



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

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3 December 2009

To: Oekobuero
Council of Public Association "Ecohome",
Belarussian Party of "Greens"
(expanded list of addressees annexed)

Dear Sir/Madam,

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 8 October 2009, the Committee received an amicus memorandum from Oekobuero in support of the above referenced communication. The amicus input raised concerns with regard to inadequate national legislation on public participation in decision-making on nuclear issues, and inadequate access to information and public participation in decision-making relating to the authorization of the construction of a nuclear power plant (NPP) in Belarus. Subsequently, on 24 November 2009, the Committee received a letter by Ecohome and the Belarussian Party of Greens indicating their intent to join the amicus memorandum and enquiring about the coverage of the discussion of the communication by the Compliance Committee at its twenty-sixth meeting (15-18 December 2009).

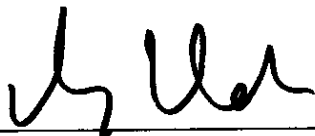
Having taken note of the issues of alleged non-compliance raised by the communication and in the information submitted with the amicus memorandum and the joinder motion, the Committee, using its electronic decision-making procedure, considered it was important to focus the discussion of the communication at issue, scheduled to take place on Thursday, 17 December 2009, on the issues raised by the original communication and the facts relating to the hydro power project (HPP). The issues raised by the amicus memorandum and the facts relating to the NPP will be discussed only to the extent that these constitute an additional illustration of the elements raised by the original communication.

The Committee acknowledges that the original communication and the amicus memorandum both challenge the procedures of the Party concerned with regard to environmental impact assessment and public participation. However, the Committee is of the view that some elements of the amicus memorandum go beyond the scope of the

original communication, in that, for instance, one of the main allegations of the amicus memorandum concerns the allegedly inadequate national legislation on public participation in decision-making on nuclear issues. In addition, the Committee observes that the transboundary character of the NPP is substantial and would require special consideration. Given these elements additional to those presented in the communication, the Committee notes that if it were to address such additional elements, the Party concerned would need to be given the due five-month period to consider them and prepare its response in relation to the NPP. For these reasons, the discussion of the communication at the Committee's forthcoming meeting will not expand to include any new facts or allegations brought about by the amicus memorandum or the joinder motion that fall outside the scope of or are not directly relevant to the original communication.

Please do not hesitate to contact me if you require any further information concerning the matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Wates', written over a horizontal line.

Jeremy Wates

Secretary

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

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