

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC
OF BELARUS

‘ ___ ’ ‘ _____ ’ 201_. No. ___

**APPROVING REGULATIONS FOR THE CONDUCT OF PUBLIC
DISCUSSIONS OF ENVIRONMENTALLY SIGNIFICANT
DECISIONS**

On the basis of [the second paragraph of Article 14-1](#) of the Law of the Republic of Belarus of 26 November 1992 on Environmental Protection, the Council of Ministers of the Republic of Belarus RESOLVES:

1. To approve the attached [Regulations](#) for the conduct of public discussions of environmentally significant decisions.

2. To introduce amendments into the following resolutions of the Council of Ministers of the Republic of Belarus:

3. This resolution is to come into force from ‘ ___ ’ ‘ _____ ’ 201_.

Prime Minister of the Republic of Belarus

REGULATIONS

**FOR THE CONDUCT OF PUBLIC DISCUSSIONS OF
ENVIRONMENTALLY SIGNIFICANT DECISIONS**

CHAPTER 1

GENERAL PROVISIONS

1. These Regulations define a procedure for the conduct of public discussions of environmentally significant decisions ('public discussions').
2. These Regulations use basic terms and their definitions within the meanings set out by the Law of the Republic of Belarus of 26 November 1992 on Environmental Protection (Ведамасці Вярхоўнага Савета Рэспублікі Беларусь, 1993 г., N 1, ст. 1; National Register of Legislation of the Republic of Belarus, 2002, No. 85, 2/875; 2006, No. 6, 2/1177; No. 107, 2/1235; 2007, No. 147, 2/1335; 2008, No. 1, 2/1395; No. 275, 2/1541; 2009, No. 161, 2/1584; 2010, No. 120, 2/1679; 2012, No. 1, 2/1878; No. 5, 2/1883), 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 (National Register of Legislation of the Republic of Belarus, 2003, No. 95, 3/866); Regulations on the Establishment, Financing and Monitoring of State, Regional and Sectoral Programmes approved by Resolution of the Council of Ministers of the Republic of Belarus of 31 March 2009, No. 404 (as amended by Resolutions of the Council of Ministers No. 755 of 19 May 2010, No. 1218 of 23 August 2010, No. 1498 of 18 October 2010, No. 660 of 24 May 2011; National Register of Legislation of the Republic of Belarus, 2009, No. 93, 5/29550; 2010, No. 131, 5/31876; 2010, No. 209, 5/32370; 2010, No. 252, 5/32655; 2011, No. 62, 5/33863).
3. Environmentally significant decisions subject to public discussion under these Regulations are decisions being initiated and (or) made by public authorities, other state organisations, legal entities, organisations that are not legal entities, authorised officials, sole traders, concerning:
 1. draft conceptual frameworks, forecasts, state, regional and sectoral programmes, the implementation of which is related to the use of natural resources and (or) may have an environmental impact;

2. proposed business and other activities which may have an environmental impact, with the exception of the proposed business and other activities specified in Section 4 of these Regulations.

4. The conduct of public discussions:

4.1 concerning proposed business and other activities relating to installations that are subject to environmental impact assessment is governed by the Regulations on the Conduct of Environmental Impact Assessment, approved by Resolution No. 755 of the Council of Ministers of 19 May 2010 on Several Measures to Implement the Law of the Republic of Belarus of 9 November 2009 on State Environmental Review [Expertiza];

4.2. of planned removal, transplant of flora is governed by the Regulations on the Procedure for Permitting Removal of Flora in Human Settlements and for Permitting Transplant of Flora in Human Settlements, approved by Resolution of the Council of Ministers of the Republic of Belarus of 25 October 2011, No. 1426 on Several Issues relating to the Treatment of Flora;

4.3. in the field of architectural, urban planning and construction activities is governed by the Regulations on the Conduct of Public Discussions in the field of Architectural, Urban Planning and Construction Activity, approved by Resolution No. 687 of the Council of Ministers of 1 June 2011 on Several Measures to Implement the Law of the Republic of Belarus on the Insertion of Additions and Amendments into Several Laws of the Republic of Belarus on Architectural, Urban Planning and Construction Activity.

5. Public authorities, state organisations, other legal entities, organisations that are not legal entities, sole traders, initiating and (or) making environmentally significant decisions are to be responsible for organising public discussions (and referred to hereinafter as ‘the organiser’).

6. Public discussions are to be conducted in order to:

6.1. ensure access to environmental information for citizens, citizens’ pressure groups and public associations carrying on activities in the field of environmental protection (‘the public’);

6.2. implement the public’s right to participate in environmentally significant decision-making;

6.3. enable the public to assist public authorities in tackling environmental protection issues;

6.4. take account of comments and suggestions from the public regarding environmental protection during the process of environmentally significant decision-making;

6.5. reconcile public interests with the interests of the initiators of environmentally significant decisions.

7. The organisation of public discussions includes:

7.1. informing the public about plans to make environmentally significant decisions;

7.2. acquainting the public with materials containing information concerning the merits of the proposed environmentally significant decision;

7.3. collecting comments and suggestions from the public;

7.4. in cases provided for by these Regulations, conducting a meeting to discuss an environmentally significant decision;

7.5. acquainting the public with the results of public discussions;

7.6. notifying the public about the adoption of an environmentally significant decision.

8. The public is to be informed about plans to make an environmentally significant decision by means of a public notice of public discussions ('the public notice') placed in the mass media and posted on the organiser's WWW/Internet site (if such sites exist), on noticeboards, in other publicly accessible locations, and by other means. The public notice on the organiser's WWW/Internet site is to be posted there and kept updated for no less than 15 days; if a meeting is to be held to discuss the environmentally significant decision, the notice is to remain there for 25 days from the date of posting.

9. The public notice is to include information about:

9.1. the type of environmentally significant decision and the initiator of the environmentally significant decision (name, registered office, postal and electronic addresses, telephone and fax numbers);

9.2 anyone in possession of information about the environmentally significant decision (name, registered office, postal and electronic addresses, telephone and fax numbers);

9.3 the composition of any information relating to the environmentally significant decision, and the place where it is available;

9.4. the public authority competent to make the environmentally significant decision;

9.5. the procedures for public discussions set out in Section 11 of these Regulations;

9.6. time frames (beginning and end) of public discussions;

9.7. the time frame for submitting a communication on the need for a meeting to discuss the environmentally significant decision;

9.8. public authorities, other legal entities, organisations that are not legal entities, authorised officials, sole traders, to whom the public may send comments and suggestions, and the time frames for sending them;

9.9. the place where materials containing information about the proposed environmentally significant decision, the results of public discussions and any decision made will probably be available.

9.10. the date of issue of the public notice.

10. In the event that the organiser receives an application for the provision of information about proposed environmentally significant decisions, the public is to be informed individually in accordance with Articles 74 to 74-7 of the Law of the Republic of Belarus on Environmental Protection.

11. Public discussions may be implemented by means of:

11.1. collection of signatures in support of or against adoption of the environmentally significant decision;

11.2. collection of comments and suggestions from the public concerning the merits of the environmentally significant decision under discussion;

11.3. holding a meeting to discuss the environmentally significant decision.

12. The public is to be acquainted with the results of public discussions by means of a report on the conduct of public discussions, to be posted on the organiser's WWW/Internet site (if such sites exist) and placed in the locations where materials containing information about the proposed environmentally significant decision were available for public inspection.

CHAPTER 2

THE CONDUCT OF PUBLIC DISCUSSIONS

OF DRAFT CONCEPTUAL FRAMEWORKS, FORECASTS, STATE, REGIONAL PROGRAMMES AND SCHEMES FOR THE DEVELOPMENT OF CERTAIN SECTORS OF INDUSTRY, THE IMPLEMENTATION OF WHICH IS RELATED TO THE USE OF NATURAL RESOURCES AND (OR) MAY HAVE AN ENVIRONMENTAL IMPACT

13. Public discussions of draft conceptual frameworks, forecasts, programmes, the implementation of which is related to the use of natural resources and (or) may have an environmental impact ('the draft programme') are to be conducted before such plans are approved.

14. Public discussions of the draft programme are to be conducted after a decision to draw up the draft programme has been made, in the case of state programmes, by the Presidium of the Council of Ministers of the Republic of Belarus; in the case of sectoral programmes, by the board of a national government body and by the council of any other state organisation subordinate to the Government of the Republic of Belarus; in the case of regional programmes, by local executive and administrative authorities.

15. Public discussions are to be organised in accordance with Section 7 of these Regulations at the stage of drafting and approving the draft programme.

16. The programme developer/co-ordinator is to act as the organiser of public discussions of the draft programme.

17. For the conduct of public discussions of the draft programme, the organiser may set up a committee for organising and conducting public discussions, to include representatives of the programme developer/co-ordinator, of the programme's clients and of the initiator of the draft programme, or may appoint people responsible for organising and conducting public discussions of the draft programme.

18. The organiser of public discussions of the draft programme is to:

18.1. make preparations for the conduct of public discussions, including issuing the public notice and making the draft programme available;

18.2. keep a record of comments and suggestions put forward by the public;

18.3. analyse and summarise comments and suggestions put forward by the public or keep a record of signatures in support of or against adoption of the environmentally significant decision;

18.4. prepare a report on the conduct of public discussions;

18.5. inform the public of the results of public discussions and any decision made to approve the programme.

19. The public is to be informed about the draft programme by means of a public notice containing the information provided for by Sections 8-9 of these Regulations.

20. Public discussion of draft programmes is to continue for 15 days from the date of the beginning of public discussions indicated in the public notice.

21. On the day the public notice is issued, the organiser is to post the draft programme on the organiser's WWW/Internet site (if such a site exists) and (or) place it in libraries and other accessible locations, for public inspection.

22. The draft programme is to be made available for public inspection.

23. During the process of public discussion of the draft programme, the public may send comments and suggestions to the organiser concerning the merits of the draft programme under discussion, including lists of signatures in support of or against adoption of the environmentally significant decision.

24. Comments and suggestions put forward by the public are to be reflected in the report on the conduct of public discussions of the draft programme, which is to be prepared by the committee for organising and conducting public discussions, if one has been set up, or by the people responsible for organising and conducting public discussions of the draft programme.

25. The report on the conduct of public discussions of the draft programme must contain:

information about the number of individual citizens who have participated in public discussions of the draft programme, the number of citizens' pressure groups and public associations that have put forward comments and suggestions about the content of the draft programme;

a summarised list of questions, comments and suggestions put forward by the public during the public discussion process;

proposals relating to the possibility of approving the draft programme or the need to modify it to take public opinion into account. to the feasibility of adopting the environmentally significant decision.

26. The report on the conduct of public discussions is to be signed by the members of the committee or by the people responsible for organising and conducting public discussions of the draft programme, and is to be approved by the manager of the programme developer/co-ordinator.

27. The public is to be acquainted with the results of public discussions by means of a report on the conduct of public discussions, to be posted on the organiser's WWW/Internet site (if such a site exists) and placed in the locations where materials containing information about the proposed environmentally significant decision were available for public inspection.

28. The report on the conduct of public discussions of the draft programme is to be appended to the draft programme sent to government bodies to obtain their conclusions in compliance with Section 6.4. of the Regulations on the Establishment, Financing and Monitoring of State, Regional and Sectoral Programmes approved by Resolution No. 404 of the Council of Ministers of the Republic of Belarus of 31 March 2009.

29. The public is to be notified of the approval of a programme after the legislative instrument approving it has been included in the National Register of Legislation of the Republic of Belarus; this public notification is to be

made by issuing information about the type of legislative instrument, the title, date, place of adoption (issue) of the instrument and its registration number, as well as its original source of publication. The organiser is to inform the public of approval of the programme by the same method as was used to notify the public of public discussion of the draft programme.

CHAPTER 3

THE CONDUCT OF PUBLIC DISCUSSIONS OF ENVIRONMENTALLY SIGNIFICANT DECISIONS RELATING TO BUSINESS AND OTHER ACTIVITIES

30. Public discussions of environmentally significant decisions relating to business and other activities are to be conducted before such decisions are made by the competent public authorities.

31. Public discussions of environmentally significant decisions are to be conducted for the following types of decisions relating to business and other activities:

31.1. declaration, modification and termination of the operation of specially protected natural areas;

31.2. allocation of leases on bodies of water (parts thereof), plots of forestry land, hunting grounds, fishing grounds;

31.3. mining concessions;

31.4. allocation of bodies of water (parts thereof) for designated water uses;

31.5. allocation of plots of forestry land entailing their withdrawal from legal entities engaged in forestry;

31.6. approval of an instrument selecting a plot of land as the site for construction of an installation.

32. Public discussions may be conducted for other decisions relating to business and other activities if the public communicates its interest in participating in the process of making such decisions.

33. The organiser of public discussions is to be:

33.1. the executive and administrative authorities at oblast' level, jointly with public authorities drafting submissions for declaration, modification and termination of the operation of specially protected natural areas – with regard to decisions about declaration, modification and termination of the operation of strict nature reserves ('zapovedniks'), national parks;

33.2. the executive and administrative authorities at oblast' level, jointly with public authorities drafting submissions for declaration, modification and termination of the operation of specially protected natural areas – with regard to decisions about declaration, modification and termination of the operation of preserves (less strictly protected natural areas, 'zakazniks') of national and local importance, which are situated in certain district or city elected council areas but within the bounds of the oblast' elected council area;

33.3. the executive and administrative authorities at district and city level, jointly with public authorities drafting submissions for declaration, modification and termination of the operation of specially protected natural areas – with regard to decisions about declaration, modification and termination of the operation of preserves (less strictly protected natural areas, 'zakazniks') of national importance, which are situated in the corresponding local elected council area;

33.4. the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus and its territorial agencies – with regard to decisions about declaration, modification and termination of the operation of natural monuments of national importance;

33.5. the local executive and administrative authorities initiating environmentally significant decisions – with regard to decisions:

about declaration, modification and termination of the operation of preserves (less strictly protected natural areas, 'zakazniks') and natural monuments of local importance;

about approval of an instrument selecting a plot of land as the site for construction of an installation;

33.6. the local executive and administrative authorities jointly with the initiator of the environmentally significant decisions – with regard to decisions concerning:

allocation of leases on bodies of water (parts thereof), plots of forestry land, hunting grounds, fishing grounds;

mining concessions;

allocation of bodies of water (parts thereof) for designated water uses;

allocation of plots of forestry land entailing their withdrawal from legal entities engaged in forestry;

removal, transplant of flora in human settlements.

34. Public discussions of environmentally significant decisions relating to business and other activities are to continue for 15 days; if a meeting is held to discuss the environmentally significant decision, public discussions are to continue for 30 days from the date of the beginning of public discussions indicated in the public notice.

35. The organiser of public discussions of environmentally significant decisions relating to business and other activities is to set up a committee for organising and conducting public discussions, which is to include representatives of the local executive and administrative authorities and the initiator of the environmentally significant decisions. By agreement with territorial agencies of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, representatives of the latter may be included among the members of the committee for organising and conducting public discussions.

36. The committee for organising and conducting public discussions ('the committee') is to:

36.1. issue a public notice of plans to make an environmentally significant decision, containing the information provided for by Sections 8-9 of these Regulations;

36.2. post, on the day the public notice is issued, materials for public inspection, containing information about the proposed environmentally significant decision, on the organiser's WWW/Internet site (if such sites exist) and (or) place those materials in libraries and other accessible locations, and ensure public access to them throughout the period of public discussions;

36.3. organise a record of comments and suggestions from the public;

36.4. within three working days of any application from the public for a meeting to be held to discuss the environmentally significant decision, notify the public of that meeting by means of an announcement in the media, on the local executive and administrative authority's WWW/Internet site (if such a site exists) and (or) by other accessible means.

The announcement of the meeting must contain information:

about the date, time and place of the meeting. If the meeting is to be held indoors, the postal address is to be indicated, including floor, room numbers; if it is to be held outdoors, the location is to be indicated with reference to the postal address of the nearest building;

about the time when registration of citizens wishing to participate in the meeting will begin;

about the job title, family name, initials, contact telephone number of the authorised official responsible for the conduct of the meeting;

informing citizens that they need to bring their passports or other documents as proof of identity;

36.5 keep a record (minutes) of the meeting;

36.6 organise and conduct a meeting to discuss an environmentally significant decision, if the public has submitted an application for such a meeting to be held;

36.7. analyse and summarise comments and suggestions put forward by the public;

36.8. prepare a report on the conduct of public discussions;

36.9. inform the public about the results of public discussions and about any environmentally significant decision made.

37. If the public submits an application for a meeting to be held to discuss the environmentally significant decision, the committee is to organise the registration of citizens, no later than 15 minutes before the meeting starts, using a registration list **in the form specified in the Appendix**.

38. Information about citizens participating in the meeting is to be entered on the registration list, based on their passports or other documents presented as proof of identity.

39. The opinions of citizens who have spoken for or against adoption of the environmentally significant decision at the meeting are to be recorded in the form of annotations in the registration list in accordance with Section 40.6 of these Regulations.

40. A meeting to discuss an environmentally significant decision is to include:

40.1 a presentation by a committee representative to acquaint the public with the contents of the environmentally significant decision proposed for adoption;

40.2. a speech by a representative of the initiator of the environmentally significant decision;

40.3. questions from the public;

40.4. answers given by a representative of the initiator of the environmentally significant decision or by members of the committee to questions from the public which do not require preparation or additional investigations;

40.5. speeches by members of the public concerning the merits of the environmentally significant decision under discussion;

40.6. concluding remarks summing up the discussion of the environmentally significant decision, during which the public is to be invited to express agreement or disagreement with adoption of the environmentally significant decision by adding that information in their own hand, with their signatures, to the registration list. Any member of the public declining to express agreement or disagreement is to be regarded as abstaining. A representative of the committee is to make a relevant annotation in the register;

40.7. counting by the committee of the number of citizens who have directly expressed agreement (disagreement) with adoption of the environmentally significant decision, or have abstained, during a meeting to discuss that decision;

40.8. entry in the registration list and declaration by a member of the committee of the outcome of the meeting to discuss the environmentally significant decision, as reflected in the registration list.

41. A meeting to discuss an environmentally significant decision is to conclude with signature of the registration list by the committee members.

42. Within three working days of the day of a meeting to discuss an environmentally significant decision, minutes of the meeting are to be drawn up on the basis of the results of the meeting, stating:

the number of registered participants in the meeting according to the registration list;

the number of participants in the meeting who expressed agreement or disagreement with adoption of the environmentally significant decision, or who abstained;

the content of questions, comments and suggestions put forward during the meeting, and of answers to them;

the content of speeches by the meeting's participants concerning the merits of the environmentally significant decision.

43. The minutes of a meeting to discuss an environmentally significant decision are to be signed by all members of the committee and approved by the chair.

44. The registration list and the public notice are to be appended to the minutes of a meeting to discuss an environmentally significant decision, with an indication of the titles of media or the names of other places where the public notice was available.

45. If no citizen is in attendance by the time of the meeting indicated in the announcement of the meeting, the meeting is to be regarded as not having taken place.

46. The committee is to analyse the questions, comments and suggestions put forward by the public during the public discussion process, including the results of a meeting to discuss an environmentally significant decision, if such a meeting was held, to summarise the information put forward in speeches, and to draw conclusions concerning the merits of the environmentally significant decision.

47. Following the conduct of public discussions of environmentally significant decisions relating to business and other activities, the committee is to prepare a report on the conduct of public discussions, containing:

information about the number of citizens who participated in public discussions;

the number of participants in the meeting who expressed agreement or disagreement with adoption of the environmentally significant decision, or who abstained;

the fact that a meeting was recognised as not having taken place;

citizens' pressure groups and public associations which have put forward comments and suggestions concerning the merits of the environmentally significant decision relating to business and other activities;

the committee's summarised list of questions, comments, suggestions and answers put forward during the public discussion process;

the committee's conclusions concerning the merits of the environmentally significant decision and the committee's proposals relating to the possibility (impossibility) of adopting the environmentally significant decision in the light of public opinion.

48. The following are to be appended to the report on the conduct of public discussions:

the public notice, with an indication of the titles of mass media or the names of other places where it was available;

the registration list and minutes of a meeting to discuss an environmentally significant decision, if such a meeting has been held;

a list of signatures in support of or against adoption of the environmentally significant decision;

other documents and materials reflecting public opinion of an environmentally significant decision relating to business and other activities, at the committee's discretion.

49. The report on the conduct of public discussions is to be signed by all members of the committee and approved by the chair.

50. The public is to be acquainted with the results of public discussions of an environmentally significant decision relating to business and other activities by means of a report on the conduct of public discussions, to be posted on the organiser's WWW/Internet site (if such sites exist) and placed

in the locations where materials containing information about the proposed environmentally significant decision were available for public inspection.

51. Within 10 days of an environmentally significant decision relating to business and other activities being made, the organiser of public discussions is to inform the public about this environmentally significant decision by the same method as was used to notify the public of plans to make an environmentally significant decision relating to business and other activities.

REGISTRATION LIST

for a meeting to discuss an environmentally significant decision

Place of meeting:

(population centre, postal address, location)

Date and time of the beginning (hours, minutes) of the meeting:

Members of the committee for preparing and conducting public discussions of an environmentally significant decision:

(job title, family name, given name, patronymic (if any))

The initiator of the environmentally significant decision (its authorised representative)

(name of legal entity, job title, family name, first name, patronymic

of its representative; family name, first name, patronymic of a sole trader)

in attendance at the meeting

(indicate “present” or “absent”)

Question to be considered at the meeting:

The following citizens participated in the meeting:

Contact details	Personal	Agreement or disagreement with adoption of	Personal signature
Family name, (phone number;			

Serial No.	first name, patronymic	e-mail address; other, according to individual choice)	signature	the environmentally significant decision<*>	
1	2	3	4	5	6

Times of the beginning and end (hours, minutes) of the meeting:

A total of _____ people participated in the meeting, including:

_____ people who expressed agreement with adoption of the environmentally significant decision;

_____ people who expressed disagreement with adoption of the environmentally significant decision.

_____ people registered but declined to express agreement, disagreement with with adoption of the environmentally significant decision.

This registration list contains _____ sheets, _____ pages.

Signatures of committee members: _____

(signature)

(family name, initials)

<*> To be completed by members of the public personally. Members of the public expressing agreement with adoption of the environmentally significant decision should write “yes”, those expressing disagreement with adoption of the environmentally significant decision should write “no”.