

01.10.2013 N 13-13,7602
HQ N(10-3)-D8-7539 OT 10.09.2013

Ministry of Environment
of the Republic of Lithuania

Copy to: Implementation Committee,
Convention on Environmental
Impact Assessment in a
Transboundary Context

Copy to: Secretariat,
Convention on Environmental
Impact Assessment in a
Transboundary Context

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus presents its compliments to the Ministry of Environment of the Republic of Lithuania and, referring to its letter of 10 September 2013 № (10-3)-D8-7539, has honor to inform on the issues raised.

1. Answers to key questions of Lithuania, listed in the Appendix 5 to the mentioned letter, are attached herewith.

We draw attention to the fact that in previous correspondence the Belarusian Side has repeatedly provided Lithuania with detailed information on most of these questions.

It should be emphasized that Belarus respects the Lithuania's interest in obtaining detailed information about the Belarusian NPP construction project and continues answering to the questions of the Lithuanian side, even those far beyond the scope of the Espoo Convention.

2. The Ministry of Natural Resources and Environmental Protection of Belarus does not share the view of the Ministry of Environment of Lithuania on the need for changes and updates of the final EIA report for the Belarusian NPP (hereinafter – the EIA report).

The decision of the Implementation Committee under the Espoo Convention (hereinafter – the Committee) further to the submission by Lithuania regarding Belarus, as noted in the Annex to ECE/MP.EIA/IC/2013/2,

does not contain recommendations to revise the EIA report. Moreover, paragraph 29 of the findings and recommendations directly states that «the Committee noted that it was not within its capacity or mandate to examine or to take a position on the environmental and scientific issues that had been raised in connection with the planned activity».

At the same time the Ministry of Natural Resources and Environmental Protection of Belarus reminds that it sent to the Ministry of Environment of Lithuania additional detailed information on the transboundary effects and on justification of site selection for the construction of the planned Belarusian NPP in late 2012.

3. In accordance with Appendix II to the Convention (sub item (b)) «information to be included in the environmental impact assessment documentation shall, as a minimum, contain, in accordance with Article 4 a description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative». According to the findings of the Committee (paragraph 68) «the description of locational alternatives to be included in the EIA documentation in line with appendix II (b) should be especially required when an activity is planned near a city».

The Ministry of Natural Resources and Environmental Protection of Belarus stresses, that Sections 4 and 5 of the EIA report contain description of locational alternatives and justification of selection of Ostrovets site, description of the technological alternatives, as well as consideration of the no-action alternative.

4. Belarus considers that all possible measures have been undertaken to implement the recommendations of the Committee with relation to the agreement on the reasonable timeframe for consultation process on the EIA report.

For the last year Belarus has repeatedly proposed to the Lithuanian Side to hold consultations, in particular, by letters of 16 November 2012, 27 February 2013, 30 April 2013, 11 June 2013 and 19 July 2013. Unfortunately, Lithuania still has not suggested any dates for the expert meeting.

At the same time the Belarusian Side proceeds from the understanding that the English version of the EIA report had been under the Lithuanian experts' consideration since February 2011, i.e. for more than 30 months.

5. On the same reason Belarus believes that rigid position of Lithuania regarding the procedure of consultative process and its time frame, which was put into dependency on the EU Presidency of Lithuania, left too little space for achieving compromise on these issues.

6. Taking into account the assertion that «right after submission of information Lithuania was informed about unreasonable timing of public information event and consultations suitable only for Belarus» we note that

more than a month has passed from the date of transmission of the EIA report to Lithuania (13 June 2013) to the date of announcement about the public hearings (17 July 2013).

The position of Lithuania, stated in the letter of the Ministry of Environment of Lithuania of 8 July 2013 and which was ignoring the recommendation (g) of the Committee, raised grave concerns of the Belarusian side, as the EIA documentation transmitted to the Lithuanian side had not been conveyed to the public of Lithuania in defiance of the Belarusian requests and contrary to the provisions of the Convention and Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8).

For the purpose of implementation of Article 3, paragraph 8 of the Convention and the findings and recommendations of the Committee Belarus had to inform the Lithuanian public on the EIA report and to collect its comments on its own.

In addition, the Belarusian Side has organized public hearings for the citizens of Lithuania in the town of Ostrovets on August 17, 2013. Quality translation into the Lithuanian language was provided during the event. Free visas were issued to the participants of the public hearings, as well as free insurance and transportation from Lithuania to Ostrovets and back were provided. Personal invitations for the participation in the event were sent to the Lithuanian officials including the Minister of Environment, Minister of Energy and parliamentarians.

Information on the public hearings is posted on the official website of the Directorate for NPP Construction at <http://www.dsae.by>.

At the same time, it should be highlighted that neither the Convention nor recommendations of the Committee binds Belarus to hold discussion with public in the format of public hearings.

7. Intercommunication of Belarus and Lithuania on the environmental impact assessment of the planned Belarusian NPP has been lasting since 2008.

The Lithuanian public has been provided with all the reasonable opportunities for the expression of opinion on the issue, inter alia, in the course of public hearings in Vilnius in 2010 and in Ostrovets in 2013.

Within the scope of consultation process on the level of governmental experts the Belarusian Side has answered 167 questions of the Lithuanian Side just in writing (including 50 questions on radiological impact of the NPP, 38 questions on NPP site selection, 18 questions on nuclear and radiation accident response).

Throughout this period of time Lithuania has not presented any evidence of the possible significant adverse transboundary impact of the planned Belarusian NPP construction. That is also proved by the EIA report for the New NPP in Lithuania in which energy installation analogous to that chosen by

Belarus was considered and statement that there was no significant adverse impact at a distance more than 3 km was made.

8. The Belarusian Side regrets to state that its efforts aimed at achieving arrangements on a reasonable timeframe of the consultations, as it is required by the Committee's recommendations, were not successful.

For more than a year and a half, the Lithuanian Side has been ignoring the proposals made by Belarus to convene the consultations of experts. Even the arrangements on this matter achieved by the Prime-Ministers of Belarus and Lithuania at their meeting in Klaipeda, April this year, were disavowed.

Regarding to the complains on completeness of information provided to the Lithuanian Side, the Ministry of Natural Resources and Environmental Protection of Belarus notes that answers to the questions posed in the letter of Ministry of Environment of Lithuania of June 20, 2011, were sent in the annex to the letter of September 23, 2011. In the same letter Belarus officially notified Lithuania on adoption of the Decree of the President of the Republic of Belarus of September 15, 2011, which determined the Ostrovets site for the project designing.

The letter of the Ministry of Environment of Lithuania of December 2, 2011, did not contain questions, answers to which were not satisfactory for the Lithuanian experts. Also, the letter of the Ministry of Environment of Lithuania of February 27, 2013, did not contain any list of specific questions, which, in the opinion of the Lithuanian Side, remained unanswered. The Ministry of Natural Resources and Environmental Protection of Belarus by the letter of April 30, 2013 forwarded answers to the general issues raised in the letter of February 27, 2013.

Taking into account the decision of the Ministry of Environment of Lithuania to grant the Lithuanian public access to the final EIA report for the Belarusian NPP, although the report has already been disseminated by Belarus in July-August 2013, and in accordance with Article 4, paragraph 2 and Article 3, paragraph 8 of the Espoo Convention, Belarus provides the Lithuanian public with complementary opportunity to submit comments on the report not later than October 18, 2013, through the Competent Authority of Lithuania.

Referring to the opinion, expressed in the letter of the Ministry of Environment of Lithuania of September 10, 2013, that the bilateral expert consultations are required, the Ministry of Natural Resources and Environmental Protection of Belarus once again invites representatives of Lithuania to hold expert consultations in accordance with Article 5 of the Convention. Such consultations could be arranged either in the format of bilateral meeting in Minsk or as a videoconference in the period from 18th to 21st of October 2013.

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus avails itself of this opportunity to renew to the Ministry of Environment of the Republic of Lithuania the assurances of its highest consideration.

Enclosure: answers to key questions of Lithuania on 103 pages.

First Deputy Minister



Vital Kulik

