

United Nations
Economic Commission for Europe

Chair of the Compliance Committee
under the Convention on Access to
Information, Public Participation in
Decision-making and Access to
Justice in Environmental Matters
Mr. Jonas Ebbesson

Dear Mr. Ebbesson,

We hereby express our gratitude to the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter – the Aarhus Convention) for the opportunity to provide information on the measures being taken in the Republic of Belarus to implement decision VI/8c of the Meeting of the Parties “Compliance by Belarus with its obligations under the Convention” and in addition to the previously sent information, we would like to inform you on the following.

As agreed at the meeting of the Aarhus Convention Compliance Committee, the Republic of Belarus presents its progress report in tabular form (enclosed).

Taking this opportunity, I would like to assure the Committee that the Republic of Belarus confirms its commitment to fulfill the international obligations under the Aarhus Convention.

Yours sincerely

Deputy Minister

Alexander Korbut

Progress Report

on the implementation of the decision VI/8c of the Meeting of the Parties “Compliance by Belarus with its obligations under the Convention “On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters” (hereinafter – the Aarhus Convention)”

1st October 2019

| No. | Decision item | Measures taken |
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| 3. Reaffirms its decision V/9c and requests the Party concerned take as a matter of urgency the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that: | | |
| 2. | <p>(b) The content of the public notice required under article 6, paragraph 2, of the Convention includes inter alia the following:</p> <p style="padding-left: 20px;">(i) The public authority responsible for making the decision to permit the proposed activity subject to article 6;</p> <p style="padding-left: 20px;">(ii) The public authority from which relevant information other than the environmental impact assessment report can be obtained and where the relevant information other than the environmental impact assessment report has been deposited for examination by the public;</p> <p style="padding-left: 20px;">(iii) Whether the activity is subject to a transboundary environmental impact assessment procedure.</p> | <p>Currently, in order to adequately, timely and efficiently inform the interested public, the Ministry of Natural Resources, together with the local Councils of Deputies, local executive and administrative bodies that are the organizers of public discussions of environmental impact assessment reports, are developing a concept (approaches) to create a single information service for the publishing of notifications on the implementation of the proposed activity, including the choice of the organization that will be responsible for maintaining the abovementioned information service.</p> |
| 3. | <p>(c) The rights set out in article 6 of the Convention apply not only to the environmental impact assessment report but to all information relevant to decisions permitting activities</p> | <p>Letters have been prepared and sent to the Regional and Minsk city executive committees on the inclusion of authorized officials of the Republican Centre for State Ecological Expertise and Advanced Training of the Ministry of Natural Resources (hereinafter – the Centre) in the commissions for the seizure and</p> |

subject to article 6, including project documentation, and that with respect to public participation on such information:

(i) There are reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;

(ii) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);

(iii) There are clear provisions imposing obligations on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;

(iv) The full content of all comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the authorities responsible for taking the decision (including those responsible for the *expertiza* conclusion);

provision of land to legal entities and individual entrepreneurs for the construction of capital structures (buildings, structures). As well as letters on the direction of specialists responsible for the organization of the public discussions of the environmental impact assessment reports procedure to participate in the training seminars organized by the Centre. The training seminars were organized and held by the Centre (paragraph 8).

The issue of providing services for conducting state ecological expertise in relation to facilities that are not mandatorily subject to such was also examined. It was found that since the list of objects that are subjects to state ecological expertise is exhaustive, the provision of such services is currently impossible. At the same time, it is proposed that the Law on State Ecological Expertise (subparagraph 1.13 of paragraph 1 of Article 5) be amended, enabling the state ecological expertise of documentation by decision of the customer (developer) on a voluntary basis.

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| | (v) There are clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in a publicly available statement of reasons and considerations on which the decisions is based; | |
| 4. | (e) The amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is promptly made public, as required under article 6, paragraph 9, of the Convention; | Currently, the digitalization of documentation on the state ecological expertise in order to create a unified electronic archive fund is being carried out. The Centre has developed and implemented the Rules and Regulations on Administrative Procedures for Legal Entities and Individual Entrepreneurs. |
| 6. Also welcomes the willingness of the Party concerned to accept the Committee's recommendations, namely, that the Party concerned: | | |
| 6. | (c) Deliver appropriate training and information programmes on human rights law relevant to article 3, paragraph 8, of the Convention, for police, security forces and the judiciary to ensure that members of the police and security forces do not exercise their powers in a manner, and identity checks and arrests for alleged public order violations are not utilized in a way, that would restrict members of the public from legitimately exercising their rights to participate in decision making as recognized in article 1 of the Convention; | <p>The Ministry of Natural Resources held training seminars on 18th and 19th of September (the number of participants was more than 80, including employees of the RUE "GlavGosStroyExpertiza" and design organizations), which clarified the norms of legislation on state ecological expertise, and also interacted with the media (the Belarusian Telegraph Agency (BelTA), the newspaper "Sovetskaya Belorussiya", the ONT channel TV show "Our morning" and the journal "Rodnaya pryroda", etc.).</p> <p>The Aarhus Center of the Republic of Belarus conducted the following educational activities in the framework of advanced training:</p> <ul style="list-style-type: none"> - a lecture at the Educational Establishment "Institute for Retraining and Qualification Upgrading of Judges, Prosecutors, Courts and Justice Institutions of the Belarusian State University" (hereinafter – the BSU Qualification Upgrading Institute) for prosecutors – 1 group of 24 students (including 3 senior prosecutors, 8 prosecutors, 11 deputy prosecutors, 1 senior assistant to the prosecutor and 1 assistant to the prosecutor); |

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| | | <ul style="list-style-type: none">- a lecture at the Institute for representatives of the Inspectorate for Animal and Plant World Protection under the President of the Republic of Belarus - 1 group of 28 students;- lectures at the BSU Qualification Upgrading Institute for representatives of the territorial bodies of the Ministry of Natural Resources – 6 groups with a total of 47 students;- a lecture for students of the geographical faculty of the Belarusian State University – a group of 45 students;- Presentations on the Aarhus Convention at meetings of public environmental coordination councils, educational seminars and other events. |
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