



**МІНІСТЭРСТВА
ПРЫРОДНЫХ РЭСУРСАЎ І АХОВЫ
НАВАКОЛЬНАГА АСЯРОДДЗЯ
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**МИНИСТЕРСТВО
ПРИРОДНЫХ РЕСУРСОВ И ОХРАНЫ
ОКРУЖАЮЩЕЙ СРЕДЫ
РЕСПУБЛИКИ БЕЛАРУСЬ**

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Secretariat to the Convention
on Environmental Impact Assessment
in a Transboundary Context

In preparation for the intermediary session of the Meeting of the Parties to the Espoo Convention, to be convened in Geneva on 5-7 February 2019, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus would like to request the Secretariat to publish on the Meeting of the Parties' web-page and circulate to the Parties the position of Belarus on the draft decision IS/1d on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant, annexed to this letter.

First Deputy Minister

Iya Malkina

Position of Belarus on the draft decision IS/1d

Meeting of the Parties to the Espoo Convention at its upcoming intermediary session to be held in Geneva on 5-7 February 2019 will have before it the draft decision IS/1d on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant prepared by the Implementation Committee.

The Implementation Committee included in draft decision its new finding that Belarus failed to comply with article 4, paragraph 1, and as a consequence with article 5, paragraph (a), and article 6, paragraph 1, of the Convention.

This finding was incorporated into the draft decision IS/1d in clear violation of rule 13 of the Implementation Committee's operating rules, which obliges the Committee to transmit draft findings and recommendations to the Party involved, to invite comments and to take them into account before the draft findings and recommendations are finalized and transmitted to the Meeting of the Parties.

Therefore Belarus is deeply concerned that the draft decision IS/1d is submitted to the Meeting of the Parties in violation of the established procedure.

Such an approach of the current Implementation Committee coupled with its unprecedented actions to revise the official decisions of its predecessors taints its credibility and more than that undermines the compliance review mechanism as a whole.

This new finding of the Implementation Committee has no ground and is discriminatory.

It is based neither on the letter of the Espoo Convention nor on the practice of its application.

The main claim of the Implementation Committee is that Belarus in the environmental impact assessment documentation did not provide sufficient information supporting and justifying the selection of the Ostrovets site over the other alternative sites.

Though it is not explicitly required by the Espoo Convention Belarus in the environmental impact assessment documentation not only described but more than that evaluated possible locations for the Belarusian NPP. The environmental impact assessment documentation did contain rationale for the reasonable (preferable) locational alternative for the NPP.

The environmental impact assessment documentation for the Belarusian nuclear power plant fully met the requirements of the Convention. Belarus

stands ready to present more detailed evidence of this also at the Meeting of the Parties.

Moreover, the earlier survey on the application of the Espoo Convention to nuclear energy-related activities clearly showed that different countries, even in the EU region, follow different practice and approaches to detail the information in the EIA documentation. But neither the Implementation Committee nor the Meeting of the Parties considered this as non-compliance with the Convention.

Adoption of this Implementation Committee's finding by the Meeting of the Parties will introduce double standards to the Espoo Convention forum that would seriously jeopardize viability and credibility of the Convention, especially beyond the EU.

This will challenge the fundamental principles of equal treatment of all Parties and create a dangerous precedent of manipulating the Espoo Convention provisions in order to block "undesired" activities in other countries.

Belarus hopes that at the upcoming Meeting the Parties ensure that the letter of the Convention is respected and the treaty is applied in the same way towards all the Parties.

Belarus would like to reassure the Parties about its unfaltering attachment to the principles of the Espoo Convention and to confirm its readiness to cooperate with Lithuania and other interested Parties on the issues related to the Belarusian nuclear power plant project in a practical and reasonable way.