



NATIONS UNIES
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ОБЪЕДИНЕННЫЕ НАЦИИ
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1 May 2009

Ms. Galina VOLCHUGA
Deputy Minister
Ministry of Natural Resources and Environmental Protection
10, Kollektornaya St.
BY-220048 MINSK
Belarus
Fax: +375-17-200 55 83

Dear Ms. Volchuga,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Belarus with provisions of the Convention in connection with access to information and public participation in decision-making on a hydro power plant project on the Neman River (Ref. ACCC/C/2009/37)

On 14 March 2009, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by Belarus with provisions of the Convention in connection with access to information and public participation in decision-making on a hydro power plant project on the Neman River. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication was submitted by a communicant who requested that certain parts of the communication, including parts that could reveal the communicant's identity, be kept confidential, as provided for under chapter VIII (paragraph 29) of the annex to decision I/7. In order to be able to proceed with the various steps in processing the communication, the Committee has prepared an abridged version of the communication that does not contain any confidential elements.

Please find enclosed a copy of the abridged version of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2009/37, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the preliminary admissibility of the communication at its twenty-third meeting (30 March - 3 April December 2009), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

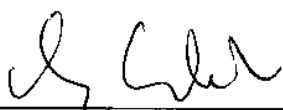
In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

1. Please explain which decision-making procedures subject to article 6 of the Convention, according to Belarus legislation, apply in case of authorizing a hydro power plant (HPP) project of a type described in paragraph 13 of annex I of the Convention.
2. Please provide details concerning the above procedures, in particular:
 - a) The detailed requirements for informing the public, as required under article 6, paragraph 2, of the Convention, about the initiation of the procedure and the possibilities for the public to participate;
 - i) The requirements concerning the form of the public notice;
 - ii) The requirements concerning the content of the public notice (as compared with the requirements specified in article 6, paragraph 2 (a), (b), (c) and (d));
 - iii) How, in case of projects having transboundary impact, the public concerned abroad is notified;
 - b) What timeframes are established in the law as required under article 6, paragraph 4, for the different phases of the public participation;
 - c) What measures are contained in your legislation to ensure that competent public authorities give the public concerned access to all information relevant to the decision-making, as required under article 6, paragraph 6;
 - d) What particular means are available for the public to submit comments under article 6, paragraph 7;
 - e) How the final decision is notified to the public.
3. Please describe in detail (providing if possible dates and details of each of the procedural steps identified above) how the applicable procedures were applied in relation to the authorizing of the HPP project on the Neman river.
4. In case the HPP project on the Neman river was subject to a transboundary procedure, please provide details concerning this procedure, and in particular in relation to providing possibilities for the public abroad to participate.

5. Please explain if your legislation provides for certain information relevant to the decision-making to be exempt from disclosure, and in particular, if the conclusions of the ecological expertise or environmental impact assessment study may be fully or in part exempt from disclosure. If so, please specify under what circumstances the legislation provides that access to such information may be refused and who is competent to decide upon such a refusal.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations having their Headquarters in Geneva

Encs. Communication ACCC/C/2009/37 (abridged version)
Preliminary determination on admissibility
Datasheet on the communication

