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ECONOMIC COMMISSION
FOR EUROPE

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7 April 2010

Mr. Thomas Alge
European ECO Forum Legal Focal Point
Head Environmental Law
OEKOBUERO - Coordination office of Austrian Environmental Organisations
Justice and Environment
Volksgartenstrasse 1
A-1010 Vienna
Austria

Dear Mr. Alge,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Belarus with provisions of the Convention in connection with the proposed construction of a nuclear power plant (Ref. ACCC/C/2009/44)

On 10 December 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 submitted by your organization and addressed to the Compliance Committee of the Convention. The communication concerns compliance by Belarus with several provisions of the Convention in connection with the proposed construction of a nuclear power plant. 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 has been registered under the symbol ACCC/C/2009/44, which you are invited to cite in future correspondence on the matter.

The Committee, having considered the admissibility of the communication at its twenty-sixth meeting (15-18 December 2009), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. However, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication. The communication was forwarded to the Party concerned on 18 December 2009 in accordance with paragraph 22 of the annex to decision I/7. You were copied on the correspondence, which enclosed copies of the preliminary determination on admissibility and the datasheet.


In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your responses to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegation of non-compliance.

In a letter to the Party concerned, a copy of which is attached for your information, the Committee has invited

the Government to address other questions. You are welcome to respond to those questions, if you so wish. Please note that since the Committee has now decided to ask the Party concerned to address additional questions, it has agreed that the Party concerned may now, if it so chooses, provide its response to the allegations contained in the communication and to the additional questions past the initial deadline of 18 May 2010 (that is five months after the date the communication was forwarded to the Party concerned on 18 December 2009), but no later than **31 July 2010**. This extension of the deadline takes account of the fact that for practical reasons the Committee will in any case not be able to enter substantive discussions on the communication until its twenty-ninth meeting (21-24 September 2010). You are kindly requested to submit your response to the questions of the annex to this letter by the same date.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

CC.

Ms. Galina Volchuga, Deputy Minister, Ministry of Natural Resources and Environmental Protection
Mr. Ivan Narkevitch, Head of the Department of International Conventions and Agreements, RUE "Bel SRC Ecology", Belarus
Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations having their Headquarters in Geneva
Mr. Andriy Andrushevych, European ECO Forum Legal Focal Point for EECCA countries, Ukraine

Encs. Letter to the Party concerned dated 7 April 2010

Annex – Questions posed by the Committee to the communicant

1. Are there any legal remedies (as required by article 9, paragraph 1, of the Aarhus Convention) available under Belarusian legislation to any person that considers that his or her request for information has been “ignored, wrongfully refused, [...], inadequately answered, or otherwise not dealt with” in accordance with the provisions of article 4 of the Convention?
2. If the answer is yes, have you benefited from such review procedures in relation to the allegations made in paragraphs 48-52 of the communication? If you have not made use of any available remedies, please explain why not.