

Responses
to the Aarhus Convention Compliance Committee's questions

Question 1:

That is correct – they are excluded from the proposed version of the draft Regulations.

Question 2:

Resolution No. 1370 of the Council of Ministers of 13 October 2011 amended the following paragraphs of the Regulations on the Conduct of Environmental Impact Assessment approved by Resolution No. 755 of the Council of Ministers of 19 May 2010:

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:

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

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;

outcomes of public discussions and consultations, including:

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.

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.

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.**

The following shall be published in the media where the notice of public discussions of the EIA report was published 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 parties concerned in hard copy and on electronic media:

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.

Question 3:

Under Article 13 of the Act of the Republic of Belarus on State Environmental Review (*Expertiza*), nuclear energy installations such as:

nuclear power stations and other nuclear installations (except facilities and complexes with experimental and research nuclear reactors and critical and subcritical nuclear testing units (assemblies) whose maximum power does not exceed 1 kilowatt continuous thermal load);

installations designed for the production or enrichment of nuclear materials, the reprocessing of spent nuclear materials;

permanent installations and (or) facilities designed for the storage of nuclear materials, spent nuclear materials and (or) operational radioactive waste;

installations for the decontamination, reprocessing, storage and (or) burial of radioactive waste

are subject to mandatory environmental impact assessment ('EIA').

The procedure for public participation in decision-making on the designated installations is set out in the Regulations on the Conduct of Environmental Impact Assessment, approved by Resolution No. 755 of the Council of Ministers of the Republic of Belarus of 19 May 2010, to which the following amendment was introduced, specifically to paragraph 1, through the adoption of Resolution No. 689 of the Council of Ministers of the Republic of Belarus of 1 June 2011:

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').

However, final revision of the Draft Law and the Draft Regulations is required, specifically concerning their application to all nuclear activity with regard to long-term strategic decision-making. Belarus would welcome any advice and assistance from the Compliance Committee on this issue.

Question 4:

This observation will be considered when the draft Regulations are revised and finalised.

Further information on practical measures

Pursuant to paragraph 90(e) of the Committee's findings on ACCC/C/2009/44, training seminars have been held for public officials – representatives of government bodies and other organisations – on the issue of compliance with the requirements of the Aarhus Convention, helping to raise their awareness with regard to the Convention's requirements and also to ensure that they are adequately informed so as to prevent the dissemination of inaccurate information.

Pursuant to point 8 of the Action Plan for the implementation of the Decision on the Republic of Belarus adopted by the Fourth Session of the Meeting of the Parties to the Aarhus Convention, measures have been taken by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus ('the Ministry of the Environment') to advise government organisations and bodies on improving practical application of the Aarhus Convention.

So, taking into account the concern expressed by the Aarhus Convention Compliance Committee with regard to the Republic of Belarus's implementation of Article 3, paragraph 8, of the Convention, the Ministry of the Environment has sent more extensive explanatory information about the Aarhus Convention to the Ministry of Internal Affairs of the Republic of Belarus.

In addition, a working meeting has been held between representatives of the Ministry of the Environment and organisations of the Ministry of Energy of the Republic of Belarus about the issue of implementing certain provisions of the Aarhus Convention. At that meeting, questions concerning implementation by the Republic of Belarus of its obligations under the Aarhus Convention were discussed, including Article 3, particularly paragraph 8, and Article 8 of the Convention.

Work with government bodies on implementing the provisions of the Aarhus Convention will continue; a number of educational and information measures are planned.