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 48–64,1 IS/1d2 and VIII/4c3 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/44 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,5

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;6

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),7 and expresses appreciation for the comments submitted by both Parties following said consultations, which indicated some willingness to continue with cooperation;

1 ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.
2 ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.
3 ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.
4 ECE/MP.EIA/2023/6.
6 Decision IS/1d, paras. 17–19.
7 ECE/MP.EIA/IC/2022/7, paras. 12–17.
7. \textit{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. \textit{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. \textit{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.