Unofficial translation

19.07.2021 № 31-12/209-инф

On the provision of comments
on the communication ACCC/S/2015/2

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, referring to letter of Marco Keiner, Director of the Environment Division at the UNECE, of 8 June 2021 No. ECE/ENV/2021/66 with the preliminary conclusions and recommendations of the Aarhus Convention Compliance Committee on the submission of ACCC/S/2015/2 on Belarus, has the honor to inform the following.

1. Paragraph 160, conclusions (a, b)

In order to inform the public of neighboring states, including Lithuania, the Belarusian side sent relevant notifications on 24 August 2009 in accordance with the provisions of Article 6 (2) of the Convention, which allowed the citizens of these states to participate in public hearings on 9 October 2009 in Ostrovets, which, in turn, confirms the adequate notification.

We believe that the state bodies concerned in the Republic of Lithuania, having expresses a desire to participate in cross-border consultations, worked ineffectively and didn't properly notify the public of their country. In this regard, we believe that the Committee's reference to paragraph 6 (2) is unfounded with regard to the Republic of Belarus.

During the negotiations on 18 June 2010 the EIA report was presented to the Lithuanian side, and in July 2010, during the bilateral meeting, the Republic of Lithuania submitted the relevant comments, i.e. before the conclusion of the state ecological expertise on justification of investments into construction of the NPP in Belarus. The mentioned circumstances testify that Belarus fulfilled the provisions of Article 6 (2) of the Convention.

2. Paragraph 160, conclusion (c)

The Committee's reference to Article 6 (2) regarding the fact that the Belarusian side failed to provide adequate and effective notification, including in Lithuanian, contradicts the Committee's own findings.

Taking into account the agreements reached during the IX International Belarusian-Lithuanian Economic Forum, the Belarusian side invited the Lithuanian side to hold bilateral consultations on the final EIA report by 20 May 2013 (by a letter of 30 April 2013), as well as inform the public in the Republic of Lithuania on the final EIA report and provide the public with an opportunity to comment.

The Lithuanian side refused to hold consultations.

The Belarusian side has sent the final EIA report to the Lithuanian side in the Lithuanian language with a request to bring it to the interested state authorities and public of Lithuania by letter of 11 June 2013. The final EIA report was also posted on the Internet at www.dsae.by.

Taking into account the fact that the Lithuanian side did not fulfill the requests of the Belarusian side and, accordingly, the recommendations of the Committee for the Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context, the Belarusian side took measures to inform the Lithuanian public independently.

A notice in Lithuanian was posted on the Internet and in the Lithuanian media, which contained information on the possibility of the public to familiarize themselves with the final EIA report. The Lithuanian public was given the opportunity to present their comments or questions on the report in writing (by post or e-mail), as well as during the hearing on 17 August 2013 in Ostrovets.

The Belarusian side, by a letter of 19 July 2013, once again invited the Lithuanian side to hold consultations in accordance with Article 5 of the Espoo Convention on 20 August 2013 in Minsk, as well as meetings with the Lithuanian public on 17 August 2013 in Ostrovets (the Republic of Belarus).

The Belarusian side confirmed the proposal to hold consultations in accordance with Article 5 of the Espoo Convention by a letter of 16 August 2013.

The Lithuanian side did not respond to these proposals.

The Belarusian side invited Lithuanian officials (members of the Government and Parliament) to take part in public hearings in Ostrovets (the Republic of Belarus) on 17 August 2013 by a letter of 9 August 2013.

Lithuanian officials did not attend the hearings.

Participants of the hearings who took part in the event on 17 August 2013 in Ostrovets were provided with free visa support, insurance and transport from Lithuania to Ostrovets (the Republic of Belarus) and back, and consecutive translation into Lithuanian was organized. There were no complaints on the quality of the translation from the participants of the hearings.

In addition, the Belarusian side informed the competent authority of Lithuania on providing the Lithuanian public with an additional opportunity to submit their comments on the final EIA report by 18 October 2013 (by a letter of 1 October 2013).

3. Paragraph 160, conclusion (d)

The Belarusian side confirms its position that the EIA report of 2009 meets the requirements of Article 4 of the Espoo Convention and this has already been analyzed in the Committee's conclusions on communication ACCC/C/2009/44.

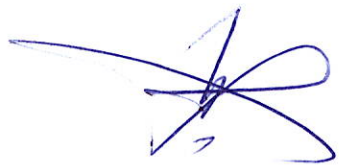
4. Paragraph 160, conclusion (e)

The Republic of Belarus does not agree with the statement of the Lithuanian side and the conclusions of the Committee that the public comments were not taken into account when making the decision on the state ecological expertise. The actions of the Belarusian side complied with the requirements of Article 6 (8) of the Convention. The State Ecological Expertise in 2013 took into account the comments on the EIA report of 2009 and the results of the transboundary procedure (consultations and public discussions).

5. Paragraph 160, conclusions (f, g)

The texts of the conclusions of the ecological expertise of 2010 and 2013 were in the public domain (both for the Belarusian and Lithuanian public). In accordance with the Convention, public comments do not apply to such documents.

Sincerely,
First Deputy Minister
National Coordinator



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