

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Mr. Felix Zaharia, Chair
Telephone: +402 143 117 12
Fax: +402 131 923 54
E-mail: felix.zaharia@mae.ro

Ministry of Foreign Affairs
Directorate for International Law and Treaties
Alea Alexandru, 31-33, Sector 1
Bucharest, Romania

Secretariat: Ms. Elena Santer, UNECE
Telephone: +41 (0)22 917 2090
E-mail: Elena.Santer@unece.org, eia.conv@unece.org

Palais des Nations
CH-1211 Geneva 10
Switzerland

Ref. Follow-up on decision VI/2 of the Meeting of the Parties
(EIA/IC/S/4 Ostrovets nuclear power plant)

10 May 2017

Dear Ms. Malkina,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

Following your letters to the Implementation Committee of 22 February 2017 and of 2 May 2017, and the letter to the Secretariat of the Convention of 3 April 2017, I have the honour to convey the reaction of the Implementation Committee to your views and suggestions regarding the recommendations prepared by the Committee at its thirty-eighth session (Geneva, 20-22 February 2017) for the consideration by the Meeting of the Parties at its seventh session (Minsk, 13-16 June 2017) with regard to the follow up on decision VI/2 of the Meeting of the Parties concerning Belarus.

The Committee fully agrees with your assessment, that the submission by Lithuania regarding Belarus' compliance with the provisions of the Espoo Convention concerning the building of the nuclear power plant (NPP) in Ostrovets, has become one of the most complicated situations brought before it. For this reason, the Committee allocated an important part of its limited resources to assist both Lithuania and Belarus to comply fully with their obligations under the Convention. The follow-up of Decision VI/2 in respect of the Ostrovets NPP required the work of two co-curators and extensive discussions during the Committee's meetings.

Ms. Iya Malkina
First Deputy Minister of Natural Resources and Environmental Protection
Ministry of Natural Resources and Environmental Protection
Kolektornaya Str. 10
220048 Minsk
Belarus
E-mail: minproos@mail.belpak.by; icd@tut.by

Cc: nzdanevich@tut.by; mphilipyuk@tut.by

Following the co-curators' analyses, and based on the consistent contribution of both Parties, the Committee has come very close to a final conclusion. In order to reach this conclusion, the Committee currently needs answers to the five questions on technical and scientific aspects of the environmental impact assessment documentation that it has formulated (see ECE/MP.EIA/IC/2016/6, annex I, and ECE/MP.EIA/2017/8, annex I). The Committee needs these answers to be provided by external experts whose advice would be trusted by both Parties, the Committee, and the other Parties to the Convention. The Committee considers the Site and External Events Design (SEED) missions of the International Atomic Energy Agency (IAEA) to constitute a source of such external expertise. The Committee is conscious that because of the limited mandate of the IAEA's SEED missions, the mission that was carried out in Ostrovets, in January 2017 might not provide answers to all of the five questions.

As Belarus and Lithuania have seen over the last years, the Committee members have always positively considered all suggestions on how to approach the disagreement concerning compliance with the Convention in respect of the Ostrovets NPP. The report of the Committee's thirty-eighth session (Geneva, 20-22 February 2017), where the Committee had agreed to convene a virtual meeting to consider which questions had been properly answered by the SEED mission, confirms this constructive approach. Since the report of the SEED mission was not released in April, as previously anticipated, the Committee will consider, among other issues, which questions have been satisfactorily answered by the SEED mission report once the report is made available to the Committee, during an ad-hoc additional session to be held in Minsk in the morning of 12 June 2017, prior to the meeting of the Bureau under the Convention and the Protocol, and one day before the beginning of the seventh session of the Meeting of the Parties to the Convention.

The Committee may decide to invite the members of the Belarussian and Lithuanian delegations to the Meeting of the Parties to attend the ad-hoc session, but the discussions with the Committee during the session will not constitute a formal hearing on the matter, according to paragraph 9 of the Committee's structure and functions and operating rule 11.

I would like to stress that the Committee considers essential to receive answers to all of its five questions in order to be able to reach its conclusion, and thus assist both Parties, and meaningfully respond to the request of the Meeting of the Parties. While the Committee is entirely aware that the proposed mechanisms for answering its questions are innovative, it is nevertheless convinced that only such mechanisms can fulfill the requirements of professionalism and impartiality.

In order to prepare the ad-hoc session referred to above, may I kindly ask you to provide the SEED mission report for the consideration of the Committee at that ad-hoc session as soon as possible, but no later than **30 May 2017**. Please provide the report in English (and if possible in Russian) through the secretariat. The Committee would also appreciate if Belarus confirmed to the secretariat the venue and the logistical arrangements for organizing the ad-hoc session, including the availability of interpretation between English and Russian.

Finally, I would like to convey the Committee's appreciation of Belarus' invitation to visit the construction site of the Ostrovets NPP. Regretfully, most of the Committee members have already made their travel arrangements that do not allow them to take part in that visit.

Please accept, First Deputy Minister Malkina, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Felix Zaharia', with a long horizontal flourish extending to the right.

Felix Zaharia
Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context
Protocol on Strategic Environmental Assessment