



**LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA**  
**THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA**

A. Jaksto St. 4, LT-01105 Vilnius, tel: (+370 5) 266 35 39, fax: (+3705) 266 36 63, e-mail: [info@am.lt](mailto:info@am.lt) <http://www.am.lt>

Compliance Committee  
Convention on Access to Information, Public  
Participation in Decision-making  
and Access to Justice in Environmental Matters  
(Aarhus Convention)  
United Nations Economic Commission for  
Europe  
Environment Division  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

2017-10-11

No. (16-1)-D8-4293

**REGARDING THE ANSWERS PROVIDED BY THE PARTY CONCERNED TO THE COMPLIANCE COMMITTEE'S ADDITIONAL QUESTIONS (SUBMISSION ACCC/S/2015/02)**

The Ministry of Environment of the Republic of Lithuania analysed the Belarus' answers to the additional questions addressed by the Compliance Committee to the Party concerned in the procedure based on the submission ACCC/S/2015/02. Please find our comments regarding the provided answers.

***Question No. 1***

It is important to note that the Party concerned does not provide answers regarding the EIA report version published online on 4 March 2010 (b) and the EIA report presented during the bilateral meeting of 18 June 2010 (c).

Lithuania reiterates its position that the texts of the EIA reports mentioned in 1(d) and 1 (e) can be treated as identical. Also, despite the fact that Lithuania has not been provided with neither of the two, we have grounds to assume that the EIA report texts of 1(b) and 1(c) are also identical. However, the EIA reports mentioned in 1(d) and 1 (e) are different from those mentioned in 1(b) and 1(c) and different from the EIA report sent to Lithuania prior to 2 March 2010, i.e. 1(a). The EIA reports 1(b) and 1(c) are also different from the 1(a).

Moreover, Belarus claims that book 11 of the EIA report (e) contains all information on consultations with Lithuania during 2009-2013 and that this document was considered during the state ecological expertize. However, book 11 of the EIA report (e) doesn't include the period from 11 June 2013 till the adoption of the state ecological expertise on 23 October 2013 and does not reflect detailed comments on the EIA report (e), motivated requests regarding co-organisation of the public hearing meeting in Lithuania, opinion regarding Belarus unilateral decision to organise the public event in Belarus that were provided by Lithuania to Belarus during this period, this justifies that the Party concerned hasn't ensured that in the decision due account is taken of the outcome of the public participation.

***Question No. 2***

The information provided in the answer to this question is misleading.

On 24 August 2009 Ministry of Environment of Natural Resources and Environment Protection of the Republic of Belarus send to Lithuania a notification regarding the plans to construct nuclear power

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plant in the territory of the Republic of Belarus (see attachment 1) and the summary of the preliminary EIA report (19 pages) in English and Russian. Belarus informed that full EIA report will be submitted later and requested to provide comments of **experts** by the 1 October 2009. On the 15 of September 2009 Ministry of Natural Resources and Environment Protection of the Republic of Belarus submitted additional letter and the full Preliminary EIA in English and Russian in which extended the commenting period **for experts** till 15 October 2009 (see attachment 2).

Ministry of Environment of the Republic of Lithuania circulated the preliminary EIA report to the competent Lithuanian authorities, scientific institutions, and environmental non-governmental organisations for comments. The received comments were submitted to the Belarus on 15 October 2009 (letter of the Ministry of Environment of the Republic of Lithuania No. (1-15)-D8-8864). As EIA procedures in Lithuania and Belarus were different and the letters of Belarus contained only very brief information it was difficult to understand what was the stage of the EIA process in Belarus at the time of the receipt of the preliminary EIA report and when the public information procedure should be initiated in the affected Parties, especially when the Party concerned explicitly requested comments only from experts. Therefore, the Ministry of Environment of the Republic of Lithuania in the letter of 15 October 2009 raised these issues and discussed them with Belarus colleagues at the meeting in Vilnius on 18-19 November 2009. At this meeting it was agreed that Belarus will submit a summary of the preliminary EIA report (a) (because Belarus informed that there will be no updates of the EIA report during the EIA procedure) and information about the possible transboundary impacts translated into Lithuanian language in short time and after the receipt of this documentation Lithuania will inform Belarus when public hearing in Lithuania could be organised. Belarusian Ministry of Natural Resources and Environmental Protection submitted the documentation mentioned above and the answers to the expert comments only on the 26 January 2010 (see attachment 3). Therefore, there was only one commenting period for the public, which lasted from 10 February 2010 till 31 March 2010 and the document that Belarus provided to Lithuania for comments was not a final, but a preliminary EIA report (in the view of Lithuanian authorities, this version of the report can be treated only as a scoping document).

### ***Question No. 3***

We are convinced that the preliminary EIA report (a) significantly differed from all other versions of the EIA report as the EIA documentation was not completed at the time of its submission to the affected Parties on 15 September 2009. For more information please refer to question No. 1.

### ***Question No. 4***

Lithuania did not have a possibility to state its reasoned position regarding the findings of the State Ecological Expertiza No. 28 because this document was unavailable for the Lithuanian public and experts.

However, the fact that decision on the State ecological expertise of Belarus, which had to take into account the results of the EIA, was taken in July 2010, i.e. before the submission of the "final" EIA report to the affected parties in February 2011 for comments, justifies that the decree of the President of the Republic of Belarus approving the Ostrovets site for the construction of the NPP issued on 15 September 2011, did not take into account the results of the EIA procedure.

### ***Question No. 5***

We would like to note that Presidential Decree of 15 September 2011 No. 418, which determined the Ostrovets site for the location of the NPP and required to develop the design of the NPP taking into account that specific location, and the Decree of 2 November 2013 No. 499 regarding construction of the Belarus NPP in the same site preceded the outcomes of the transboundary EIA. Up until now Lithuania holds that the transboundary EIA is still pending, as Lithuania was not provided with the final EIA report, the public hearings for Lithuanian public in Lithuania were not organised and the experts' consultations were not held.

### ***Question No. 6***

Even though the party concerned claims that the preliminary report represented a whole package of the EIA documentation at the stage of the EIA procedure envisaged in article 4 of the Espoo Convention, this was not true, as the Espoo Convention Implementation Committee's report of its 20<sup>th</sup> session, held 11-13 January 2011, document No. ECE/MP.EIA/IC/2011/2 stated: "The Committee was concerned that

the supplied preliminary and final EIA documentation differed significantly < ...> The Committee also recommended that Belarus provide the final EIA documentation to the affected Parties, and allow an adequate period for them to submit further comments, before proceeding with the final decision on the proposed activity.”

Moreover, Lithuania holds that the event of 17 August 2013 in Ostrovets was not a public hearing event according to the Espoo Convention (for detailed argumentation, please, see the initial Lithuanian submission ACCC/S/2015/02). In addition, it is important to note that based on the list of issues provided by the Party concerned, the public could not comment on the transboundary impact on Lithuanian environment and population that is the most important issue in a transboundary EIA.

***Question No. 7***

The party concerned does not answer the question.

***Question No. 8***

The only information about the public event of 9 October 2009 that Lithuania received was provided in the table attached to the letter of the 24 August 2009 Ministry of Environment of Natural Resources and Environment Protection of the Republic of Belarus (see attachment 1). However, there was no information that this event was organised not only for the public Belarus according to national EIA procedure, but also for the public concerned of the affected parties, as no invitations, no information on the interpretation during the meeting and the translation of the preliminary EIA report were communicated to Lithuanian authorities or the public before the event in Ostrovets. Therefore, having received no documentation of the planned economic activity and its impacts in the Lithuanian language, there was no practical possibility for the public of Lithuania to effectively participate in public hearing meeting.

***Question No. 9***

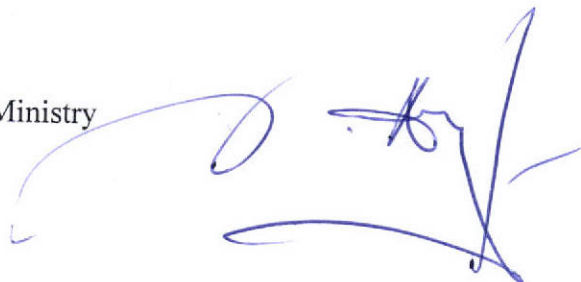
Pursuant to the Constitution of the Republic of Lithuania, Lithuanian is the only State language in the Republic of Lithuania. 84.2% of the population of the Republic of Lithuania are Lithuanians. With due consideration to the above, it should be held that one of the mandatory preconditions for the proper information of the Lithuanian public and its participation in the Project-related decision-making process is the provision of information in Lithuanian. The references provided by the Party concerned confirm that Lithuanian speaking public was discriminated in this situation, as all information was dedicated to Russian speaking public. Moreover, only the small-scale newspaper “Obzor” and website ru.delfi.lt are Lithuanian media channels, even if they target Russian speaking audiences. The other media websites mentioned by the Party concerned are Belarus media that is not followed by Lithuanian audiences.

ATTACHED:

1. 24-08-2009 letter of the Ministry of Environment of Natural Resources and Environment Protection of the Republic of Belarus No. 14-16/3759-BH in Russian and English, 4 pages.
2. 15-09-2009 letter of the Ministry of Environment of Natural Resources and Environment Protection of the Republic of Belarus No. 14-16/996 in Russian, 1 page.
3. 26-01-2010 letter of the Ministry of Environment of Natural Resources and Environment Protection of the Republic of Belarus No. 13-16/333-bn, 1 page.

Yours sincerely,

Vitalijus Auglys  
Chancellor of the Ministry



МИНИСТЕРСТВО  
ПРИРОДНЫХ РЕСУРСОВ И ОХРАНЫ  
ОКРУЖАЮЩЕЙ СРЕДЫ  
РЕСПУБЛИКИ БЕЛАРУСЬ

ул. Коллекторная, 10, г. Минск, 220048;  
тел.: (37517) 200-66-91, факс: (37517) 200-55-83;  
e-mail: minproos@mail.belpak.by



LIETUVOS RESPUBLIKOS  
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Nr. D-13-685  
MINISTRY  
OF NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION OF  
THE REPUBLIC OF BELARUS

10, Kollektornaya str., Minsk, 220048;  
tel.: (37517) 200-66-91, fax: (37517) 200-55-83/47-71,  
e-mail: minproos@mail.belpak.by

24.08.2009 №14-16/3759-ВН

На № от

Министерство окружающей  
среды Литовской Республики

Ул. А. Якето, 4/9

LT-01105 Вильнюс

Уважаемые господа!

Министерство природных ресурсов и охраны окружающей среды Республики Беларусь имеет честь в дополнение к ранее направленным в Ваш адрес предварительным уведомлениям о планируемом строительстве АЭС на территории Республики Беларусь направить уведомление в соответствии с требованиями и рекомендациями Конвенции об оценке воздействия на окружающую среду в трансграничном контексте.

Просим рассмотреть материалы предварительного отчета об ОВОС АЭС (краткую информацию об ОВОС при строительстве и эксплуатации АЭС на территории Республики Беларусь и предварительный отчет об ОВОС - заявление о возможном воздействии на окружающую среду белорусской АЭС).

С краткой информацией и полной версией предварительного отчета об ОВОС (на русском и английском языках) можно будет ознакомиться на сайтах: <http://minpriroda.by>; [www.minenergo.gov.by](http://www.minenergo.gov.by); [www.dsae.by](http://www.dsae.by) и других.

Предварительный отчет об ОВОС на бумажном носителе будет направлен Вам позднее.

Будем признательны за комментарии Ваших специалистов по данному материалу, которые просим направить в наш адрес по факсу

+375 17 200 74 75 или адресу электронной почты:  
expert@minpriroda.by до 1 октября 2009 года.

- Приложение: 1. Уведомление общественности о планируемой  
деятельности – 1 стр.  
2. Краткая информация об ОВОС при строительстве  
и эксплуатации АЭС на территории Республики  
Беларусь – 18 стр. (англ. яз.) или 17 стр. (рус.яз.)  
3. Информация на электронном носителе – 1  
СД-диск.

С уважением,

Первый заместитель Министра  
Focal Point on EIA Espoo Convention  
in Belarus



А.Н. Апацкий

14 Ивашечкина 200 74 75  
Phone/fax: +375 17 200 74 75,  
e-mail: [expert@minpriroda.by](mailto:expert@minpriroda.by)  
24.08.2009

Inofficial translation

Dear Sirs,

The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus has the honor to forward you, in addition to the preliminary notification on the planned construction of the nuclear power plant in the Republic of Belarus, which was forwarded to you earlier, the notification prepared in concert with the requirements and recommendations of the Espoo convention.

We would be grateful if you consider the draft Espoo report on NPP (brief Espoo overview of the environmental impact assessment during construction of nuclear power plant in the Republic of Belarus and draft Espoo report, notification on possible effect of the Belarusian NPP on environment).

The brief overview and full version of the draft Espoo report (Russian and English language versions) are available on the following web-sites: <http://minpriroda.by>; [www.minenergo.gov.by](http://www.minenergo.gov.by); and [www.dsae.by](http://www.dsae.by).

The report in hard copy will be forwarded to you soon.

We will be grateful for your and your specialists' comments, if any. They can be communicated to us by fax + 375 17 200 74 75 or by e-mail [expert@minpriroda.by](mailto:expert@minpriroda.by) by October 1, 2009 at the latest.

Encl:

1. notification of the public on the planned activities, the EIA procedure and participation process and consultations;
2. brief overview of the environmental impact assessment during construction and operation of the nuclear power plant in the Republic of Belarus; and
3. information on electronic media (CD-R).

Best regards,

Alexander N. Apatsky  
First Deputy Minister

Table 3

**NOTIFICATION OF THE PUBLIC ON THE PLANNED ACTIVITIES,  
THE EIA PROCEDURE AND PARTICIPATION PROCESS AND  
CONSULTATIONS**

<b>1. INFORMATION ON THE PLANNED ACTIVITY</b>	
1.1 Brief description of the planned activity	
Location for implementation	Republic of Belarus, Grodno oblast, Ostrovets district
Potential transboundary impact	Radioactive contamination by air and surface water
Schedule for implementation of the planned activity	Construction: 2010 – 2018. Operation: 2016 – 2078. Decommissioning: 2078 – 2090
Information on the EIA procedure to be applied to the proposal	Preparation of the EIA materials - 2009 Public discussions: September – December, 2009
<b>2. COMMUNICATION POINT FOR PUBLIC PARTICIPATION / CONSULTATIONS</b>	
The public representatives are requested to send their comments to the following state authority:  Name, address, telephone and fax numbers	Republic of Belarus Ministry of Energy State enterprise "Directorate for Nuclear Power Plant Construction" Chicherina str., 19, Minsk, 220029 tel.: (017)-290-02-42 fax: (017)-237-88-32 <a href="http://www.dsae.by">www.dsae.by</a>
<b>3. INFORMATION ON PARTICIPATION PROCESS</b>	
Time-frame for participation, consultations and submission of the comments	September- December, 2009 Public discussions of the Environment Impact Assessment will be held at the following location: Republic of Belarus, Grodno province, Ostrovets township, "Ostrovets" cinema and concert hall, October 9, 2009, check-in of participants – at 10-00a.m. , beginning - at 12-00 (noon).
Where and in which language(s) it is possible to get acquainted with EIA documents	In Russian and English languages on Internet sites: <a href="http://www.minenergo.gov.by">www.minenergo.gov.by</a> <a href="http://www.region.grodno.by">www.region.grodno.by</a> <a href="http://www.ostrovets.grodno-region.by">www.ostrovets.grodno-region.by</a> <a href="http://www.dsae.by">www.dsae.by</a>