

Unofficial translation

Economic Commission for Europe
United Nations

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

19.07.2013-2-28/205-UKO

On the provision of comments
to Jan Haverkamp's letter

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (hereinafter – the Ministry of Natural Resources) sends a commentary to Jan Haverkamp's letter.

As the responsible republican government body for the implementation of the provisions of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter – the Aarhus Convention, the Convention), guided by the recommendations of the Compliance Committee of the Aarhus Convention set out in the second review of the implementation of decision VI/8c on Belarus' compliance with its obligations under the Convention, under the national legislation of the Republic of Belarus on the legal status of foreigners in the Republic of Belarus, took actions in relation to paragraph 6 (a) of decision VI/8c.

Thus, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus appealed to the Ministry of Internal Affairs of the Republic of Belarus with a request to reconsider the circumstances that served as the basis for Andrey Ozharovskiy's expulsion from the Republic of Belarus, based on the conclusions and recommendations of the Aarhus Convention Compliance Committee, taking into account that the procedure of expulsion of foreign citizens and stateless persons from the Republic of Belarus is defined by the Regulation on the Procedure of Expulsion of Foreign Citizens and Stateless Persons from the Republic of Belarus, approved by the Decision of the Council of Ministers of the Republic of Belarus No. 146 of 3 February 2006 (hereinafter – the Regulation),. The Department of Citizenship and Migration considered this information of the Ministry of Internal Affairs of the Republic

of Belarus and, by its decision, reduced the period of Ozharovskiy's entry ban into the Republic of Belarus, which also entails his exclusion from the List of persons whose entry into the Republic of Belarus is prohibited or undesirable, that is, the entry ban is lifted.

Thus, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus notes the departmental interaction on the implementation of the recommendations of decision VI/8c on the observance of its obligations by the Republic of Belarus, which indicates the country's commitment to the Aarhus Convention and the intention to steadily continue to work to improve the implementation of the provisions of the convention in the future.

We also consider unreasonable and far-fetched Jan Haverkamp's comment that on the basis of the fact that Andrey Ozharovskiy was not officially informed on the reduction of his entry ban period, he was exposed to certain "risks" by entering the Republic of Belarus. As can be seen from the attached letter from the Ministry of Internal Affairs of the Republic of Belarus, Andrey Ozharovskiy was officially notified of the reduction of the entry ban period on his entry into the Republic of Belarus.

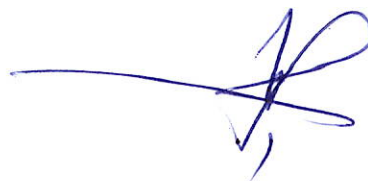
In addition, in response to the appeal of this Russian citizen to the Department of Citizenship and Migration, the procedure and time limits for appealing against decisions on the case of an administrative offense and expulsion from the Republic of Belarus were explained to him.

We also draw your attention to the fact that from 1 July 2020, foreign citizens and stateless persons planning to visit the Republic of Belarus may learn on the presence or absence of their personal data in the List of persons whose entry into the Republic of Belarus is prohibited or undesirable. A foreigner or his representative can receive this information free of charge on the official website of the Ministry of Internal Affairs of the Republic of Belarus. The online service operates in Russian, Belarusian and English versions of the website.

Regarding the rest of the comments set out in Jan Haverkamp's letter, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus has already expressed its position (letters of 15 May 2020 No. 3-2-25/173-Ino, of 18 September 2020 No. 3-2-28/277-Ino).

We are convinced that unfounded and unsubstantiated accusations against member states of the Convention should not be used by the Committee in making decisions on the compliance. Failure to do so would undermine the credibility of the Convention and its enforcement mechanism and could negatively impact its viability.

First Deputy Minister



Baliaslau Pirshtruk

