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Implementation Committee under the
Convention on Environmental Impact
Assessment in a Transboundary Context

On submitting comments
to Draft decision IX/4e

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (hereinafter – the MNREP) presents its compliments to the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter – the Committee) and with reference to the letter dated 17 May 2023 has the honour to provide comments on Draft decision IX/4e prepared by the Committee on compliance by Belarus with its obligations under the Espoo Convention regarding the Belarusian nuclear power plant in Ostrovets, which is scheduled to be considered at the meeting of the Working Group of the Committee (13-15 June 2023, Geneva).

Draft decision IX/4e of the Committee on compliance by Belarus with its obligations under the Espoo Convention regarding the Belarusian nuclear power plant in Ostrovets (*available at <https://unece.org/environment/documents/2023/05/informal-documents/initial-draft-decisions-review-compliance>*) has the following wording (*paragraph 2 of the Draft decision*) "...by the ninth session of the Meeting of the Parties, both Parties were encouraged to conclude a bilateral agreement for the implementation of the Convention further to article 8 of the Convention, to carry out a post-project analysis, and to continue bilateral expert consultations on issues of disagreement".

At the same time, the Republic of Belarus in August 2022 (*the letter of the MNREP dated 12 August 2022 No. 11-1-1/177-uho*) asked the Committee to make proposals and (or) prepare a draft recommendation, which would improve the work of the Parties aimed at the effective practical implementation of the Convention, taking into account different positions of the Parties on the establishment of a joint Belarusian-Lithuanian body for post-project analysis.

Moreover, during the informal online consultations, which took place on 7 October 2022 within the fifty-fourth session of the Committee, the Belarusian side pointed out that Lithuania, instead of building a competent and constructive dialogue regarding the Belarusian NPP, had been misleading members of the Committee for years, delaying consideration of specific recommendations of the Meeting of the

Parties and proposals of the Belarusian side. This position was also submitted to the Committee by the letter of the MNREP dated 17 November 2022 No. 11-1-1/284-июн.

For reference. The Lithuanian side has distanced itself from the discussion on the establishment of a joint body for post-project analysis since 2018, and not considered the Regulations for the Working group on post-project analysis developed by the Belarusian experts, despite the need to comply with paragraph 19 of decision IS/1d, paragraph 4 (b) of decision VIII/4c of the Meeting of the Parties to the Espoo Convention.

In turn, the Republic of Belarus has provided Lithuania with the Reports on Radiation and Environmental Monitoring in the Area of the Belarusian Nuclear Power Plant since 2019 as part of the approved Post-project Analysis Programme for the Belarusian NPP.

Lithuania also provides Belarus with annual reports on the implementation of the post-project analysis program for new nuclear installations of the Ignalina NPP. These circumstances are specified in the letter of the Ministry of Environment of the Republic of Lithuania to the Committee dated 30 March 2023.

Thus, the recommendation adopted at the ninth session of the Meeting of the Parties and proposed for inclusion in Draft decision IX/4e, namely: "Conducting a post-project analysis, including agreement on the establishment of a joint bilateral body and procedures for such analysis, in particular to ensure sufficient public participation in the post-project analysis" does not seem to be relevant in the above-mentioned circumstances.

Parties to the Convention, regardless of the decision of the Meeting of the Parties, comply with the requirement of article 7 of the Espoo Convention by exchanging the relevant reports as part of the ongoing post-project analysis. Moreover, the draft bilateral Belarusian-Lithuanian Agreement on the Implementation of the Espoo Convention also contains an article regulating post-project analysis.

In view of the above, we ask the Committee to take into account the comments of the Belarusian side and to exclude from Draft decision IX/4e of the Meeting of the Parties the recommendation to conduct a post-project analysis.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus confirms its readiness for further cooperation with the Committee and hopes for a constructive and balanced approach in this matter on the part of the Committee.

Deputy Minister

Ivan Prykhodzka