

**RESOLUTION OF THE CABINET OF MINISTERS OF THE REPUBLIC OF BELARUS
19 May 2010 No. 755**

**ON SEVERAL MEASURES TO IMPLEMENT THE ACT OF THE REPUBLIC OF BELARUS OF 9
NOVEMBER 2009 ON STATE ENVIRONMENTAL REVIEW [EXPERTIZA]**

(as amended by Resolutions of the Cabinet of Ministers No. 689 of 01.06.2011
and No. 1370 of 13.10.2011)

Pursuant to indents three and four of Article 8 of the Act of the Republic of Belarus of 9 November 2009 on State Environmental Review [Expertiza] and indent seven of Article 5 of the Act of the Republic of Belarus of 30 July 2008 on the Use of Nuclear Energy, the Cabinet of Ministers of the Republic of Belarus RESOLVES:

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)¹

1. To approve the appended:
Regulations on the Conduct of State Environmental Review;
Regulations on the Conduct of Environmental Impact Assessment.

2. To insert amendments into the following resolutions of the Cabinet of Ministers of the Republic of Belarus:

2.1. in the List of Administrative Procedures Performed by the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies with regard to Legal Entities and Sole Traders, approved by Resolution No. 1379 of the Cabinet of Ministers of the Republic of Belarus of 22 October 2007 (National Register of Legislation of the Republic of Belarus, 2007, No. 261, 5/26021; 2009, No. 118, 5/29744):

- to replace the words 'two months' with the words 'one month' in Sections 22-25;
- to amend Section 33 as follow :

33. Issue of findings [conclusion] of state environmental review [expertiza]	Ministry of Environment and its <i>oblast</i> (Minsk City) committees	For construction feasibility studies and architectural and construction plans for installations indicated in the first paragraph of Article 13 of the Act of the Republic of Belarus of 9 November 2009 on State Environmental Review [Expertiza] (National Register of Legislation of the Republic of Belarus, 2009, No. 276, 2/1606 (with the exception of on-going and major repairs to such installations):	1 month; for project documentation on proposed economic and other documentation that may have a transboundary impact - 2	limited by the project lead time increased by one year, unless otherwise specified by legislation	free of charge
		application			
		general explanatory note (in hard copy and (or) on electronic media)			
		graphic materials:			
		master plan			
		situational topographic map of the location of the installation, depicting the situation within a radius of no less than			

2 km (if sources of emissions of a height (N) of over 40 metres are present - within a radius of no less than 50 N), which shows land to be withdrawn, the boundaries of industrial and residential development, the safety zone, strips adjacent to water bodies and water protection zones, specially protected natural and recreational landscape areas, and habitats of species of wild animals and plants included in the Red Book of the Republic of Belarus

combined utility plan

schematic map of sources of emissions

tree inventory plan

site improvement plan

landscape gardening plan

cut and fill grid

pavement plan

site grading plan and other materials

appendices (in hard copy):

design brief, approved in the manner established by legislation

site selection certificate and a technical survey certificate for a plot of land that is no longer to be officially designated as forest, approved in the manner established by legislation

a copy for findings on the project documentation from state environmental health [sanitary] bodies and institutions in the cases specified by legislation

a copy of the technical and environmental design conditions

the 'Environmental Protection' section of

the project
documentation,
including all of the
necessary calculations
and data (in hard copy
and on electronic
media)

the hydro-ecological
siting study for
installations
presenting an
environmental danger
or planned in water
protection zones (in
hard copy and on
electronic media)

environmental impact
assessment ['OVOS']
report for the
proposed economic or
other activity,
including for
installations for
which this condition
is included in the
environmental design
conditions, with the
outcomes of the
discussion of the
environmental impact
assessment report with
the public whose
rights and lawful
interests may be
affected by the
project (hereinafter
'public discussion
materials') and
materials evidencing
the agreement of the
environmental impact
assessment report with
affected parties (for
a proposed economic or
other activity that
may have a
transboundary impact)
(in hard copy and (or)
on electronic media)

the technical
component of the
project (in hard copy
and (or) on electronic
media)

the environmental
passport of the
project

For general, special
and detailed urban
development plans and
architectural plans
for the development of
a territory:

1 month

for the period
for which the
documentation
is valid,
established by
law

application

urban development plan
(in hard copy and on
electronic media)

materials required for
the plan to be
approved

materials required to

justify the plan

set of graphic
materials

appendices:

design brief, approved
in the manner
established by
legislation

copy of the
environmental design
conditions

copy of documentation
evidencing agreement
of project
documentation with
territorial
architectural and
urban development
bodies

copy of findings on
the plan documentation
from state
environmental health
bodies and
institutions in the
cases specified by
legislation

public discussion
materials

for plans for
territorial integrated
schemes for the
efficient use of
natural resources and
environmental
protection:

application

explanatory note (in
hard copy and on
electronic media)

cartographic materials
(in hard copy and on
electronic media)

for plans for water
conservation zones and
strips adjacent to
water bodies:

application

explanatory note with
the obligatory
appendices (in hard
copy and on electronic
media)

cartographic planning
materials (in hard
copy and on electronic
media)

for forestry
management schemes:

application

forestry organisation
and management project

plan (explanatory
note)(in hard copy)

list of planned
forestry management
activities (in hard
copy)

schematic map of
plantations, coloured
to show dominant
species (in hard copy)

schematic map of
specially protected
natural areas (in hard
copy)

information on changes
in the numbering of
forest blocks
[kvaritals] and the
surface area of
existing specially
protected natural
areas with the
rationale for these
changes (in hard copy)

for drafts of
conceptual frameworks,
forecasts, programmes
and schemes for the
development of sectors
of industry that are
related to the
efficient use of
natural resources and
(or) that may have an
environmental impact:

application

drafts of conceptual
frameworks, forecasts,
programmes and schemes
for the development of
sectors of industry,
the implementation of
which is related to
the efficient use of
natural resources and
(or) may have an
environmental impact
(in hard copy and on
electronic media)

environmental
assessment report (if
this exists)

for draft technical
legislation setting
out requirements for
environmental
protection and (or)
the efficient use of
natural resources in
relation to products,
and their development,
production, operation
(use), storage,
transportation,
marketing and disposal
or provision of
services:

application

draft technical

legislation setting
out requirements for
environmental
protection and (or)
the efficient use of
natural resources in
relation to products,
and their development,
production, operation
(use), storage,
transportation,
marketing and disposal
or provision of
services (in hard copy
or on electronic
media)

2.2. to delete the words from the first paragraph of Section 14 of the Regulations on the Conduct of State Environmental Review of Urban Development, Architectural and Construction Plans and Construction Feasibility Studies, approved by Resolution No. 1476 of the Cabinet of Ministers of the Republic of Belarus of 8 October 2008 on the Approval of the Regulations on the Conduct of State Environmental Review of Urban Development, Architectural and Construction Plans and Construction Feasibility Studies and the Regulations on the Agreement and Approval of Project Documentation and the Approval of Urban Development Plans (National Register of Legislation of the Republic of Belarus, 2008, No. 248, 5/28493) 'of an industrial nature (fuel and energy installations as well as individual installations or major industries and installations, the failure of which could lead to serious economic, social and environmental consequences (nuclear, hydro and thermal power stations, chemical and petrochemical plants, natural resource processing plants, toxic and radioactive waste landfill sites, long-distance gas and oil pipelines, storage facilities for gas, oil and petroleum derivatives with a capacity of 10,000 cubic metres or over, major stock farms and poultry factories and major land reclamation sites)';

2.3. to amend the first and second paragraphs of Section 6.4 of the Regulations on the Establishment, Financing and Monitoring of the Implementation of State Regional and Sectoral Programmes, approved by Resolution No. 404 of the Cabinet of Ministers of 31 March 2009, on the Approval of the Regulations on the Establishment, Financing and Monitoring of State Regional and Sectoral Programmes and Recognition of the Loss of Force of Individual Resolutions of the Cabinet of Ministers of the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2009, No. 93, 5/29550 as follows:

'6.4. Findings ['conclusions'] on the programme plan.

The developer-coordinator shall submit the programme plan for findings to be received from the Ministry of the Economy, the Ministry of Finance and the State Science and Technology Committee (its scientific basis or scientific research and experimental design works) as well as to the Ministry of Natural Resources and Environmental Protection for a state environmental review to be undertaken if the implementation of the programme plan is connected with the use of natural resources and (or) may have an environmental impact.'

3. This resolution shall come into force from 21 May 2010.

Prime Minister of the Republic of Belarus, S. Sidorski

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
No. 755 of 19.05.2010

REGULATIONS ON THE CONDUCT OF STATE ENVIRONMENTAL REVIEW

(as amended by Resolutions of the Cabinet of Ministers No. 689 of 01.06.2011
and No. 1370 of 13.10.2011)

CHAPTER 1 GENERAL PROVISIONS

1. These Regulations forth the procedure for the conduct of state environmental review on installations subject to state environmental review.

2. These Regulations use the basic terms and their definitions within the meanings set out by the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049) and the Act of the Republic of Belarus of 9 November 2009 on State Environmental Review (National Register of Legislation of the Republic of Belarus, 2009, No. 276, 2/1606).

CHAPTER 2 PROCEDURE FOR THE ORGANISATION AND CONDUCT OF STATE ENVIRONMENTAL REVIEW OF PROJECT OR OTHER DOCUMENTATION

3. State environmental review shall be performed on the basis of an application from a developer² or design organisation by authorised officials of the Ministry of Natural Resources and Environmental Protection (hereinafter 'the Ministry of the Environment') and its *oblast* (Minsk City) committees for natural resources and environmental protection (hereinafter '*oblast* (Minsk City) committees').

4. The object of state environmental review shall be project or other documentation on a proposed economic or other activity (hereinafter 'project or other documentation').

4.1. Project documentation comprises:

comprehensive, special and detailed urban development plans and architectural plans for the development of territories (hereinafter 'urban development plans');

construction feasibility studies and architectural and construction plans for installations listed in the first paragraph of Article 13 of the Act of the Republic of Belarus on State Environmental Review (with the exception of on-going and major repairs to these installations);

plans for local integrated schemes for the efficient use of natural resources and environmental protection;

plans for water conservation zones and land strips adjacent to water bodies.

4.2. Other documentation comprises:

draft conceptual frameworks, forecasts, programmes and schemes for the development of sectors of industry, the implementation of which is related to the efficient use of natural resources and (or) may have an environmental impact;

game management plans, fish farming biological feasibility studies, biological feasibility studies for the stocking of fishing grounds, and biological feasibility studies for the procurement and (or) the purchase of wild animals other than for hunting and fishing sites, as well as amendments and additions to these plans and studies;

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

forestry management plans, as well as amendments and additions to these plans;

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

drafts of technical legislation setting out requirements for environmental protection and (or) the efficient use of natural resources in relation to products, and their development, production, operation (use), storage, transportation, marketing and disposal or to the provision of services.

5. Other documentation on the entities indicated in the second and fifth indents of Section 4.2 of these Regulations shall be submitted for state environmental review by the developer.

Project or other documentation, with the exception of the documentation indicated in the first paragraph of this Section, shall be presented for state environmental review by the design organisation.

Project or other documentation shall be submitted for state environmental review to the Ministry of the Environment or its *oblast* (Minsk City) committees by courier or post together with an application for its performance.

6. When an application for state environmental review with project or other documentation appended arrives, it shall be registered and within five working days, the composition of the documentation submitted shall be ascertained; the latter must comply with the requirements of legislation on state environmental review and these Regulations.

If an authorised official of the Ministry of the Environment or one of its *oblast* (Minsk City) committees (hereinafter 'authorised official') establishes that the project or other documentation submitted for state environmental review is incomplete, state environmental review shall not take place and the document, within five working days of its registration, accompanied by a written notification, shall be sent to the design organisation or developer that submitted it for its execution in the established manner.

7. The timeframe for the conduct of state environmental review of project or other documentation shall be established pursuant to Article 14 of the Act of the Republic of Belarus on State Environmental Review from the date of registration by the Ministry of the Environment or one of its *oblast* (Minsk City) committees of an application for state environmental review with project or other documentation attached, the composition of which complies with Section 33 of the List of Administrative Procedures Performed by the Ministry of Natural Resources and Environmental Protection and its Territorial Bodies with regard to Legal Entities and Sole Traders, approved by Resolution No. 1379 of the Cabinet of Ministers of the Republic of Belarus of 22 October 2007 (National Register of Legislation of the Republic of Belarus, 2007, No. 261, 5/26021; 2009, No. 118, 5/29744) (hereinafter 'the list').

8. State environmental review of project or other documentation shall be conducted by authorised officials of the Ministry of the Environment or one of its *oblast* (Minsk City) committees in accordance with the scope of their authority, specified in Article 11 of the Act of the Republic of Belarus on State Environmental Review.

If an entity is to be sited on the territory of two or more *oblasts*, the project or other documentation shall be submitted for state environmental review to the *oblast* committee on whose territory the greater part of the entity is to be sited. The said *oblast* committee has the right to request from the *oblast* committees of adjacent *oblasts* whose territory is concerned by the project or other documentation information on their territory that is required for a state environmental review.

Game management plans, fish farming biological feasibility studies, biological feasibility studies for the stocking of fishing grounds, and biological feasibility studies for the procurement and (or) the purchase of wild animals other than for hunting and fishing sites and forestry management plans, as well as amendments and additions to these plans and feasibility studies (with the exception of plans and feasibility studies, state environmental review of which falls within the scope of authority of the Ministry of the Environment), including tracts or plots of forestry, located on the territory of two or more *oblasts*, shall be presented for state environmental review to the *oblast* committee of the *oblast* on whose territory the administration of the legal person engaged in forestry is located. The said *oblast* committee has the right to request from the *oblast* committees of adjacent *oblasts* whose territory is concerned by the forestry management plan information on their territory that is required for a state environmental review.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

For special and detailed urban development plans and architectural plans for the development of a territory that have been drawn up for areas within the boundaries of the prospective development of settlements and that have been approved by the corresponding comprehensive urban development plans, state environmental review shall be conducted in accordance with the powers set out in the fourth indent of the second paragraph and the fourth indent of the third paragraph of Article 11 of the Act of the Republic of Belarus on State Environmental Review.

(fourth paragraph of Section 8 inserted by Cabinet of Ministers Resolution No. 689 of 01.06.2011)

9. In the cases specified by Article 11 of the Act of the Republic of Belarus on State Environmental Review, the Ministry of the Environment and *oblast* (Minsk City) committees may set up panels of experts to conduct state environmental review (hereinafter 'panels of experts'), engaging on a contractual basis specialists from state and other organisations of the Republic of Belarus, international organisations and foreign states who possess specialist knowledge in specific areas of science, technology and other areas of activity as external specialists (hereinafter 'external specialists').

The procedure for forming panels of experts and their functioning shall be determined by the Ministry of the Environment.

10. State environmental review of project or other documentation shall assess:

10.1. the conformity of the proposed economic or other activity with duly approved programmes, plans and integrated schemes for the protection and efficient use of natural resources, schemes for the effective siting of specially conserved natural areas, sectoral development schemes, heat and water supply schemes, sewerage schemes, and general urban development plans and other documents if relevant;

10.2. the rationale for and environmental safety of the given type of activity as well as of the chosen methods of implementation and the proposed technical, engineering and architectural decisions, taking into consideration the efficient use of material, raw material, land and energy resources;

10.3. the complete identification of impacts on all aspects of the environment and the extent of the environmental hazard presented by these, and of the scale of the complex potential impact of the economic or other activity on the environment;

10.4. the adequacy of measures envisaged by the project or other documentation to meet the requirements of environmental legislation as well as of the measures to predict and manage possible emergencies;

10.5. the agreement of the Ministry of the Environment or *oblast* (Minsk City) committees in accordance with their authority for entities located within specially conserved natural areas, in compliance with environmental legislation;

10.6. the presence in project documentation of measures to ensure environmental safety during performance of the proposed economic or other activity and its impact on the ecosystems of the given region;

10.7. the level of environmental hazard presented by product waste generated and the presence in the project documentation of decontamination measures for this waste;

10.8. consideration of public opinion on the proposed design decisions, including for urban development plans and projects involving the reconstruction (densification) of housing, dangerous production installations and others on which public discussions and consultations must be held by law;

10.9. the compliance of the safety zone with established requirements, and in the event of a reduction in its size - the rationale (calculations) for reducing the size of the safety zone and the agreement (findings) of environmental health bodies in compliance with legislation;

10.10. the presence in project documentation on the reconstruction and (or) decommissioning of installations for the storage or sale of petroleum derivatives (including all types of petrol filling stations) of the results of an assessment of the extent of soil, surface and ground water by petroleum derivatives as well as measures to tackle existing pollution;

10.11. the compliance of drafting decisions with urban planning requirements for the given territory (degree of development, extent of green spaces, including the presence of district and town/city parks, housing density, provision by installations of places to park and store cars);

10.12. the rationale for including individual installations (garages for storing machinery and boiler, storage, administrative, residential and other premises) as well as the rationale for the size of auxiliary buildings and facilities included within the project for installations designed to protect the environment which may be funded from the environmental protection fund (solid domestic and (or) industrial waste landfills, municipal water treatment plants, water intake facilities, iron removal plants and others);

10.13. the compliance of the installation with the specified use of the land and its inclusion on the list of installations permitted within the proposed zone in compliance with legislation, including technical legislation in the field of construction, architecture and urban planning, and for the city of Minsk: compliance with the requirements of the master plan;

10.14. the presence of installations for the temporary storage of industrial and domestic waste, including large-scale;

10.15. the presence of rainwater drainage systems with purification facilities for production installations;

10.16. use for technical purposes of water from surface water bodies, rain and melt water;

10.17. the inclusion of measures for the conservation and efficient use of water (use of water recycling systems);

10.18. the presence of systems and effective purification facilities for domestic and industrial sewerage;

10.19. the absence of wastewater disposal using the relief of the terrain;

10.20. the presence in project documentation of measures to prevent adverse impact on animals and (or) their habitat (construction of structures allowing wild animals to cross roads, dams and other obstacles to their migration, animal nurseries and other installations for rearing wild animals, etc.)

10.21. the presence of measures to protect the air;

10.22. the presence of measures recommended by a hydro-ecological siting study for the installation;

10.23. the presence of measures to treat waste with the potential to be used as a resource;

10.24. the presence of measures to prevent adverse impact on plant life and (or) their habitat and to conserve them as well as compensatory plantings or reimbursement of the value of plants that have been removed and replanted.

(Section 10.24 inserted by Cabinet of Ministers Resolution No. 1370 of 01.06.2011)

11. Based on the results of the state environmental review, the authorised official shall produce draft findings [conclusion] of the state environmental review, taking into consideration:

11.1. the findings of public environmental review (where these exist);

11.2. outcomes of discussions of the environmental impact assessment [OVOS] report with the public whose rights and legitimate interests may be affected by the implementation of design decisions (records/minutes, observations and proposals of concerned parties, publications in the media etc.) (hereinafter 'public discussion materials') for entities for which their conduct is required by legislation;

11.3. documents evidencing the agreement of the environmental impact assessment report with affected parties (for proposed economic or other activities on the territory of the Republic of Belarus that may have a transboundary impact) (hereinafter 'materials from public discussions and consultations on the territory of affected parties') for entities for which their conduct is required by legislation;

11.4. written proposals produced by external specialists based on an examination of part or all of the project or other documentation (if a panel of experts has been constituted).

12. The dissenting opinion of the authorised official on the entity subject to state environmental review (if relevant) shall be appended in writing to the draft findings of state environmental review and shall be examined when the decision on approval of the findings of state environmental review is taken.

13. The findings of state environmental review on the project or other documentation shall be signed by authorised officials (with the exception of an authorised official who holds a dissenting opinion) who have carried out the review and shall be approved by the Minister (deputy Minister) of Natural Resources and Environmental Protection of the Republic of Belarus or the chair (deputy chair) of the *oblast* (Minsk City) committee in accordance with the scope of their authority.

For entities subject to state environmental review that present the greatest environmental danger, the findings of state environmental review may be approved by a resolution of the Board of the Ministry of the Environment or of *oblast* (Minsk City) committees in accordance with the scope of their authority.

14. The basic information that must be contained in findings of state environmental review is listed in the second paragraph of Article 15 of the Act of the Republic of Belarus on State Environmental Review.

15. The environmental passport must be appended to the findings of state environmental review for entities subject to state environmental review for which environmental legislation stipulates that it must be drawn up.

The environmental passport of a project shall include basic data on the planned use of natural and secondary material resources, information on the environmental impact of the economic or other activity, compliance of the level of production with the best available technology for proposed industrial installations and environmental protection measures designed to minimise adverse environmental impact.

The form of the environmental passport for construction feasibility studies and architectural and construction plans for installations listed in the first part of Article 13 of the Act of the Republic of Belarus on State Environmental Review (with the exception of on-going and major repairs to these installations) shall be approved by the Ministry of the Environment.

16. Positive or negative findings on project or other documentation issued by the Ministry of the Environment shall be sent to the developer or design organisation that submitted them for examination, and a copy to the corresponding *oblast* (Minsk city) committee and district, town, or district and town inspectorate for natural resources and environmental protection.

Positive findings on project or other documentation issued by *oblast* (Minsk City) committees shall be sent to the developer or design organisation that submitted them for examination, and a copy to the corresponding district, town or district and town inspectorate for natural resources and environmental protection.

Negative findings on project or other documentation issued by *oblast* (Minsk City) committees shall be sent to the developer or design organisation that submitted them for examination, and a copy mandatorily to the Ministry of the Environment as well as to the district, town or district and town inspectorate for natural resources and environmental protection.

At the same time as sending the findings on the project or other documentation indicated in the first to third paragraphs of this Section, project or other documentation submitted by the developer or design organisation in hard copy shall be returned to them, with the exception of the documentation for the 'Environmental Protection' section, the environmental impact assessment [OVOS] report for the proposed economic or other activity and the number of copies required under Section 26 of these Regulations of the project environmental passport for installations for which environmental legislation stipulates that this passport must be drawn up. These findings must be dispatched within three working days of their approval.

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)

17. In order to record findings of state environmental review that have been issued, the Ministry of the Environment and *oblast* (Minsk City) committees shall maintain registers. The form of the register of findings of state environmental review issued shall be approved by the Ministry of the Environment.

18. If at the architectural plan stage positive findings have been issued on the project documentation without specification of particular conditions for the implementation of design decisions, state environmental review at the construction plan stage need not be conducted on the condition that changes relating to the efficient use of natural resources and environmental protection have not been made to design decisions.

If the event of concurrent design and construction of installations, project documentation for stages of works shall not be submitted to state environmental review.

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)

ConsultantPlus: note

On the issue of liability for implementation of the design decisions for a proposed economic or other activity subject to state environmental review without positive findings of state environmental review or failure to comply with the requirements specified by findings of state environmental review, see Section 15.3 of the Code of Administrative Infringements of the Republic of Belarus.

19. Officials shall incur liability for violation of legislation on state environmental review in accordance with legislation.

20. The period of validity of findings of state environmental review shall be established in accordance with Article 16 of the Act of the Republic of Belarus on State Environmental Review.

For entities subject to state environmental review, implementation of which has began before the expiry of the findings, a repeat submission of the project or other documentation to state environmental review is not required before implementation of the design decisions for the proposed economic or other activity is complete on the condition that implementation does not exceed the timeframe specified by the project documentation.

21. Findings of state environmental review cease to be valid in the circumstances and according to the procedure laid out by Article 17 of the Act of Republic of Belarus on State Environmental Review.

CHAPTER 3 REQUIREMENTS FOR THE COMPOSITION OF PROJECT AND OTHER DOCUMENTATION AND THE PROCEDURE FOR ITS SUBMISSION TO STATE ENVIRONMENTAL REVIEW

22. Project and other documentation shall be submitted to state environmental review in hard copy and (if technically feasible) on electronic media.

23. The composition of project documentation for construction feasibility studies and architectural and construction plans for installations listed in the first paragraph of Article 13 of the Act of the Republic of Belarus on State Environmental Review (with the exception of on-going and major repairs to such installations) submitted to state environmental review shall be specified by the list.

24. Project documentation with technical design conditions that have expired shall not be accepted for state environmental review.

(Section 24 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

25. The environmental impact assessment report for the proposed economic or other activity shall be drafted in compliance with the Regulations on the Conduct of Environmental Impact Assessment [OVOS] approved by this Resolution and other legislation.

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

The materials from public discussions conducted in the Republic and the materials from public discussions and consultations on the territories of affected parties (in the case of transboundary impact) for installations for which legislation requires their conduct must be appended to the environmental impact assessment report on a proposed economic or other activity.

26. For entities subject to state environmental review for which environmental legislation specifies that an environmental passport must be drawn up, three copies must be submitted in hard copy to the Ministry of the Environment and two copies in hard copy to *oblast* (Minsk City) committees for state environmental review. All copies of the environmental passport for the project shall be kept by the Ministry of the Environment or the *oblast* (Minsk City) committees that conducted state environmental review.

27. The composition of urban development plans submitted to state environmental review shall be specified by the list.

Two hard copies of the set of graphic materials shall be submitted for state environmental review to the Ministry of the Environment or *oblast* (Minsk City) committees. Urban development plans (presented for state environmental review in compliance with the composition specified by the list) shall be kept by the Ministry of the Environment or the *oblast* (Minsk City) committees that conducted state environmental review.

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

28. The composition of project documentation for plans for territorial integrated schemes for the efficient use of natural resources and environmental protection submitted to state environmental review shall be specified by the list.

After state environmental review, project documentation in hard copy shall be returned to the design organisations that submitted it, with the exception of cartographic materials, three copies of which shall be submitted to the Ministry of the Environment and two copies to *oblast* (Minsk City) committees.

29. The composition of project documentation for plans for water conservation zones and land strips adjacent to water bodies submitted for state environmental review shall be specified by the list.

After state environmental review, project documentation for plans for water conservation zones and land strips adjacent to water bodies in hard copy shall be returned to the design organisations that submitted it, with the exception of planning cartographic materials, three copies of which shall be submitted to the Ministry of the Environment and two copies to *oblast* (Minsk City) committees.

30. Other documentation indicated in Section 4.2 of these Regulations shall be submitted to state environmental review in hard copy and on electronic media.

31. The composition of drafts of conceptual frameworks, forecasts, programmes and schemes for the development of sectors of industry that are related to the efficient use of natural resources and (or) that may have an environmental impact submitted to state environmental review shall be specified by the list, and shall be kept by the Ministry of the Environment or *oblast* (Minsk City) committees which carried out state environmental review.

32. The composition of game management plans, fish farming biological feasibility studies, biological feasibility studies for the stocking of fishing grounds, and biological feasibility studies for the procurement and (or) the purchase of wild animals other than for hunting and fishing sites, as well as amendments and additions to these plans and feasibility studies, submitted to state environmental review shall be specified by the list.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

After the conduct of state environmental review, game management plans, fish farming biological feasibility studies, biological feasibility studies for the stocking of fishing grounds, and biological feasibility studies for the procurement and (or) the purchase of wild animals other than for hunting and fishing sites, as well as amendments and additions to these plans and feasibility studies, shall be kept at the Ministry of the Environment or *oblast* (Minsk City) committees which carried out state environmental review.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

33. Forestry management plans, as well as amendments and additions to these plans, must comply with legislation on the use, conservation and protection of woodlands and shall be submitted to state environmental review in hard copy, in accordance with the composition specified by the list.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

After state environmental review, forestry management plans, as well as amendments and additions to these plans, shall be returned to the design organisations that submitted them, with the exception of schematic maps of specially preserved natural areas.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

During state environmental review of forestry management plans, as well as of amendments and additions to these plans, the rationale for changes in the estimated felling rate, the allocation of woods into wood protection groups and categories and the identification of new specially protected plots of forestry as well as compliance with rules for the conservation and use of specially protected natural areas shall be examined.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

34. The composition of drafts of technical legislation setting out requirements for environmental protection and (or) the efficient use of natural resources in relation to products, and their development, production, operation (use), storage, transportation, marketing and disposal or to the provision of services submitted to state environmental review shall be specified by the list. After state environmental review, these drafts shall be kept by the Ministry of the Environment.

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
No. 755 of 19.05.2010

**REGULATIONS
ON THE CONDUCT OF ENVIRONMENTAL IMPACT ASSESSMENT**

(as amended by Resolutions of the Cabinet of Ministers No. 689 of 01.06.2011
and No. 1370 of 13.10.2011)

CHAPTER 1 GENERAL PROVISIONS

1. These Regulations set out the procedure for the conduct of environmental impact assessment [OVOS] (hereinafter 'impact assessment'), including consideration of any possible transboundary impact, of a proposed economic or other activity, including activities in the field of use of nuclear energy (hereinafter 'proposed activity').

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)

2. These Regulations use the basic terms and their definitions within the meanings set out by the Act of the Republic of Belarus of 9 November 2009 on State Environmental Review (National Register of Legislation of the Republic of Belarus, 2009, No. 276, 2/1606), the Convention on Environmental Impact Assessment in a Transboundary Context signed in Espoo on 25 February 1991, and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters signed in Aarhus on 25 June 1998.

3. The aims of impact assessment are:

3.1. to comprehensively examine all environmental and related socio-economic and other effects of a proposed activity before a decision is taken on its implementation;

3.2. to identify optimal design decisions to prevent or minimise the possible significant adverse impact of a proposed activity on the environment;

3.3. to adopt effective measures to minimise the possible significant adverse effect of a proposed activity on the environment and human health;

3.4. to assess the admissibility (non-admissibility) of a proposed activity on the site selected.

4. The main principles of impact assessment are:

4.1. prevention, i.e. the conduct of impact assessment before a decision is taken to implement a proposed activity and use of the outcomes of this assessment to develop design solutions that ensure environmental safety;

4.2. presumption of the potential environmental danger of a proposed activity;

4.3. consideration of alternatives, i.e. analysis of alternatives for the location and (or) the implementation of the proposed activity, including its non-implementation (the no-action alternative);

4.4. comprehensiveness, i.e. estimation of the total environmental impact of an on-going or proposed activity;

4.5. timely and effective provision of information to the public, transparency, and consideration of public opinion on the environmental impact of a proposed activity;

(Section 4.5 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

4.6. objectivity and scientific soundness, i.e. the unbiased and professional preparation of an environmental impact assessment report;

4.7. accuracy and completeness of information, i.e. inclusion in the impact assessment procedure of information that is as complete as possible, allowing environmentally sound decisions to be taken.

5. The outcomes of impact assessment are:

5.1. main findings on the nature and magnitude of the environmental impact of various options for the location and (or) the implementation of the proposed activity;

5.2. a description of the environmental and related socio-economic and other effects of a proposed activity and an assessment of their significance;

5.3. a description of measures to prevent, minimise or compensate for the possible significant adverse impact of a proposed activity on the environment and to improve socio-economic conditions;

5.4. rationale for the selection of a preferred location for the installation and of the best available technical and other solutions for the proposed activity, and for its non-implementation (the no-action alternative).

6. During the conduct of impact assessment, design organisations shall use complete, reliable and up-to-date baseline information, verified and accredited means and methods of measurement, and properly approved methodologies and calculations for the assessment of the possible negative effects of the proposed activity on the environment and human health.

CHAPTER 2 IMPACT ASSESSMENT PROCEDURE

7. Impact assessment shall be carried out during the elaboration of project documentation in the first stage of design for the installations and in the cases listed in the first and second paragraphs of Article 13 of the Act of the Republic of Belarus on State Environmental Review and shall include the following stages:

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

7.1. elaboration and approval of a programme for the conduct of environmental impact assessment (hereinafter 'the EIA programme');

7.2. conduct of international procedures in the event of a possible significant adverse transboundary impact of the proposed activity;

7.3. elaboration of a report on environmental impact assessment (hereinafter 'the EIA report');

7.4. conduct of discussions on the EIA report with the public whose rights and legitimate interests may be affected by the implementation of the project on the territory of the Republic of Belarus (hereinafter 'public discussions') and in the event of a possible significant adverse transboundary impact of the proposed activity, on the territory of affected parties ('hereinafter public discussions on the territory of affected parties');

7.5. conduct of consultations in the event of a possible significant adverse transboundary impact of the proposed activity with affected parties on observations and proposals received from them relating to the EIA report;

7.6. final amendment of the EIA report, *inter alia* based on observations and proposals from the public and affected parties, in the event of identification of environmental impacts not considered in the EIA report or in connection with amendments made to the project documentation, if these amendments are related to an environmental impact;

(Section 7.6 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

7.7. submission of finally amended project documentation for the proposed activity, including the EIA report, for state environmental review (expertiza);

7.8. conduct of state environmental review of project documentation, including the EIA report, for the proposed activity;

7.9. approval of project documentation for the proposed activity, including the EIA report, according to the procedure established by law;

7.10. in the event of a possible significant adverse transboundary impact of the proposed activity, the submission of the approved EIA report and the decision on the proposed activity to the Ministry of Natural Resources and Environmental Protection (hereinafter 'the Ministry of the Environment') in order for affected parties to be informed.

7-1. Impact assessment shall be conducted for an installation in its entirety. Impact assessment shall not be permitted on stages of works, phases of construction, or start-up and commissioning facilities that are separately identified in the project documentation for the installation.

(Section 7-1 inserted by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

8. The EIA programme shall be produced by the design organisation pursuant to the contract with the developer.

The EIA programme shall define the structure of the EIA report and the schedule, scope and level of detail of impact assessment, based on the specifics of the proposed activity and the complexity of natural, social and anthropogenic conditions. The level of detail and scope of impact assessment shall be sufficient so as to allow a preliminary determination and assessment of possible environmental and related socio-economic and other effects of the proposed activity.

When drawing up the EIA programme, the design organisation shall, taking into consideration the criteria set out in Appendix I and Appendix III of the Convention on Environmental Impact Assessment in a Transboundary Context, decide if the proposed activity may have a transboundary impact.

9. The EIA programme shall include:

9.1. a schedule for impact assessment;

9.2. information on the proposed activity and alternatives for its implementation;

9.3. a schematic map of alternative locations for the proposed activity;

9.4. information on the proposed predictive and assessment methods and methodologies used to assess impact;

9.5. sections:

'The existing state of the environment and socio-economic and other conditions';

'Preliminary assessment of the possible impact of alternatives for the location and (or) implementation of the proposed activity on environmental media and socio-economic and other conditions' (outlining types of impact and their magnitude);

'Proposed measures to prevent, minimise or compensate for an adverse environmental impact and to improve socio-economic conditions' (including information on the possibility of natural remediation and restoration of renewable natural resources);

'Likely emergencies and beyond design basis events. Proposed measures for prevention, response and post-crisis recovery';

'Recommendations for a local environmental monitoring programme and on the need for a post-project analysis';

'Assessment of possible transboundary impact' (in the form of separate sections for each affected party if the proposed activity may have a transboundary impact; the information stipulated in the second to fourth indent of this subsection shall be provided for each affected party).

10. If information is missing from the sections stipulated in Section 9.5 of these Regulations, the corresponding section shall indicate that it will be provided in the EIA report. In the event of the expected absence of a significant adverse transboundary impact, this fact shall be indicated in the corresponding section.

11. In the event of a possible significant transboundary impact of the proposed activity:

11.1. the design organisation pursuant to the contract with the developer shall prepare:

notice of the proposed activity using the form specified in the schedule;

a request for information about an affected party that is necessary for the EIA report, either concurrently with notice of the proposed activity or after receipt of a written reply from an affected party confirming its participation in impact assessment in a transboundary context;

11.2. the developer, or the design organisation pursuant to the contract with the developer, shall ensure the translation into English and (or) another language by agreement with concerned parties of the EIA programme and the documentation indicated in Section 11.1;

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

11.3. the developer shall ensure the submission to the Ministry of the Environment of the EIA programme, the notice of the proposed activity and the request for information about an affected party that is necessary for the EIA report in Russian, English or another language by agreement with concerned parties on in hard copy and on electronic media.

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

12. The Ministry of the Environment shall within three working days send through diplomatic channels the documents specified in Section 11.3 of these Regulations and received from the developer to affected parties.

13. On receipt from affected parties of a written reply confirming their intention to participate in an impact assessment procedure in a transboundary context, the Ministry of the Environment shall within three working days send a copy of the reply accompanied by a list of observations and proposals of affected parties on the EIA programme (if any) to the developer and the design organisation.

14. The EIA programme shall be subject to final amendment to take account of the observations and proposals of affected parties and to approval by the developer.

15. On the initiative of affected parties, either on their territory or with the agreement of the parties on the territory of the Republic of Belarus, consultations shall take place on the observations and proposals received from the affected party on the EIA programme. Representatives of the developer and of the design organisation, and also if necessary representatives of the Ministry of the Environment, shall take part in these consultations from the Belarusian side.

16. The EIA report shall be drawn up on the basis of the outcomes of impact assessment and must include:

16.1. a non-technical summary (as a separate section) containing an overview of the proposed activity and its environmental impact, including the transboundary impact, and proposed measures to prevent, minimise or compensate for this impact, and the results and conclusions of impact assessment;

16.2. information on the developer of the proposed activity;

16.3. information on the aims of and necessity for the proposed activity (including information on the compliance of the proposed activity with a previously adopted strategy, programme or sector development plan (for transport; heat, gas and water provision and sewage; land improvement; or other sector), confirmed by urban planning documentation);

16.4. a description of alternatives (territorial and (or) technological) for the location and (or) the implementation of the proposed activity, including its non-implementation (the no-action alternative);

16.5. an assessment of the existing state of the environment and socio-economic and other conditions on the territory of the Republic of Belarus and of affected parties in the case of a possible significant adverse transboundary impact of the proposed activity;

16.6. a description of the main sources and possible types of environmental impact of each of the alternatives for the location and (or) the implementation of the proposed activity;

16.7. a forecast and assessment of changes to the environment and socio-economic conditions resulting from each of the alternatives for the proposed activity. Existing sources of impact within the area affected by the proposed activity and the particular characteristics of the environment shall be taken into account;

16.8. a description of measures to improve socio-economic conditions and to prevent, minimise or compensate for significant adverse environmental impact resulting from alternatives for the implementation of the proposed activity;

16.9. a prediction of likely emergency and beyond design basis events and an assessment of their consequences, and a description of measures for the prevention of, response to and recovery from such events;

16.10. rationale for the selection of a preferred location and (or) implementation of the proposed activity from among the alternatives examined;

16.11. information (as separate sections) on the possible significant adverse transboundary impact of each of the alternatives for the location and (or) implementation of the proposed activity on the environment of each of the affected parties and on proposed measures to prevent, minimise or compensate for this impact;

16.12. a description of a local environmental monitoring programme and post-project analysis where necessary;

16.13. main conclusions of impact assessment;

16.14. an assessment of the accuracy of the predicted effects of the proposed activity with an indication of any uncertainties identified during impact assessment;

17. In the event of a potential significant adverse transboundary impact of the proposed activity, the developer or the design organisation pursuant to the contract with the developer shall ensure the translation of the EIA report into English and (or) another language by agreement with concerned parties and the submission of these documents on in hard copy and on electronic media to the Ministry of the Environment.

(Section 17 as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

18. The Ministry of the Environment shall within three working days send through diplomatic channels the documents, received from either the developer or the design organisation, specified in Section 17 of these Regulations to the affected parties.

19. Local councils of deputies and local executive and administrative authorities of the administrative territorial units where the proposed activity is planned or which will be affected by it (hereinafter 'relevant local councils of deputies and local executive and administrative authorities') jointly with the developer and with the participation of the design organisation shall conduct public discussions and meetings to discuss the EIA report in accordance with Sections 34 to 41 of these Regulations.

In the event of a possible significant adverse transboundary impact of the proposed activity, the affected parties shall conduct public discussions on their territories of the EIA report in accordance with Section 44 of these Regulations. On the initiative of the affected parties, representatives of the developer and of the design organisation, and if necessary representatives of the Ministry of the Environment, shall take part in these public discussions on the territory of affected parties from the Belarusian side.

20. The Ministry of the Environment shall within three working days send a copy of observations and proposals on the EIA report (if any) received from affected parties to the developer and design organisation for the preparation of responses to them.

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

21. On the initiative of any affected party, consultations shall take place on the observations and proposals received from them on the EIA report, either on their territory or with the agreement of the parties on the territory of the Republic of Belarus. Representatives of the developer and of the design organisation, and if necessary representatives of the Ministry of the Environment, shall take part in these consultations from the Belarusian side.

22. The EIA report shall be submitted in hard copy and on electronic media to state environmental review as part of the project documentation.

(first paragraph of Section 22 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

The following shall be appended to the EIA report:

documentation in accordance with the fifth paragraph of Article 12 of the Act on State Environmental Review Act;

outcomes of public discussions and consultations, including:

(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

the notice of public discussions and the announcement of a public meeting to discuss the EIA report (publication in the media / on the internet);

record of public discussions detailing the number of participants in public discussions by administrative territorial unit (district);

minutes of the public meeting to discuss the EIA report detailing the number of participants in the meeting (in the event that such a meeting has been held);

records of consultations with affected parties, observations and proposals on the EIA report received from the affected parties based on the outcomes of public discussions and consultations, and responses to these.

(indent inserted by Cabinet of Ministers Resolution No. 689 of 01.06.2011)

Other materials illustrating the comprehensive nature of the impact assessment may be appended to the EIA report.

In the event that the EIA report is subject to final amendment on the grounds indicated in Section 7.6 of these Regulations, the developer shall ensure, before the submission of project documentation to state environmental review (with the exception of project documentation that does not envisage an increase in pollutants released into the air, wastewater discharged or production waste generated) the conduct of procedures specified in Sections 17-21 of these Regulations with regard to the finally amended EIA report.

(fourth paragraph of Section 22 inserted by Cabinet of Ministers Resolution No. 689 of 01.06.2011; as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

23. The decision on the compliance or non-compliance of project documentation with the requirements of legislation on environmental protection and the efficient use of natural resources, contained in the findings of state environmental review shall be published within 10 working days of their approval on the website of the *oblast* (Minsk City) committee for natural resources and environmental protection, in accordance with the location of the proposed activity.

(as amended by Resolution No. 1370 of the Cabinet of Ministers of 13.10.2011)

(see text of the previous version)

The following shall be published in the media where the notice of public discussions of the EIA report and on the sites of local executive and administrative authorities (where such sites exist):

information on where the approved EIA report can be consulted, within 10 working days of approval of project documentation;

information on the decision taken by local executive and administrative authorities regarding the siting of the installation (hereinafter 'the planning permission decision for the installation') with the grounds for its adoption within 10 days of such decision being adopted.

Lists of planning permission decisions for installations shall be created and maintained up-to-date by local executive and administrative authorities on their web sites (where such sites exist).

In the event that the impact assessment took place in a transboundary context, the developer shall ensure that the Ministry of the Environment is provided with the following, in Russian, English and (or) another language by agreement with the concerned parties in hard copy and on electronic media:

(as amended by Cabinet of Ministers Resolution No. 1370 of 13.10.2011)

(see text of the previous version)

the approved EIA report which received positive findings of State environmental review within 10 working days of approval of project documentation;

information on the planning permission decision for the installation with the rationale for its adoption within 10 days of such decision being adopted.

(Section 23 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

24. The Ministry of the Environment shall within three working days send through diplomatic channels the documents received from the developer specified in the second and third indents of the fourth paragraph of Section 23 of these Regulations to the affected parties and publish them on its internet site.

(Section 24 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

25. In the event that the project documentation contains information the distribution and (or) provision of which is restricted, the developer shall prepare the EIA report in accordance with the legislation of the Republic of Belarus on access to such information.

26. During the drafting of project documentation for installations that, pursuant to the Act on State Environmental Review, do not require environmental impact assessment, a section entitled 'Environmental Protection' shall be drawn up containing the necessary information and calculations in compliance with technical legislation on environmental protection and the efficient use of natural resources and also on construction, architecture and urban development.

(Section 26 as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)

(see text of the previous version)

27. In the event that impact assessment considering the possible transboundary impact on any foreign state has not been carried out, the Ministry of the Environment shall, within three working days of receipt of a request from such a state for information on the proposed activity and its transboundary

impact, send a copy of the request to the developer in order that the information requested be prepared for the purposes of consultation with the foreign state on the likelihood of a significant adverse transboundary impact of the proposed activity.

If the parties agree that the proposed activity is likely to have a significant adverse transboundary impact, the developer shall ensure that impact assessment in a transboundary context is conducted in accordance with these Regulations.

28. In the event that the Republic of Belarus is likely to be affected by the significant adverse transboundary impact of an activity proposed on the territory of a foreign state:

28.1. the Ministry of the Environment within 30 calendar days of receipt from a foreign state of notice of proposed activity on its territory shall take a decision on participation (non-participation) by the Republic of Belarus in impact assessment in a transboundary context and shall send a response to the foreign state by diplomatic channels;

28.2. the Ministry of the Environment within three working days of receipt from a foreign state of a request for information necessary for an EIA report shall send a copy of this request to the relevant local executive and administrative authorities in order that they prepare and present this information to the Ministry of the Environment within a period no longer than 60 calendar days.

Within three working days of receipt from the relevant local executive and administrative authorities of the information requested, the Ministry of the Environment shall send it by diplomatic channels to the foreign state;

28.3. the Ministry of the Environment within three working days of receipt of an EIA report from a foreign state shall publish it on its internet site and transmit it to the state authorities and scientific organisations concerned and the relevant local executive and administrative authorities;

28.4. state authorities and scientific organisations that have received an EIA report shall examine it and send their observations and proposals to the Ministry of the Environment within 30 calendar days of its receipt.

The relevant local councils of deputies and local executive and administrative authorities shall:

within three working days of receipt of an EIA report, organise and conduct public discussions of the EIA report in accordance with Sections 34-41 of these Regulations;

within 10 working days of completion of public discussions of the EIA report, send observations and proposals from the public regarding the EIA report to the Ministry of the Environment;

28.5. within 10 working days of receipt of observations and proposals regarding the EIA report outlined in Section 28.4, the Ministry of the Environment shall summarise them and send them by diplomatic channels to the foreign state;

28.6. within three days of receipt from a foreign state of responses to previously sent observations and proposals regarding an EIA report, the Ministry of the Environment shall transmit these responses to state and local government and self-government authorities and scientific organisations that have submitted observations and proposals;

28.7. state and local government and self-government authorities and scientific organisations that receive responses to their observations and proposals regarding an EIA report shall examine them and within 10 working days of their receipt send to the Ministry of the Environment their recommendation on the need for consultations with the foreign state;

28.8. the Ministry of the Environment, jointly with the state and local government and self-government authorities and scientific organisations that have submitted a recommendation on the need for consultations, shall agree with the foreign state the place and time of these consultations and take part in them;

28.9. within three working days of receipt from a foreign state of a finally amended EIA report and a decision on a proposed activity on the latter's territory the Ministry of the Environment shall publish this information on its internet site.

29. In the event that the Republic of Belarus has not been informed of an activity proposed on the territory of a foreign state but considers that its territory may be affected by a significant adverse transboundary impact of such an activity, the Ministry of the Environment shall by diplomatic channels send the foreign state a request for information about the activity proposed on the latter's territory, in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context.

30. Environmental impact assessment, including consideration of any possible transboundary impact, shall be arranged and financed by the developer, unless otherwise stipulated by international agreements of the Republic of Belarus.

CHAPTER 3 PROCEDURE FOR THE CONDUCT OF PUBLIC DISCUSSIONS

31. Public discussions of an EIA report shall be conducted in order to:

31.1. inform the public of environmental issues;

- 31.2. implement the right of the public to participate in the discussion and the making of environmental decisions;
- 31.3. take into consideration observations and proposals by the public regarding environmental protection during the impact assessment and decision-making process for the proposed activity;
- 31.4. identify solutions that are mutually acceptable to the developer and the public in terms of the prevention or minimisation of the adverse environmental impact of the proposed activity.
32. Public discussions of an EIA report shall be conducted by means of:
- 32.1. inspection by the public of the EIA report and documentation of their observations and proposals;
- 32.2. if there is public interest, holding of a meeting to discuss the EIA report.
33. The public discussion process shall consist of the following stages:
- 33.1. public notice of public discussions;
- 33.2. provision of public access to the EIA report at the premises of the developer and (or) of local executive and administrative authorities, libraries and other accessible locations, and publication of the EIA report on the internet site of the developer (where such a site exists);
(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)
- 33.3. inspection by the public of the EIA report;
- 33.4. if there is public interest:
public notice of the time and place of a meeting to discuss the EIA report;
conduct of a meeting to discuss the EIA report on the territory of the Republic of Belarus and of affected parties;
- 33.5. collection and analysis of observations and proposals and preparation of a summary of feedback received during public discussions of the EIA report.
34. The relevant local councils of deputies and local executive and administrative authorities jointly with the developer shall:
at least three working days before the publication of the notice of public discussions, in accordance with legislation on local government and self-government, establish a committee for the organisation and conduct of public discussions, specify the persons constituting its membership and appoint the chair of the committee from among the deputy chairs of the relevant local executive and administrative authority;
inform the public of the start of the public discussion process by means of publication of a notice in the media and publication of this notice on the internet sites of the developer and the relevant local executive and administrative authorities (where such sites exist);
(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)
within three working days of a communication from the public to the relevant local executive and administrative authorities stating the need for a meeting to discuss the EIA report, inform the public of its time and place by means of publication of an announcement in the media and also on the internet sites of the developer and the relevant local executive and administrative authorities (where such sites exist).
(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)
- By agreement with the territorial bodies of the Ministry of the Environment, representatives of the latter may be included among the membership of the committee for the organisation and conduct of public discussions.
35. The notice of public discussions must include:
- 35.1. information on the developer of the proposed activity (name; legal, postal and electronic addresses; telephone and fax numbers);
- 35.2. name, rationale and description of the proposed activity;
- 35.3. information on the location of the proposed activity;
- 35.4. information on the timeframe for the proposed activity;
- 35.5. information on the timetable for public discussions and the submission of comments on the EIA report;
- 35.6. information on where the EIA report may be inspected and where to send observations and proposals on the EIA report (name of organisation, postal address, internet site, family name, given name, patronymic and job title of the contact person, their telephone and fax numbers and e-mail address);
- 35.7. information on the location of the executive and administrative authority responsible for taking a decision on whether to permit construction of the installation (its name, postal address, web site, telephone and fax numbers and email address) and the deadline for submitting a communication stating the need for a meeting to discuss the EIA report and a communication stating the intention to conduct a public environmental review.
(as amended by Resolution of the Cabinet of Ministers No. 689 of 01.06.2011)
(see text of the previous version)

35-1. The period of public discussions must be no fewer than 30 calendar days from the date of publication of the notice of public discussions.

(Section 35-1 inserted by Cabinet of Ministers Resolution No. 689 of 01.06.2011)

36. From the date of publication of the notice of public discussions, the relevant local executive and administrative authorities jointly with the developer shall place the EIA report in the locations specified in Section 33.2 of these Regulations and shall ensure public access for inspection of the EIA report and the opportunity to document questions, observations and proposals on the report throughout the entire period of public discussions.

37. In the event of submission to the relevant local executive and administrative authorities within 10 working days of publication of the notice of public discussions of a communication by the public stating the need for a meeting to discuss the EIA report, this meeting may be scheduled no earlier than 30 calendar days from the date of publication of this notice.

38. The meeting to discuss the EIA report shall be organised and conducted in accordance with legislation on public events.

39. The meeting to discuss the EIA report shall consist of the following stages:

39.1. registration of meeting participants;

39.2. opening of the meeting;

39.3. a speech by a representative of the developer (an oral address or presentation);

39.4. a speech by the representative(s) of the design organisation(s) (presentation);

39.5. submission of questions, their processing, and answers to questions that do not require preparation or additional research and investigations;

39.6. concluding remarks and closure of the meeting.

If answers to questions submitted during the EIA meeting cannot be given, answers shall be sent to the questioner at the postal or electronic address supplied during registration within 30 calendar days of the meeting.

40. Based on the outcomes of the meeting to discuss the EIA, within three working days of the meeting to discuss the EIA minutes of the meeting shall be drawn up including a list of questions, observations and proposals on the EIA report submitted during the meeting with the names of those submitting them and answers given and the number of participants at the meeting. These minutes shall be approved by the chair and signed by the members of the committee for the organisation and conduct of public discussions.

41. Based on the outcomes of public discussions, within 10 working days of their completion, a record of the public discussions shall be drawn up with an indication of the number of participants in the public discussions by administrative territorial unit (district) with the conclusions and recommendations of the committee for the organisation and conduct of public discussions. The record of the public discussions shall be approved by the chair and signed by the members of the committee for the organisation and conduct of public discussions.

A summary of feedback prepared by the design organisation pursuant to the contract with the developer shall be appended to the record of the public discussions. This summary shall include all observations and proposals on the EIA report received during the public discussion process by the relevant local executive and administrative authorities, the developer and the design organisation indicated in the notice of public discussions.

42. Based on the outcomes of public discussions of the EIA report, the developer and the design organisation shall formulate a joint recommendation on the possibility and feasibility of the proposed activity on the proposed territory based on its environmental and related socio-economic and other effects.

43. If necessary the developer may suspend the public discussion process in order to make amendments or additions to design decisions based on the outcomes of discussions, to analyse observations and proposals regarding collection of additional information, and to conduct additional investigations and surveys, including on the territory of affected parties. After modification of design decisions for the proposed activity and of the EIA report, public discussions shall resume to examine different impacts and effects that were not previously considered.

44. Public discussions on the territory of affected parties shall be conducted in accordance with international agreements and the national legislation of the affected parties.

45. A meeting to discuss the EIA report shall not be held if the public has not submitted a communication to the relevant local executive and administrative authority stating the need for such a meeting within 10 working days of publication of the notice of public discussions.

Notice of proposed activity

Proposed activity _____
(name (type))

Developer of the proposed activity _____
(name, legal,

postal and electronic addresses, telephone and fax numbers)

Purpose of the proposed activity _____

Rationale for the proposed activity _____

Description of the proposed activity _____
(nature and scale)

Location of the proposed activity _____
(description and rationale for

selection of location)

Timeframe for the proposed activity _____
(start and duration of

construction and operation)

Suggested timeframe for decision-making with regards to the proposed activity _____

Nature of the likely decision on the proposed activity _____

Schedule of impact assessment: _____

Party (parties) responsible for impact assessment _____
(name, legal,

postal and electronic addresses, telephone and fax numbers)

Planned timetable for public discussions and consultations _____

Time within which a response regarding the intention to participate in an
impact assessment
procedure in a transboundary context is required to be sent
_____.

Translator's notes

¹ This text has originally been taken from an online database of legislation, ConsultantPlus. I have removed the hyperlinks as they do not work without a subscription to this database.

² 'Developer': The various regulations contained in Resolution 755 specify that they use terms as defined by the Urban Planning Act and the State Environmental Review Act. However, the Urban Planning Act distinguishes between the *zakazchik* and the *zastroishchik*, whereas the State Environmental Review Act does not. This distinction is reflected in Resolution 687, where I have used 'client' and 'developer' accordingly. However, as no mention is made of a *zastroishchik* in Resolution 755, I have kept the word 'developer', as per the Compliance Committee's previous usage.