



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

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Ms. L. Aurora Hernando
Vice-Chair of Implementation Committee
Convention on Environmental Impact
Assessment in a Transboundary Context

10 February 2017 No. (10-3)-D8- 1021

Ms. Elena Santer
Secretary To the Implementation
Committee Convention on Environmental
Impact Assessment in a Transboundary
Context
Environment Division
Palais des Nations, CH - 1211 Geneva 10
Switzerland

REGARDING FOLLOW-UP ON DECISION VI/2 OF THE MEETING OF PARTIES

Dear Ms. Hernando and Ms. Santer,

We would like to thank you for the letter of 20 December 2016 regarding the draft Bilateral Lithuanian-Belarus Agreement for the Implementation of the Espoo Convention (hereinafter – draft Bilateral Agreement). The Lithuanian Ministry of Environment (hereinafter – MoE) has the honour to provide the latest information on the harmonization process of the draft Bilateral Agreement, as well as the developments in the implementation of the Ostrovets NPP, namely the International Atomic Energy Agency's Site and External Events Design mission in Belarus and yet another incident at the Ostrovets NPP of 26 December 2016. Additionally, we would like to provide information regarding the development of the Good practice recommendations on the application of the Convention to nuclear energy-related activities foreseen in the current work plan of the Espoo Convention.

The draft Bilateral Agreement for the Implementation of the Espoo Convention. In 2015 Lithuanian MoE finalised its thorough analysis of the draft Bilateral Agreement proposed by Belarus¹ and taking into account the proposals and comments of other competent Lithuanian institutions (Ministry of Energy, Ministry of Finance, Ministry of Transport and Communication, Ministry of Justice, Ministry of Foreign Affairs, Department of European Law) substantially redrafted the text. Lithuanian MoE proposed the amendments to the draft Bilateral Agreement with a view to create a detailed legal and practical instrument for the enhanced implementation of the Espoo Convention taking into account the encountered problems in practical implementation of the provisions of the Convention. The proposed amendments cover:

¹ Presented by Belarus to Lithuania on 15 May 2014

- Clarity of legal norms (clear guidance in performing transboundary environmental impact assessment procedures);
- Order, forms and timeframes of procedural steps (notification, public participation, bilateral consultations, final decision, post project analysis);
- Requirements to the content for the environmental impact assessment (hereinafter – EIA) documentation and other relevant documents (notification, scoping document, EIA report);
- Language (translation of relevant documents and interpretation during public hearing and consultation meetings).

We proposed to clearly state in the draft Bilateral Agreement, which documents in which language should be presented to the possibly affected Party; what language requirements are applicable during the public hearing and experts' consultations meetings; who bears the costs and the responsibility for professional service of interpretation at the public hearing and experts' consultations and translation of written material (EIA documentation, presentations and etc.).

The revised draft Bilateral Agreement was submitted to Belarus and the Implementation Committee of the Espoo Convention by the letter of the Lithuanian MoE, No. (10-3)-D8-8179 of 5 November 2015 and was discussed in two bilateral experts' meetings held on 17 December 2015 in Vilnius and on 27 October 2016 in Minsk. During the meetings, Lithuania and Belarus agreed to lift the level of the draft Bilateral Agreement from inter-institutional to intergovernmental and revised the preamble and five articles of the draft Bilateral Agreement (Articles 1, 2, 3, 4 and 7). It was agreed that by the next meeting both Parties will exchange their views on the minimum requirements for the EIA scoping documents; on the criteria when the amendments of the EIA report would lead to re-submission of the amended EIA report to the affected Party and the repetition of the public consultation procedure in the affected Party. The next meeting is scheduled for the first half of March 2017 in Vilnius, Lithuania.

The International Atomic Energy Agency's Site and External Events Design mission. We would like to draw the Implementation Committee's attention to the Belarus failure to implement the recommendations of the sixth Meeting of Parties of the Espoo Convention (MOP6). Recently, Belarus reported that in January 2017 the International Atomic Energy Agency's (hereinafter – IAEA) Site and External Events Design (hereinafter – SEED) mission was accomplished; however, the SEED mission invited by Belarus was not tasked to assess site related issues. The full scope SEED mission consists of six modules that include four site related modules and two NPP design related modules. Belarus ignored Lithuanian requests and recommendations of the international organisations to assess site research, site selection criteria and site suitability for the construction of a NPP and skipped the modules of site evaluation. The SEED mission in Belarus was limited to the assessment of the NPP design safety. It should be stressed that during MOP6 on 2-5 June, 2014, Belarus was recommended *“to further develop confidence-building measures, including to invite the International Atomic Energy Agency (IAEA) for a Site and External Events Design (SEED) mission with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, to fully ensure its safety”*². Taking the above into account, Lithuania insists that Belarus did not implement the recommendation of MOP6 mentioned above and asks the Implementation Committee to note this in the analysis of steps undertaken by Belarus. For more detailed information see Annex.

Likewise, Belarus reports that the stress tests for the Ostrovets NPP have been carried out; however, the European Commission has not received the national report of Belarus in order to start the peer review process of the stress tests. On 23 June 2011, by signing the declaration with the European Commission, Belarus committed to fulfil the stress tests in accordance with the EU methodology.

² Decision VI/2 of the 6th Meeting of Parties of the Espoo Convention, ECE/MP.EIA/20/Add.1, para 64.

Therefore, as long as Belarus does not submit the national report to the peer review team of the European Commission and it is fully scrutinised with following conclusions and recommendations, it cannot be admitted that the stress tests are accomplished.

Lithuania asks the Implementation Committee to urge Belarus to implement the recommendations of MOP6. Bearing in mind the potential threat the project may pose on the population and environment, Lithuania urges Belarus to take the following steps to ensure international scrutiny of the Ostrovets NPP project and to restore mutual confidence:

1. To establish, together with Lithuania, the international experts' commission, as suggested by the Implementation Committee of the Espoo Convention following the model of an inquiry commission set in Appendix IV of the Espoo Convention;
2. To accomplish the IAEA SEED mission, in its full scope with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, as recommended by MOP6;
3. To perform the stress-test exercise for the Ostrovets NPP according to the EU methodology, as agreed with the European Commission on 23 June 2011 by signing a declaration on the stress tests.

Incidents at the Ostrovets NPP. We would like to draw your attention to the fact that in 2016 six incidents occurred at the Ostrovets NPP and two of them involved the reactor vessel – one of the most important safety components of a NPP. In all the cases, Lithuania was not respectively informed by the Belarussian authorities, but learned about the accidents from the media. This clearly indicates a lack of transparency in communication during the construction process. It also demonstrates that there is a need for independent supervision of the NPP project in order to ensure nuclear and environmental safety.

The latest incident took place on 26th December, 2016. As reported by the Belarus media, in the railway station of Slavnoe (Vitebsk Region, Belarus) the new reactor pressure vessel, intended for the first unit of the Ostrovets NPP, on its way from Russia to Belarus hit the pole of the railway power supply line. Lithuania requested Belarus to thoroughly investigate the incident and to inform Lithuania, other neighbouring countries and the International Atomic Energy Agency about the findings and conclusions. Up until now Lithuania has not received any information on the matter.

As indicated above, this is not the first reported incident at the Ostrovets NPP. On 8 of April 2016, the load bearing structures were damaged while bridging the span between the two reactors. The press also reported an alleged incident in early June; however, this information was not confirmed by Belarus. On 10 of July 2016, the 330-ton reactor vessel fell down from the height of 4 meters. In the end of August and beginning of December 2016, construction workers perished due to the accidents at the construction site. Repeating incidents indicate the insufficient capabilities of the operating organization and the regulatory authority to fulfil their responsibilities of controlling the safety of the process and ensuring that Ostrovets NPP is constructed in accordance with the approved design documentation and international standards.

Good practice recommendations on the application of the Convention to nuclear energy-related activities. MOP6 on 2-5 June 2014 requested the development of good practice recommendations on the application of the Convention to nuclear energy related activities (see decisions VI/71 and VI/3-II/32) for adoption at its next session on 13-16 June 2017 in Minsk, Belarus. The Working Group on Environmental Impact Assessment and Strategic Environmental Assessment in its sixth meeting on 7-10 November 2016 revised and agreed on the body of the text of the document and mandated editorial group established by the MOP6³ to finalize the draft

³ The editorial group consisted of one to two representatives from each of the following Parties: Austria, Belarus, Finland, France, Germany, the Netherlands, Poland, Ukraine and the European Union; as well as a representative from one non-governmental organization, namely the European Ecoforum, See decision VI/3-II/3.

compilation of good practice examples presented by Espoo Parties to the editorial group. The working group also agreed that independently of the outcome of the editorial group's work, the Bureau was invited at its meeting in Geneva on 23 and 24 February 2017 to review the text of the good practice examples in order to ensure the coherence with the recommendations and the decisions of the Meetings of Parties⁴. Belarus has provided two examples in relation to the Ostrovets NPP project as good practice and requested Lithuania's as affected Parties' opinion on the provided examples. The first example was related to the public participation and the second to the post project analysis. Lithuania informed Belarus and the editorial group that Lithuania objected the inclusion of the Ostrovets NPP case as good practice example because MOP6 on 2-5 June 2014 stated that Belarus was developing the NPP project in non-compliance with Espoo Convention. Moreover, the presented examples do not meet the general principle that practical examples could be considered as good practice only when all the Parties that participated in the transboundary EIA process consider it as good practice. In order to ensure the coherence with the recommendations and the decisions of the Meetings of Parties of the Espoo Convention Lithuania objects the inclusion of Ostrovets NPP case and asks for the Implementation Committee's support during the discussion at the Bureau meeting.

Taking this opportunity, we would like to renew full Lithuanian support to the work done by the Implementation Committee in order to analyse the steps undertaken by Belarus and Lithuania and confirms its readiness to continue the close cooperation with the bodies of the Espoo Convention.

ENCLOSURE. Non-paper on the IAEA SEED mission for the Ostrovets NPP in Belarus, 1 page.

Yours sincerely,

Vice-Minister



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⁴ Report of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment on its sixth meeting

The International Atomic Energy Agency's (IAEA) Site and External Events Design (SEED) mission for the Ostrovets nuclear power plant (NPP) in Belarus

- Since 2013 Lithuania has been requesting Belarus to accomplish the IAEA SEED mission for an impartial evaluation of the selected Ostrovets site, alternative sites and site selection criteria.
- During the Meeting of Parties of the Espoo Convention on 2-5 June, 2014, Belarus was recommended “to further develop confidence-building measures, including to invite the International Atomic Energy Agency (IAEA) for a Site and External Events Design (SEED) mission with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, to fully ensure its safety”¹.
- The 6th Review Meeting of the Convention on Nuclear Safety in 2014 also recommended Belarus to engage the IAEA SEED mission in the implementation of the Ostrovets NPP project.
- The IAEA SEED mission that was hosted in Belarus on 16-20 January 2017 was incomplete and did not assess whether the Ostrovets site was suitable for the construction of a NPP, i.e. criteria for the site selection, environmental impact assessment, whether and how seismic and other surveys were carried out.

The full scope IAEA SEED mission includes 6 modules described below	Did Belarus host the modules
Modules 1: Site selection process review - adherence to the IAEA Safety Standards - proper selection of exclusion, screening and ranking criteria - use of validated input data - proper development and implementation of the survey process	NO
Modules 2: Site environmental assessment review - adherence to the IAEA Environmental Assessments Requirements	NO
Modules 3: Integrated site evaluation review - adherence to the IAEA Safety Standards - site suitability & requirements to host a nuclear installation - comprehensive site investigation to support the design needs - site safety issues – seismic, slope stability, dispersion, etc.	NO
Modules 4 : Site hazards evaluation review - adherence to the IAEA Safety Standards - site investigation to establish the appropriate estimate of a specific hazard at the site during the lifetime of the installation - Hazards characterization and estimation methods such as: - recurrence interval, source characterization, data collection methods, time span and uncertainties, the use of deterministic and a probabilistic approach or both, etc. - Hazards estimation and the loads imposed on the installation	NO
Modules 5: Safety review of SSCs against external and internal hazards - adherence to the IAEA Safety Standards in the design of SSCs to meet the demands of the site specific hazards	Perhaps
Modules 6 : Design safety margin assessment - safety margins assessment against external hazards - adequacy of the seismic and tsunami protection design - design considerations - multiple units at the site, etc.	Perhaps

¹ Decision VI/2 of the 6th Meeting of Parties of the Espoo Convention, ECE/MP.EIA/20/Add.1, para 64.