

## **Decision IX/4e on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets**

*The Meeting of the Parties to the Convention,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

*Recalling also* its decisions VI/2, paragraphs 48–64,<sup>1</sup> IS/1d<sup>2</sup> and VIII/4c<sup>3</sup> on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets,

*Recalling further* its decision IX/4<sup>4</sup> on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

*Having considered* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Belarus,<sup>5</sup>

1. *Reaffirms* its decision IS/1d, in particular paragraph 15, in which it is stated that Belarus failed to comply with articles 4 (1), 5 (a) and 6 (1) of the Convention, and paragraph 16, in which Belarus is urged to ensure that, in the context of any future decision-making regarding any planned activity that falls under the Convention, the Convention is applied ensuring that the environmental impact assessment documentation contains a proper evaluation of reasonable alternatives;

2. *Expresses* appreciation for the submission by the Government of Belarus and the Government of Lithuania of their annual reports, further to paragraph 5 of decision VIII/4c;

3. *Recalls* that, 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 thereof; carry out a post-project analysis; and, continue bilateral expert consultations on issues of disagreement;<sup>6</sup>

4. *Encourages* both Parties to implement the earlier recommendations of the Meeting of the Parties, in particular with a view to concluding the bilateral agreement for the implementation of the Convention between Lithuania and Belarus, and to continue to carry out a post-project analysis, and to establish the procedures for such an analysis, in particular for ensuring sufficient public participation, while acknowledging that there is no longer a need to establish a joint bilateral body, as foreseen in decision VIII/4c, paragraph 4 (b);

5. *Acknowledges* that, during the intersessional period, Belarus and Lithuania held one bilateral expert meeting with the aim of discussing remaining differences, and to make progress in accordance with decision VIII/4c; noting, however, that the outcomes of said bilateral expert meeting have still not been fully agreed on at the current time, and considering that, irrespective of the coronavirus disease (COVID-19) pandemic, the Parties have had ample opportunity to hold further online meetings;

6. *Notes* that the Implementation Committee conducted informal online consultations with the two Parties during its fifty-fourth session (Geneva, 4–7 October 2022),<sup>7</sup> and expresses appreciation for the comments submitted by both Parties following said consultations, which indicated some willingness to continue with cooperation;

<sup>1</sup> ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

<sup>2</sup> ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

<sup>3</sup> ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

<sup>4</sup> ECE/MP.EIA/2023/6.

<sup>5</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

<sup>6</sup> Decision IS/1d, paras. 17–19.

<sup>7</sup> ECE/MP.EIA/IC/2022/7, paras. 12–17.

7. *Expresses* regret, however, at the lack of progress by the Parties concerned since 2014 in taking the steps set out in paragraph 3 above;

8. *Urges* both Parties to take the steps set out in paragraph 3 above, at the latest by the tenth session of the Meeting of the Parties;

9. *Requests* the Government of Belarus and the Government of Lithuania to continue to report to the Implementation Committee on the progress made by the end of each year.

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