

APPROVED  
Resolution  
of the Council of Ministers  
of the Republic of Belarus  
of 14 June 2016 No. 458  
(as amended by Resolution  
of the Council of Ministers  
of the Republic of Belarus  
of 13 January 2017 No. 24)

REGULATIONS  
ON A PROCEDURE FOR ORGANIZING AND CONDUCTING PUBLIC DISCUSSIONS OF DRAFTS OF  
ENVIRONMENTALLY SIGNIFICANT DECISIONS, ENVIRONMENTAL REPORTS ON STRATEGIC ENVIRONMENTAL  
ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT REPORTS, FOR RECORDING ENVIRONMENTALLY  
SIGNIFICANT DECISIONS TAKEN

**CHAPTER 1  
GENERAL PROVISIONS**

1. These Regulations define a procedure for organizing and conducting public discussions of drafts of environmentally significant decisions, environmental reports on strategic environmental assessment, environmental impact assessment reports, with the exclusion of public discussions of drafts of conceptual frameworks, programmes, plans, schemes relating to architectural, urban development and construction activities, the procedure for which is provided for by the legislation of the Republic of Belarus on architectural, urban development and construction activities (hereinafter, unless otherwise specified, 'public discussions'), and also a procedure for recording environmentally significant decisions taken.

2. Public discussions shall be conducted in respect of:

2.1. drafts of environmentally significant decisions:

conceptual frameworks, programmes, plans, schemes, the implementation of which has an environmental impact and (or) is related to the use of natural resources, as well as non-technical amendments and additions to such documents (hereinafter, unless otherwise specified, 'draft programme documents');

laws and regulations of the Republic of Belarus (to the extent that these provisions are intended to govern relations connected with carrying on economic or other activities regarded as environmentally hazardous under criteria defined by the President of the Republic of Belarus or a competent public environmental protection authority) (hereinafter, 'draft legislation');

decisions on the issue of a permit for removal of flora, a permit for the transplant of flora in the cases specified by the legislation of the Republic of Belarus on flora (hereinafter, 'draft decisions on issuing permits');

2.2. environmental reports on strategic environmental assessment (hereinafter, 'SEA environmental reports') if, under the legislation of the Republic of Belarus on state environmental review [*expertiza*], strategic environmental assessment and environmental impact assessment, the projects involved are subject to strategic environmental assessment;

2.3. environmental impact assessment reports (hereinafter, 'EIA reports') if, under the legislation of the Republic of Belarus on state environmental review [*expertiza*], strategic environmental assessment and environmental impact assessment, the projects involved are subject to environmental impact assessment.

3. In the cases specified by the [third paragraph of Article 15-2](#) of the Law of the Republic of Belarus of 26 November 1992 on Environmental Protection, drafts of environmentally significant decisions need not be subject to public discussions (Ведамасці Вярхоўнага Савета Рэспублікі Беларусь, 1993, No. 1, p. 1; National Register of Legislation of the Republic of Belarus, 2002, No. 85, 2/875).

4. The following shall act as organizers of public discussions:

4.1. for draft programme documents – the public authority taking the decisions concerned, or an organization designated by that authority under a procedure established by legislation (hereinafter, unless otherwise specified, ‘the public authority (organization)’);

4.2. for draft legislation – the entity which has initiated the legislation and undertaken preparation of the draft legislative act (hereinafter, ‘the legislator’);

4.3. for draft decisions on issuing permits – the local executive and administrative agency;

4.4. for SEA environmental reports – local councils, the local executive and administrative agencies of territorial administrative entities whose jurisdiction may be affected by the implementation of government, regional and sectoral strategies, programmes, urban development projects, in conjunction with the public authority proposing the draft government, regional and sectoral strategies, programmes, urban development projects, and with the involvement of the design organization;

4.5. for EIA reports – local councils, the local executive and administrative agencies of territorial administrative entities within whose jurisdiction it is proposed to carry on economic or other activities and whose jurisdiction will be affected as a result, in conjunction with the project owner of the proposed economic or other activity.

5. The time frame for public discussions of draft programme documents, draft legislation, SEA environmental reports and EIA reports may not be less than 30 calendar days.

The opening and closing dates of public discussions shall be indicated in the notice that public discussions are to be conducted (hereinafter, unless otherwise specified, ‘the notice’).

The organizer of public discussions of draft programme documents, draft legislation, SEA environmental reports shall post the notice in the Public Discussions section of its official Internet site (hereinafter, ‘website’) no later than the opening date of the public discussion period.

The organizer of public discussions of EIA reports shall publish the notice in the print media and shall post it in the Public Discussions section of its official website (if such a website exists) no later than the opening date of the public discussion period.

The time frame for public discussions of draft decisions on issuing permits shall be determined under a procedure laid down by the Council of Ministers of the Republic of Belarus.

6. Information and documents received in the course of public discussions, as listed in Paragraph 7 of these Regulations, shall be maintained in hard copy and (or) on electronic media by the organizers of the public discussions.

The organizers of public discussions shall:

ensure that citizens and legal entities have free access to the information and documents listed in Paragraph 7 of these Regulations, as well as to other information held;

keep a record of the outcome of public discussions;

supply a draft programme document, a draft legislative act in accordance with communications received from citizens and legal entities;

where the public discussions concern projects subject to state environmental review [*expertiza*], supply the full content of materials from the public discussions to the public authorities (organizations), *inter alia* to the organizations responsible for producing the conclusion [full report] of the state environmental review.

7. In the aim of ensuring that citizens and legal entities have free access to information about the organization and conduct of public discussions, the organizers of public discussions shall place the following information in the Public Discussions section of their official websites (if such websites exist), accessible from the website’s main page, as well as in hard copy at the organizer’s registered office in a location that is accessible for citizens and legal entities:

information about the proposed draft programme documents or draft legislation;

notices;

drafts of environmentally significant decisions;

SEA environmental reports;

EIA reports;

outcomes of public discussions (records of meetings held, records of public discussions, a summary of feedback including comments and suggestions received from citizens and legal entities and the outcomes of consideration of these);

announcements of decisions not to continue work on draft programme documents or draft legislation;

decisions taken;

information on reversal of decisions taken;

information on the conduct of public environmental reviews (if any);

other information relating to the decision being taken.

[...]

## **CHAPTER 5 PUBLIC DISCUSSIONS OF AN EIA REPORT**

43. The procedure for public discussions of an EIA report shall include:

43.1. notifying citizens and legal entities that public discussions of the EIA report will be conducted;

43.2. ensuring access for citizens and legal entities to the EIA report at the premises of the project owner of the proposed economic or other activity and (or) at the premises of the relevant local executive and administrative agencies and in other accessible locations, and posting the EIA report in the Public Discussions section of the official website of the organizer of the public discussions;

43.3. if there is interest from citizens or legal entities:

notifying citizens and legal entities of the date and place of a meeting to discuss the EIA report;

holding a meeting to discuss the EIA report in the territory of the Republic of Belarus and of affected parties if there is potential transboundary impact;

43.4. summarizing and analysing comments and suggestions received from citizens and legal entities in the course of public discussions of the EIA report, compiling a summary of feedback on the outcomes of public discussions of the EIA report.

44. The project owner of the proposed economic or other activity shall inform the relevant local councils, local executive and administrative agencies of the need to conduct public discussions of an EIA report; the councils, agencies shall then:

at least three working days before the publication of the notice that public discussions of an EIA report are to be conducted, establish, in accordance with legislation on local administration and self-government, a committee for the organization and conduct of public discussions of the EIA report, designate the persons constituting its membership and appoint the chair of the committee from among the deputy chairs of the relevant local executive and administrative agency;

notify citizens and legal entities of the opening of public discussions by publishing a notice of public discussions of the EIA report in the print media, paid for by the project owner, and also by posting the notice in the Public Discussions section of the official website of the relevant local executive and administrative agency;

within three working days of the date of a communication from a citizen or legal entity to the relevant local executive and administrative agency stating the need for a meeting to discuss the EIA report, notify citizens and legal entities of the date and place of the meeting through an announcement in the print media, paid for by the project owner, and also by posting the announcement in the Public Discussions section of the official website of the relevant local executive and administrative agency.

By agreement with local agencies of the Ministry of the Environment, their representatives may also be included in membership of the committee for the organization and conduct of public discussions of the EIA report.

45. The notice of public discussions of an EIA report must contain:

information about the project owner of the proposed economic or other activity (name and

registered office of entity; postal and email; telephone and fax numbers);  
the project rationale and a description of the proposed economic or other activity;  
information about the decision being taken with regard to economic or other activities and about the public authority responsible for taking this decision;  
information about the site of the proposed economic or other activity;  
the time frame for implementation of the proposed economic or other activity;  
the time frame for public discussions and for submission of any comments and suggestions on the EIA report, with the opening and closing dates of the public discussions;  
information about where the EIA report can be consulted and where to send any comments and suggestions on the EIA report (name of entity; postal address; website address; family name, first name, patronymic (where applicable) and position of contact person; telephone and fax numbers; email address);  
information about the local executive and administrative agency responsible for taking the decision in respect of economic or other activities (name of entity; postal address; website address; telephone and fax numbers; email address);  
the time frame and the procedure for submitting a statement of the need for a meeting to discuss the EIA report and for issuing a communication stating an intention to conduct a public environmental review;  
the place and date of publication of the notice.

46. From the opening date of public discussions of an EIA report, the relevant local executive and administrative agencies, in conjunction with the project owner of the proposed economic or other activity, shall place the EIA report in the premises of the relevant local executive and administrative agencies and in other locations accessible to citizens and legal entities, as well as in the Public Discussions section of the official websites of the relevant local executive and administrative agencies, and shall ensure that citizens and legal entities have access to the EIA report and an opportunity to submit questions, comments and suggestions on the EIA report throughout the entire period of public discussions.

47. If citizens and legal entities submit a statement of the need for a meeting to discuss the EIA report to a relevant executive and administrative agency within 10 working days of the opening date of public discussions of the EIA report, this meeting may be scheduled for no earlier than 25 calendar days from the opening date of the public discussions and no later than the date of their completion.

48. The procedure for a meeting to discuss an EIA report shall include:  
registration of participants in the meeting;  
a statement by a representative of the project owner of the proposed economic or other activity (oral report or presentation);  
statements by representatives of the design organizations (presentation);  
oral or written questions, comments and suggestions from participants in the meeting, and answers to these;  
statements by citizens and legal entities;  
keeping a record of the meeting.

If questions raised by participants cannot be answered during the meeting, answers shall be sent to participants at the postal or email address they supplied during registration, within 10 calendar days of the date of the meeting concerned.

49. Based on the outcomes of the meeting to discuss the EIA report, a record of the meeting shall be compiled within five working days of the meeting, including a list of questions, comments and suggestions received during the meeting, with reasoned answers to them, and an indication of the total number of participants in the meeting. This record shall be signed by members of the committee for the organization and conduct of public discussions of the EIA report and approved by its chair.

50. Based on the outcomes of the public discussions of the EIA report, a record of the public discussions shall be compiled within 10 working days of their completion, indicating the number of participants in the public discussions, with the findings and recommendations of the committee for the organization and conduct of public discussions of the EIA report. The record shall be signed by members of the committee and approved by its chair, then posted in the Public Discussions section of the official

website of the organizer of the public discussions.

A summary of feedback, which is to be prepared by the project owner of the proposed economic or other activity or by a design organization authorized by the project owner, shall be appended to the record of public discussions and posted in the Public Discussions section of the official website of the organizer of the public discussions. This summary shall include comments and suggestions on the EIA report which were received in the course of the public discussions by the relevant local executive and administrative agencies, the project owner and the design organizations listed in the notice of public discussions of the EIA report, with reasoned answers to the comments and suggestions.

51. The organizer of the public discussions of the EIA report shall send the documents mentioned in Paragraphs 49 and 50 of these Regulations to the project owner of the proposed economic or other activity so that they can be taken into account in decision-making on the possible implementation of the proposed economic or other activity.

52. Based on the outcomes of the public discussions of the EIA report, the project owner of the proposed economic or other activity and the design organizations shall come to a joint decision on the feasibility and achievability of the proposed economic or other activity on the area of land earmarked for it, given its environmental and related socio-economic and other effects.

53. If necessary, the relevant local executive and administrative agency and (or) the project owner of the proposed economic or other activity may suspend public discussions of the EIA report in order to make amendments or additions to the EIA report based on the outcomes of public discussions, to analyse comments and suggestions about obtaining additional information, and to conduct additional investigations and surveys, including in the territory of affected parties (for proposed economic or other activities in the Republic of Belarus that may have a transboundary impact). After the final revision of design decisions for the proposed economic or other activity, public discussions of the EIA report shall be resumed in order to examine other impacts and consequences that were not previously considered.

The organizer of the public discussions may, as necessary, hold consultations with citizens and legal entities.

54. A meeting to discuss the EIA report shall not be held if citizens and legal entities have not submitted a statement of the need for such a meeting to the relevant local executive and administrative agency within 10 working days of publication of the notice of public discussions of the EIA report.

## **CHAPTER 6**

### **RECORDING ENVIRONMENTALLY SIGNIFICANT DECISIONS AND OF DECISIONS TAKEN AS A RESULT OF ENVIRONMENTAL IMPACT ASSESSMENT**

55. Environmentally significant decisions and decisions taken as a result of EIA shall be recorded.

56. Public authorities, legislators, local executive and administrative agencies which have drafted environmentally significant decisions, public authorities responsible for decisions taken as a result of environmental impact assessment shall keep a record of environmentally significant decisions and of decisions taken as a result of environmental impact assessment, by posting a list of decisions taken in the Public Discussions section of their official websites.

57. Public authorities, legislators, local executive and administrative agencies must keep the lists of decisions taken, mentioned in Paragraph 56 of these Regulations, up to date.