

**MINISTRY
OF NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION
OF THE REPUBLIC OF BELARUS**

MINISTRY OF THE ENVIRONMENT

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United Nations
Economic Commission for Europe

Chair of the Compliance Committee
to the Convention on Access to
Information, Public Participation in
Decision-making and Access to
Justice in Environmental Matters,

Mr. Jonas Ebbesson

Dear Mr. Ebbesson,

This is to inform you that your letter concerning liquidation proceedings against OO Ecohome, a public association, ('Ecohome') has been brought to the attention of the relevant authorities, including the Ministry of Justice.

We also wish to inform you that the Ministry of Natural Resources and Environmental Protection ('the Ministry of the Environment') has, in accordance with the principles of the Aarhus Convention, taken a number of active steps to clarify this situation.

On the basis of information we have received from official sources, and taking into account the major significance of appropriate roles that can be played by non-governmental organizations in environmental protection, the Ministry of the Environment also expresses serious concerns that Ecohome, as a dedicated advocate for the Aarhus Convention and an 'organization concerned' in the process of implementing compliance with the provisions of the Convention in the Republic of Belarus, has committed a breach of the national legislation on public associations.

Pursuant to the legislation of the Republic of Belarus, the registration authorities, *inter alia* the Ministry of Justice, monitor the compliance of public associations' or unions' activities with the Constitution of the Republic of Belarus, with other legislation and with their own articles of association (first paragraph of Article 24 of Law No. 3254-XII of the Republic of Belarus of 4 October 1994 on Public Associations [‘the Public Associations Act’]).

The Ministry of Justice, as the authority responsible for registering national public associations, monitors the compliance of these public associations' activities with the law and with their own articles of association.

The results of a check carried out on Ecohome's activities established the existence of breaches giving grounds for the penalties provided by law to be applied to the public association, in connection with which, by Order No. 158 of 13 July 2021, the Ministry of Justice issued a written caution to the public association.

This written caution obliged the public association to take measures to remedy the breaches of legislation concerned and to inform the Ministry of Justice of this by a certain date. This obligation is imposed on public associations by Article 27 of the Public Associations Act. However, information remedying the breaches that had given grounds for the written caution was not submitted to the Ministry of Justice by the deadline that the Ministry had laid down.

Thus, Ecohome, having failed to fulfil the registration authority's requirements, was in breach of the above-mentioned provision of the Public Associations Act during the course of the year following issue of the written caution. Under Article 29 of the Public Associations Act, if a public association is in breach of legislation and (or) their own articles of association within a year after a written caution has been issued, this in turn provides grounds for liquidation of the public association by decision of a court.

The Republic of Belarus, in accordance with the principles of the Aarhus Convention, provides for appropriate recognition of and support to associations, organizations or groups promoting environmental protection, *inter alia* Ecohome, and ensures that its national legal system is consistent with this obligation. So representatives of Ecohome have traditionally been members of the Ministry of the Environment's Public Environmental Co-ordinating Council, have been invited to join working groups for drafting statutes and to participate in seminars, forums and other events, and their suggestions have been taken into account.

Given the integral role played by non-governmental organizations in implementing the Aarhus Convention, the Republic of Belarus ensures that the

legislative requirements imposed on such organizations have been established on the basis of criteria which are objective and not excessively restrictive. We remain steadfast in our view that legal entities, public associations and citizens of the Republic of Belarus have both rights and obligations in regard to compliance with the requirements of national legislation.

Yours sincerely,

First Deputy Minister
National Co-ordinator

[signed]

B.K. Pirshuk