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Unofficial translation

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

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (hereinafter – the Ministry of Natural Resources) 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 19 May 2023, has the honour to submit the annual report for 2022/23 on compliance by the Republic of Belarus with the obligations under the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter – the Convention), in particular the recommendations of Decision VIII/4c of the Meeting of the Parties to the Convention regarding the Belarusian Nuclear Power Plant project.

First of all, it should be noted that the Republic of Belarus shares the opinion of the members of the Committee, stated during the meeting of the fifty-fourth session, that the implementation of Decision VIII/4c of the Meeting of the Parties regarding the Belarusian Nuclear Power Plant in Ostrovets and constructive cooperation on this issue is in the best interests of the Republic of Lithuania.

The Republic of Belarus has long demonstrated its commitment to the objectives of the Convention and in 2023 continued to take steps for effective cooperation with the Republic of Lithuania regarding the Belarusian NPP. At the same time, the Belarusian side must regretfully admit that due progress in co-operation with the Republic of Lithuania has not been achieved.

Thus, following the results of the Belarusian-Lithuanian online expert consultations (*the 3rd round of expert consultations of specialists of the two countries on questions regarding the Belarusian NPP project held on 3 February 2022*), and in order to comply with **paragraph 4(c) of Decision VIII/4c** of the Meeting of the Parties, Belarus has repeatedly urged the Republic of Lithuania to develop balanced draft Minutes of the bilateral meeting that accurately reflect the information and statements made during the above-mentioned event. However, the Lithuanian side continues to insist on the inclusion in the Minutes of certain statements that contradict the conclusions of international experts, and in some cases are groundless and do not reflect the actual course of the expert meeting on repeatedly discussed questions regarding the Belarusian NPP project.

For example, the Lithuanian side insists on the inclusion of the following statement in the draft Minutes (subparagraph 1, paragraph 1): "*During the EU*

stress tests mission experts indicated that the applied design basis seismic event for design purposes was less in value than it is obtained in evaluation of site properties", while the conclusion was made in the ENSREG report that the maximum design basis earthquake (DBE) for the Belarusian NPP (0.1059 g) was determined and assessed in accordance with international expectations and was found acceptable for the NPP (EU Peer Review Report Implementation of Belarusian Stress Test National Action Plan September 2021, p.25). The Belarusian side has repeatedly informed Lithuania that the position expressed during the meeting by the representative of the Republic of Lithuania did not correspond to reality. However, the proposal of the Belarusian side has not been taken into consideration so far and remains in the draft Minutes of the meeting.

Similar situation is observed in relation to other paragraphs of the draft Minutes, therefore the harmonisation of the wording of the draft Minutes has been ongoing for a long period of time.

For reference. The draft Minutes with the statements and comments of the Belarusian side were provided for the consideration of the Committee by letter of the Ministry of Natural Resources dated 31 March 2023 No. 11-1-1/56-ию. The submitted draft Minutes were developed on the basis of the audio recording of the meeting and contain specific statements proposed for inclusion in the draft Minutes.

At the same time, the Republic of Lithuania, by letter dated 22 March 2023 No. (10)-D8(E)-5925 (*received by the Ministry of Natural Resources through diplomatic channels on 17 May 2023*), submitted the draft Minutes adjusted on the basis of certain comments of the Belarusian side and indicated that the said version of the Minutes was "final".

It is worth noting that the draft Minutes adjusted by the Lithuanian side do not fully reflect the proposals of the Ministry of Natural Resources and cannot be considered final. Thus, in order to reach an agreement and finalize the prolonged work on the results of the online meeting of experts on questions regarding the Belarusian NPP project, the Ministry of Natural Resources submitted to Lithuania further comments on the content of the draft Minutes by letter dated 16 June 2023 No. 11-1-1/164-ию (*attached*).

The Republic of Belarus, having made a great deal of effort to seek compromise solutions in the work on the draft Minutes of the online meeting of experts, still hopes for effective and constructive cooperation on the part of the Republic of Lithuania.

On paragraph 4 (b) of Decision VIII/4c of the Meeting of the Parties, the Republic of Belarus informed the Committee in August 2022 (*letter of the Ministry of Natural Resources dated 12 August 2022 No. 11-1-1/177-ию*) about the lack of any cooperation on the part of the Republic of Lithuania on the establishment of the Belarusian-Lithuanian body for post-project analysis since

2018 (*letters of the Ministry of Natural Resources dated 14 December 2018 No. 11-1-1/303-уно, dated 20 November 2020 No. 11-1-1/317-уно were left unanswered by Lithuania*). Whereas at first the initiative of Belarus was perceived favourably by Lithuania, which was also mentioned in the report of the Republic of Belarus submitted to the Committee by letter dated 22 March 2019 No. 11-1-1/103-уно (*attached*).

In view of the circumstances, the Republic of Belarus maintains its position that Lithuania has deliberately slowed down the process of the establishment of the Belarusian-Lithuanian body for post-project analysis for a long period of time, delaying the consideration of the specific recommendations of the Meeting of the Parties and the proposals of the Belarusian side.

In order to address the above-mentioned issue, the Republic of Belarus appealed to the Committee with a request to submit proposals and (or) prepare a draft recommendation to improve the work carried out by the Parties aimed at the effective practical application of the Convention, considering the current situation regarding the establishment of the Belarusian-Lithuanian body for post-project analysis (*see letter of the Ministry of Natural Resources dated 12 August 2022 No. 11-1-1/177-уно*).

In addition, the Republic of Belarus submitted to the Committee its comments and arguments on paragraph 2 of draft Decision IX/4e, which include the recommendations concerning the joint work of the Parties on the post-project analysis (*letter of the Ministry of Natural Resources dated 23 May 2023 No. 11-1-1/90-уно*).

Once again, we draw the attention of the Committee to the fact that Belarus, despite the difficulties in cooperation with the Republic of Lithuania on the establishment of the Belarusian-Lithuanian body for post-project analysis, has been providing reports to Lithuania as part of the post-project analysis at the Belarusian NPP since 2019 in compliance with the requirements of Article 7 of the Espoo Convention.

Regarding the paragraph 4(a) of the decision VIII/4c of the Meeting of the Parties, it should be noted that even before the informal online consultations within the framework of the meeting of the fifty-fourth session of the Committee, the Lithuanian delegation expressed its unwillingness to participate in face-to-face and (or) online meetings with the Republic of Belarus. The Committee informed the Ministry of Natural Resources of this in a letter dated September 14, 2022. Obviously, such a position of Lithuania once again confirms its unwillingness to cooperate effectively and implement the recommendations of the Meeting of the Parties. Thus, holding face-to-face and (or) online meetings aimed at working on a draft bilateral Agreement on the implementation of the Convention (hereinafter referred to as the Agreement) was not possible.

Earlier, by the letter No. 11-1-1/199-инo dated May 27, 2019, the Ministry of Natural Resources provided proposals to the Lithuanian side on the wording of the remaining final provisions of the draft Agreement (Articles 10-12), however, no official response was received from the Ministry of the Environment of the Republic of Lithuania. During the bilateral consultations held in January 2020, their participants once again, at the initiative of the Lithuanian side, discussed the draft Agreement, starting from the preamble, which made it impossible to work out the entire text of this document. Thus, the delay on the part of the Ministry of the Environment of the Republic of Lithuania in the process of developing the draft Agreement does not allow finalizing the text of the said international treaty.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus confirms its readiness for further cooperation with the Committee and expresses its hope for meaningful interaction, including on the implementation of the Espoo Convention.

Attachment: the above-mentioned on 19 pages in 1 copy.

Deputy Minister,
National Coordinator of the
Republic of Belarus for the Espoo Convention

Ivan Prykhodzka