

## **Annex I**

### **REPORT FOR THE YEAR 2023 (SEPTEMBER 2022-JULY 2023) ON IMPLEMENTATION OF DECISION VIII/4C ON COMPLIANCE BY BELARUS WITH ITS OBLIGATIONS UNDER THE CONVENTION IN RESPECT OF THE BELARUSIAN NUCLEAR POWER PLANT IN OSTROVETS**

#### **1. Bilateral Agreement for the implementation of the Espoo Convention**

In the light of the recommendations provided in Decisions VIII/4c and IS/1d and with a view to enhance practical implementation of the Convention, Lithuania is ready to continue its efforts related to the draft Bilateral Agreement on the Implementation of the Espoo Convention between Lithuania and Belarus (further referred to as the draft Bilateral Agreement).

Regrettably, no perceptible progress has been achieved during the reporting period due to the inactivity of the Belarusian side and the absence of replies to the proposals of Lithuania regarding the development of the draft Bilateral Agreement. As noted in previous reports, following the bilateral meeting of representatives from Lithuania and Belarus, which took place in Vilnius on 15-16 January 2020, Lithuania submitted a number of written proposals and follow-up letters in both 2020 and 2021. However,, Lithuania has only received assurances that Belarus will respond in the near future. No concrete responses were received in either 2022 or 2023. The only relevant information available to us is the letter from Belarus to the Implementation Committee of 2 September 2022, stating that “the Republic of Belarus in 2020 has started work on the introduction of amendments to the legal acts of the Republic of Belarus, including procedural aspects of environmental impact assessment (EIA) and state ecological expertise. Thus, it seemed premature for the Belarusian side to present proposals on the draft Bilateral Agreement regarding the terms of submission of the documentation and other procedural issues of the EIA during the ongoing work on amending the national legislation of the Republic of Belarus.”

In the light of the above and taking into account the conclusion of the Espoo Convention Implementation Committee during the 56th meeting of, held on 2–5 May, which states that “Belarus having failed to adopt compliant legislation to implement the Convention, the Committee decided to open a Committee initiative in accordance with paragraph 6 of its structure and functions, based on a profound suspicion of non-compliance by Belarus with its obligations under the Convention”, we would like to express our concerns and significant reservations regarding the feasibility to conclude a legal bilateral agreement with a party, that still lacks national legislation compliant with the implementation of the Convention.

#### **2. Post-project analysis and establishment of a joint bilateral body**

As noted in previous reports, the issue of post-project analysis and the establishment of a joint bilateral body was discussed during the bilateral meeting hold on 3 February 2022. Subsequently, Lithuania submitted a proposal to further discuss this specific issue within the framework of the draft Bilateral Agreement, as Article 7 of this Agreement could constitute as the appropriate legal basis for the establishment of the aforementioned body. Belarus expressed

its intent to consider the proposal of Lithuania, however no actual responses regarding the proposal were received in both 2022 and 2023.

However, this issue was raised by Belarus during the twelfth Meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (WG 12 on EIA and SEA, Geneva, 13–15 June 2023) as a comment on 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”. Belarus suggested to exclude a recommendation regarding the post-project analysis (“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”) from draft decision IX/4e.

Referring to this comment and taking into account Lithuania’s position, the EU and its Member States issued a statement, concurring that there is no need to establish a joint body for conducting the post-project analysis in this specific case, however, acknowledging the importance of such analysis and encouraging to define the procedures of the analysis in bilateral Agreement on Implementation of the Espoo Convention between Lithuania and Belarus.

As shown by the practical evidence, we believe that cooperation regarding the post-project analysis can be successful without establishing a special body. Lithuania received the reports from Belarus on radiation and environmental monitoring regarding the Belarusian Nuclear Power Plant for the years 2019 and 2021. The Ministry of Environment of the Republic of Lithuania shared the documents with other relevant institutions and the public, sent the comments on the reports to the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, and received the answers. Also, Lithuania for several years has been providing Belarus with annual reports on the implementation of the post-project analysis programme for the new Ignalina NPP nuclear installations.

We would like to note that in 2023 Lithuania amended its national legislation, by adding, *inter alia*, more detailed provisions on transboundary environmental impact assessment and post-project analysis.

Thus, it can be concluded that, although the joint body has not been established, bilateral cooperation in this context is taking place.

### **3. Bilateral consultations on issues of disagreement, including on matters beyond the scope of the Espoo Convention**

Referring to the request indicated in the letter of the Chair of the Implementation Committee dated 19 May 2023, we hereby provide the latest information concerning the status of the minutes from the expert meeting of 3 February 2022.

Considering recent comments from Belarus, the minutes were once again revised and submitted to the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus by letter No. (10)-D8(E)-4374 of 19 July 2023 (see Annex II). Please note that we have informed Belarus that this current version of the minutes should be deemed as the final version.

We wish to draw attention to the fact that the conclusions of the minutes clearly indicate that none of the topics discussed during the meeting can be considered as resolved and closed.

It should also be recalled that regarding other issues of disagreement, Lithuania up to now continues to raise questions on:

- nuclear safety;
- seismic issues and information on the historical earthquake of 1908 in Gudogai in the Ostrovets region;
- the siting of the facilities for storage and disposal of radioactive waste and spent nuclear fuel in Belarus;
- potential environmental problems related to the usage of water from the Neris River for cooling the Reactors of Belarusian NPP;
- issues related to radiological monitoring.

Regarding Belarus' radiological monitoring system, since 2015, Lithuania has consistently urged Belarus to adopt the EC proposal aimed at verifying the compliance of Belarus' radiological monitoring system with international requirements and its ability to respond effectively to possible accidents. Although the Belarusian NPP is already in operation, there has been no independent expert approval to affirm that the Belarusian radiological monitoring system meets international requirements. Monitoring is an important tool to ensure timely response and to be affirmed that it is ensured the necessary quantity and quality of measurements and received monitoring data. Lithuania expands the radiological monitoring network in Lithuania with its own funds and has installed a dozen automatic stations on the Belarusian border because it cannot rely on receiving high-quality and timely information from Belarus.

Regarding the issue of radioactive waste storage facilities, Lithuania has only received assurances from Belarus that everything is proceeding as planned, the Environmental Impact Assessment (further referred to as EIA) will be started in due time and Lithuania will be notified about it. However, according to publicly available information, the start-up of such installations has been postponed from the original timeline of 2028 to 2030. This raises concerns, particularly because the Belarusian NPP is already generating electricity and is connected to the country's power grid, while Belarus remains in non-compliance with its obligations under the Espoo Convention by failing to justify the selection of the Ostrovets site over the alternative locations. Lithuania is deeply concerned about a potential failure to carry out transboundary EIA and ensure proper selection of site alternatives for the facilities of storage and disposal of radioactive waste and spent nuclear fuel based on the results of such EIA. The concerns are particularly relevant taking into account the fact that the EIA has not yet been initiated, and based on our experience, the processes of EIA, preparation of technical design documents and construction can take up to 10 years.

Regarding the related documents, which were not provided for evaluation of Lithuanian experts. Lithuania has asked for additional documents, for example 1) The final document of the "Reviewed results of seismic PSHA-2020 for seismic impacts, taking into account the revised seismic hazard curves, in the assessment of NPP safety", which was supposed to be completed in December 2021; 2) The newly compiled seismotectonic model of the NPP site and the information on the defined 30 zones „зоны БОЗ“ in the radius of 300 km from NPP; 3) Research study "Exploring the nature of the Gudogai seismic event of 1908 (отчет о НИИР

"Исследование природы Гудогайского сейсмического события. Минск. 2019. ГУ ЦГМ НАН Беларуси")", before and during the bilateral meeting, however they have not been provided to Lithuania, even though Belarus agreed to provide them.

Regarding nuclear safety, Lithuania is deeply concerned about the unsafe irresponsible development and operation of the Belarusian NPP near the border of European Union. Many unresolved safety issues of the Belarusian NPP still remain, such as the impact on the neighbour countries' environment and population, ensuring safety culture, and implementing international standards and recommendations. Being a neighbouring country, we do not have any official information on the actual status of both reactors, even though a Bilateral Agreement regulating nuclear safety has been signed between the authorities of both countries. In fact, we learned about all the incidents from public and non-public sources, but not from the Belarusian government. Lack of transparency and openness is an issue of highest concern in the context of repetitive equipment failures at both units of Belarusian NPP.