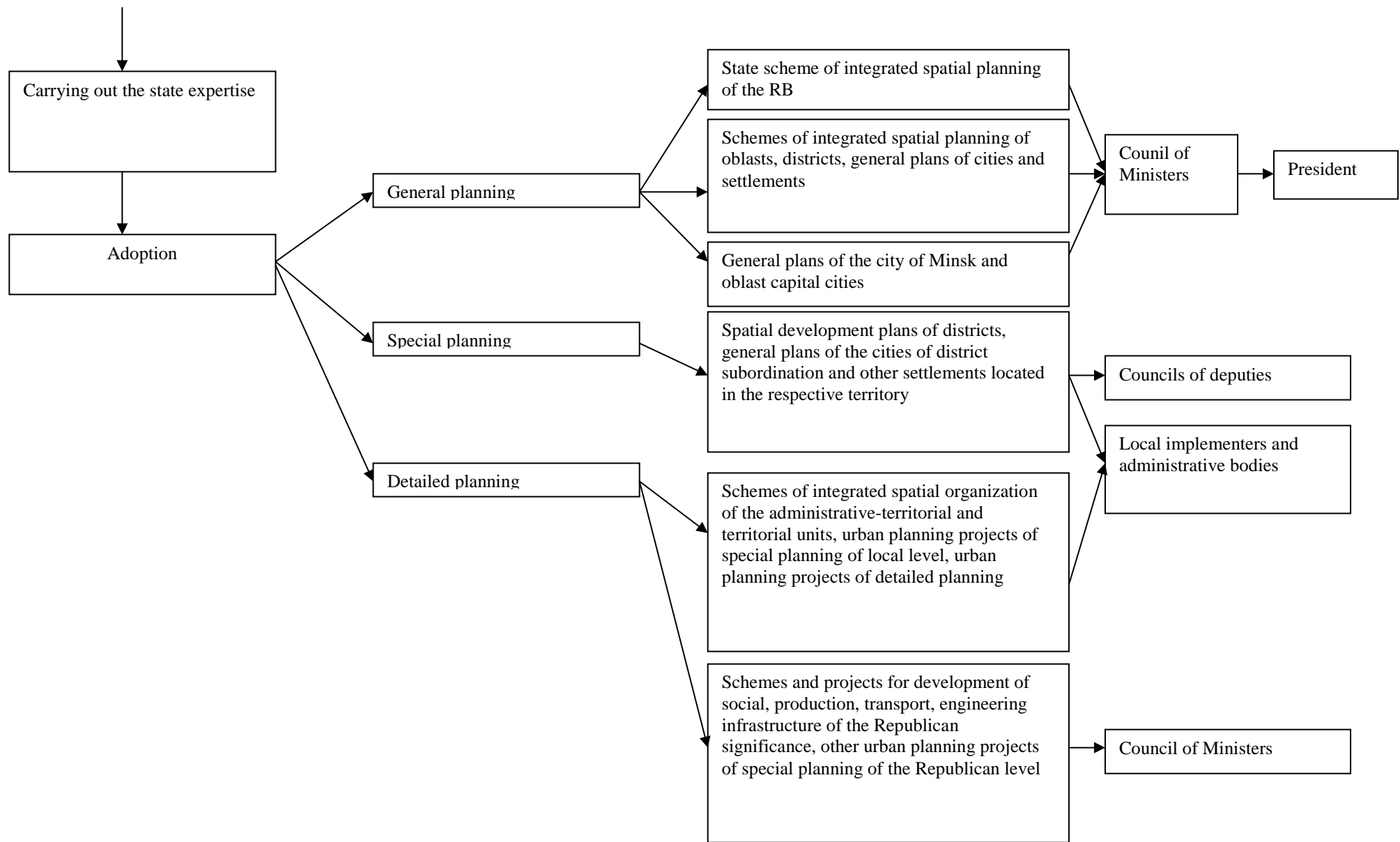






**Annex 3. Scheme 2 – Order of formation and adoption of urban planning projects**





## Annex 4. Scheme 3 - Potential objects for SEA

