



LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA
THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

A. Jakšto St 4/9, LT-01105 Vilnius, tel: (+370 5) 266 35 39, fax: (+370 5) 266 36 63, e-mail: info@am.lt http://www.am.lt

Implementation Committee
Convention on Environmental Impact
Assessment in a Transboundary Context
Office S.319, Palais des Nations, CH - 1211
Geneva 10
Switzerland

30 January 2020 No. (10)-D8-163

ANNUAL REPORT ON THE IMPLEMENTATION OF DECISION VI/2 ON COMPLIANCE WITH THE CONVENTION AND DECISION IS/1D ON COMPLIANCE BY BELARUS WITH ITS OBLIGATIONS UNDER THE CONVENTION IN RESPECT OF THE BELARUSIAN NUCLEAR POWER PLANT IN OSTROVETS

Referring to the requests of the Meetings of Parties set out in Decision VI/2 on the Review of compliance with the Espoo Convention (adopted on its sixth session on 2–5 June, 2014) and Decision IS/1d on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets, hereinafter referred to as Ostrovets NPP (adopted on its Intermediary session on 5–7 February, 2019), we kindly present Lithuania's annual report on implementation of these requests for the year 2019.

1. Status quo of the implementation of the Decision VI/2 and IS/1d

Lithuania highly supports the work of the Implementation Committee of the Espoo Convention and respects recommendations set out in the decisions related to the Ostrovets nuclear power plant project that has been under consideration by the Committee since 2011. Our sincere intention is to implement the Espoo Convention and recommendations outlined in decisions VI/2 and IS/1d.

In our assumption, successful implementation of recommendations of the Meeting of the Parties to the Espoo Convention requires mutual respect of the adopted decisions. However, Lithuania is concerned that Belarus had made a high level statement during the Intermediary session of the Meeting of the Parties to the Espoo Convention in February 2019 in which the IS/1d decision was practically rejected by declaring that it is non binding (in Russian - *связанными*). On top of that, the Prime Minister of Belarus in the letter as of 22nd of April 2019 to the Prime Minister of Lithuania officially opposed the most recent decision of non-compliance with the Espoo Convention.

2. Bilateral Lithuanian–Belarus Agreement on the Implementation of the Espoo Convention

Following recommendations of the above mentioned Decisions VI/2 and IS/1d and with a view to enhance practical implementation of the Convention, Lithuania continued the efforts related to the draft Bilateral Lithuanian–Belarus Agreement on the Implementation of the Espoo Convention (further referred to as the draft Bilateral Agreement).

During the bilateral meeting of representatives from Lithuania and Belarus, which took place in Minsk on 12–13 June 2018, Belarus kindly proposed to review articles 10–12 of the draft Bilateral Agreement and to propose a new wording. In November 2018 Belarus informed that the new version of the above mentioned articles of the revised draft Bilateral Agreement was under

finalisation and will be presented to Lithuania before the next meeting. In the beginning of May 2019 Lithuania kindly reminded Belarus about this proposal and asked to provide the revised version of articles 10–12 before making decision on possible dates for the bilateral meeting. Belarus provided the amended version in the end of May 2019.

It must be also noted that during the above mentioned bilateral meeting in Minsk on 12–13 June 2018, Lithuania and Belarus were not able to agree on inclusion of some provisions to the Bilateral agreement, as Belarussian side explained that they were inconsistent with their national legislation. In October–November 2019 Lithuania has performed a comparative analysis of relevant provisions of Belarus national legislation in the context of the Espoo Convention with the aim is to achieve consistent application of the provisions of the Espoo Convention in both countries and to ensure equal bilateral obligations under the Bilateral agreement.

Additionally, in November 2019 Lithuania kindly asked Belarus to consider applicability of the Second Amendment to the Espoo Convention in bilateral cooperation before the next bilateral meeting (Belarus has not yet ratified/approved/accepted the Second Amendment while Lithuania has ratified it on 22 March 2011).

After an exchange of letters between Lithuania and Belarus, both sides agreed to arrange a bilateral meeting of experts in January 2020.

3. Issues of disagreement including matters beyond the scope of the Convention

It should be noted that in 2019 there was no progress achieved on issues of disagreement including matters that are beyond the scope of the Convention. Lithuanian authorities did not receive information that was requested from Belarus. Also, Belarus' reluctance to implement international recommendations related to nuclear safety (stress tests), as further described below, raises our concern and should be further monitored.

3.1. EU risk and safety assessment (stress tests) for the Ostrovets NPP

Belarus committed to perform the risk and safety assessments (the stress tests) in 2011, but presented its national stress tests report only on 30 October 2017.

On 2 July, 2018 European Nuclear Safety Regulators Group (ENSREG) endorsed the EU peer review report on the Belarus' NPP stress tests. The stress tests exercise, led by the ENSREG, has identified many deficiencies of the Belarus NPP design that are direct lessons of Fukushima accident. The stress test peer review team (PRT) presented important recommendations on how to eliminate these deficiencies and improve safety.

Key findings:

- a) Comprehensive seismic assessment was not performed prior to the preparation of Belarus NPP design. Seismic assessment is crucial in order to determine appropriate NPP design criteria.
- b) Belarus NPP design has deficiencies related to loss of safety functions.
- c) Severe accident management has deficiencies.

Belarusian media have reported that Belarus is planning to prepare a Belarusian NPP Safety Improvement Plan (NAcP) in 3 months since the publication of the Peer Review Report. However, the NAcP was published on August 16, 2019 – more than one year after the publication of the Peer Review report.

The NAcP reveals that technical design of the NPP was prepared under safety requirements of the Russian Federation, which were in force before Fukushima Daichi accident, so Belarusian NPP design does not comply with modern safety standards and international good practices for designs of new NPPs. Measures indicated in the NAcP often do not refer to specific safety improvement activities, such as upgrades of plant equipment or installation of additional ones, but only envisage to discuss and analyse whether specific actions are needed at all, whereas the Peer Review Report provides concrete proposals for improving the safety level of the Belarusian NPP.

Unfortunately, the measures of NAcP are not planned to be implemented before the start-up of Belarusian NPP.

In opinion of Lithuanian experts, the most important recommendations that are provided in the Peer Review Report must be implemented before commissioning of Unit 1 of the Belarusian NPP, especially the ones related to extreme seismic events and prevention and management of severe accidents, since such events could have radiological consequences not only in Belarus.

A part of recommendations mentioned in the Peer Review Report, including the safety improvement measures reported in the National Belarus NPP Stress Test Report, are not included in the NAcP at all.

The specific shortcomings of the NAcP are:

- d) One of the most serious shortcomings is related with inadequate evaluation of a possible extreme seismic event in the design of Belarusian NPP. Only the assessment of seismic resistance of structures, systems and components, but not practical improvements to them in order to provide adequate seismic resistance, is planned by the end of 2021;
- e) It is unclear whether an additional power source and an additional pump that are dedicated for the prevention and management of severe accidents are planned to be installed at all;
- f) The Peer Review Report notes that Gosatomnadzor is committed to conducting an assessment of the reliability and efficiency of passive safety engineering features before the Belarusian NPP would be put into operation, but the NAcP does not specify when such an assessment is going to be performed.

Taking into account residual risk of severe accident and close distance from Ostrovets site to highly populated Lithuanian territory and its capital Vilnius, start-up of the Belarusian NPP without implementation of the stress tests recommendations is not acceptable, especially delay of implementation of the particular measures, linked to extreme seismic events and prevention and management of beyond-design accidents, as far as such events may cause radiological consequences not only in the territory of Belarus, but in the neighbouring countries as well.

It is not clear, how and if Belarus is going to ensure a review of the NAcP with involvement of the experts from the European Union, that was one of the essential recommendations of the “stress tests” peer-review report. The international review of the Belarusian National action plan shall be performed without any delay with the consequent periodic review of the implemented safety measures.

Besides the issues that were identified during the “stress tests” there are other important safety issues that are out of the scope of the “stress tests” tasks. These issues are the site selection and the safety evaluation of that site, environmental impact assessment, consideration of modern international safety requirements for new NPPs, including heavy airplane crash impact assessment, quality assurance and safety culture deficiencies during the construction and operation.

3.2. Site and External Events Design (SEED) mission

It should be further noted that Belarus did not fully implement the recommendations of the sixth Meeting of Parties of the Espoo Convention (decision VI/2): “to invite the International Atomic Energy Agency (IAEA) for a Site and External Events Design (SEED) mission with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, to fully ensure its safety.” That was also acknowledged by the Implementation Committee (Report on the activities of the Implementation Committee, ECE/MP.EIA/2017/4–ECE/MP.EIA/SEA/2017/4). Considering the scope of the IAEA SEED mission chosen by Belarus, **no conclusions could be drawn regarding site evaluation and selection criteria as these topics were not analysed by the IAEA experts.** Therefore, Lithuania will further maintain the view that Belarus should invite the IAEA SEED mission in full scope (remaining modules).

The situation in 2019 did not change and the site selection and assessment issue is still open as a key issue for Lithuania. Lithuania also repeatedly addressed IAEA on this matter.

3.3. Answers to outstanding questions

In September 2019 Ministry of Environment of the Republic of Lithuania kindly requested Belarus to provide information on still outstanding issues, related to the historical earthquake of 1908 in Gudogai in the Ostrovets region, progress and plans to carry out transboundary EIA procedures of the projects related to facilities for storage and disposal of radioactive waste and spent nuclear fuel in Belarus, and evaluation of potential environmental problems related to usage of the Neris river water for cooling the reactors of Ostrovets NPP taking into account drastic effects of climate change on the river hydrology during the last years. However, Lithuania has not yet received this information.

Moreover, in September 2019 Lithuanian State nuclear safety inspectorate once again addressed Belarus and requested to provide still missing information on site selection and evaluation; seismic safety assessment; stress tests; compliance of design with modern safety standards; legal framework in the field of nuclear power; gaps of management systems of organizations, participating in Belarussian nuclear power plant construction process, supervision of construction process; preparation of commissioning and operation of Belarussian NPP. In December 2019 Lithuanian State nuclear safety inspectorate addressed Belarus and requested to provide information under the Article 17 (Siting) of Convention on Nuclear Safety. No answers to these requests were received.

4. Joint body on bilateral cooperation on the post-project analysis

Lithuania keeps the position that existing legal instruments of bilateral cooperation in the field of environmental protection could be used in bilateral relations regarding relevant issues concerning the post-project analysis of the Ostrovets NPP.

- Bilateral Agreement between the Lithuanian Ministry of Environment and the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus Regarding the Cooperation in the Field of Environment Protection signed in Minsk on 14 April 1995. This Bilateral Agreement foresees meetings and consultations of experts in different areas of environment protection, the permanent working group and working subgroups for particular questions.
- Technical Protocol on Cooperation in Monitoring and Information Exchange on Status of Transboundary Surface Waters, which was signed in Minsk on 10 April 2008. This Agreement includes the element of intercalibration of monitoring devices and harmonization of methodologies related to surface water analysis. In accordance with it, the Plan for the Joint Sampling of Surface Waters in the Transboundary Areas of the Water Bodies is agreed by competent authorities of both Parties every year.

Ministry of Environment of the Republic of Lithuania in November 2017 informed the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus that Lithuanian side agreed to supplement the Technical Protocol mentioned above by bottom sediments and aquatic vegetation sampling of the Drukshiai/Drisvyaty Lake with the aim of carrying out interlaboratory comparative analyses and was ready to launch bilateral consultations regarding the amendment of the Technical Protocol. Lithuania also proposed to Belarus to hold strategic discussions on radiological monitoring (further harmonisation of methodologies, compatibility of data and etc.) after the results of the international expert mission for the assessment of national radiological monitoring system according to the Euratom Treaty Article 35 in Belarus become available. It's worth mentioning that already in 2015, European Commission sent to Belarus an official proposal to host the mentioned international expert mission, because such missions are also carried out in the

neighbouring countries and Belarus was considered an especially important verification target. However, according to our knowledge, the verification of radiological monitoring system in Belarus has not been accomplished. Lithuania has not yet received an answer to the abovementioned request.

Bilateral Agreement on Early Notification of a Nuclear Accident between the Lithuanian State Nuclear Power Safety Inspectorate and the Ministry for Emergency Situations of the Republic of Belarus, when and if it will be signed could be used as an instrument for exchange of information in case of a nuclear accident. After a mutual exchange of letters Lithuanian State Nuclear Power Safety Inspectorate in September 2019 repeatedly expressed its willingness to sign the agreement before the nuclear fuel delivery to the Belarussian NPP site. Belarus has not provided its consent yet.

5. Annual reporting

Lithuania is concerned that Belarus had not timely provided annual report for the year 2018 as it was provisioned in decision VI/2 (letter of the Implementation Committee as of 15 April 2019).

We hope that information provided in this report will be beneficial for the review of implementation of recommendations provided in Decisions VI/2 and IS/1d and will further facilitate cooperation between Parties of the Espoo Convention as well as promote and improve compliance with the Convention. Lithuania commends professional work of the Implementation Committee and is looking forward to further cooperation.

Yours sincerely,

Justina Grigaravičienė
Vice-minister

