

Draft

Submitted to the Council of Ministers of
the Republic of Belarus

LAW OF THE REPUBLIC OF BELARUS

to introduce additions and amendments to certain laws of the Republic of Belarus with regard to issues of public participation in making decisions having an impact on the environment and (or) connected with the use of natural resources

Adopted by the House of Representatives
Ratified by the Council of the Republic

Article 1. **The following additions and amendments are to be made to the Law of the Republic of Belarus of 26 November 1992 on Environmental Protection as amended by the Law of the Republic of Belarus of 17 July 2002 (Ведамасці Вярхоўнага Савета Рэспублікі Беларусь, 1993, No. 1, p. 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):**

1. In Article 1:

The following indent is to be added to the Article after the fifth indent:

“ ‘environmental impact’ is any direct or indirect impact on the environment from business and other activities giving rise to changes in the environment”;
indents 6 to 50 are to be regarded as indents 6 to 51 respectively;

2. In Article 9:

The following indent is to be added to the Article after the twenty-fifth indent:

“to establish a procedure for organizing and conducting public discussions of decisions having an impact on the environment and (or) connected with the use of natural resources, being made by public authorities (‘environmentally significant decisions’), publicizing them;

indents 26 to 27 are to be regarded as indents 27 to 28 respectively.

3. In the second paragraph of Article 11:

the following indent is to be added to the Article after the fourteenth indent:

“to organize and conduct public discussions of environmentally significant decisions in the relevant area with regard to an activity referred to in the fourth to sixth indents of the first paragraph of Article 15-2 of this Law;”;

The fifteenth indent is to be considered the sixteenth.

4. The words “Public discussions of environmentally significant decisions” are to be inserted into the title of Chapter 3.

5. The fourth indent of the second paragraph of Article 12 is to be amended as follows:

“to participate in public discussions of environmentally significant decisions referred to in the first paragraph of Article 15-2 of this Law;”.

6. The sixth indent of the first paragraph of Article 15 is to be amended as follows:

“to participate in public discussions of environmentally significant decisions referred to in the first paragraph of Article 15-2 of this Law;”.

7. Article 15-2 is to be inserted into the Law as follows:

“Article 15-2. Public discussions of environmentally significant decisions

Citizens and public associations carrying out activities in the sphere of environmental protection have the right to participate in public discussions of environmentally significant decisions being made by public authorities with regard to:

draft conceptual frameworks, forecasts, programmes, plans and schemes, inter alia for the development of sectors of industry, the implementation of which is connected with the use of natural resources and (or) may have an impact on the environment;

draft legislation that regulates the operation of activities referred to in the fourth to sixth indents of the first paragraph of this Article, implementation of which may have an impact on the environment;

activities referred to in annex 1 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted in Aarhus (Denmark) on 25 June 1998, as well as changes in the conditions for performing these activities, with the exception of activities referred to in the fifth indent of this paragraph;

activities where the installations involved are subject to environmental impact assessment under the legislation of the Republic of Belarus on state environmental review;

removal, transplant of flora in accordance with the legislation of the Republic of Belarus on flora.

Public discussions are not to be conducted with regard to:

military infrastructure installations and (or) activities and defence installations aiming (performed) to defend the Republic of Belarus;

installations and (or) activities that are carried out for no more than two years for the purpose of scientific research, development and testing of best available techniques and that do not have an adverse environmental impact.

Public discussions of environmentally significant decisions referred to in the second, third and sixth indents of the first paragraph of this Article are to be organized and conducted by the public authority responsible for preparing these decisions, before their approval. Comments and suggestions received as a result of public discussions must be examined and taken into account by the public authority when finalizing the environmentally significant decisions referred to in the second, third and sixth indents of the first paragraph of this Article.

Public discussions of environmentally significant decisions being made by public authorities with regard to the activities referred to in the fourth and fifth indents of the first paragraph of this Article are to be carried out at the stage of preliminary agreement about the location of the plot of land requested to carry out the activity in question. Comments and suggestions received as a result of public discussions must be examined and taken into account by the local executive-administrative authority competent to decide on the allocation of a plot of land, before this decision is made.

If an environmental impact assessment is to be conducted in accordance with the legislation of the Republic of Belarus on state environmental review for installations that are constructed (reconstructed) as a result of an activity, the environmental impact assessment report is also to be subject to public discussion.

If a state environmental review is to be conducted when the decisions referred to in the first paragraph of this Article are made, the public authority competent to prepare a state environmental review conclusion must, before its approval, take into account comments and suggestions received as a result of public discussions.

A draft environmentally significant decision, as well as the text of a decision made, must be posted on the official site of the public authority competent to make the decision or publicized in another way. Information about the outcomes of public discussions and the reasons why any comments and suggestions received as a result of public discussions were not taken into account must be publicized with the text of the decision made.

The public authorities competent to make environmentally significant decisions referred to in the first paragraph of this Article must keep a record of such decisions in the form of publicly accessible lists and registers.

The procedure for organizing and conducting public discussions of environmentally significant decisions, publicizing them is to be established by the Council of Ministers of the Republic of Belarus.”.

Article 2. The following additions and amendments are to be made to the Law of the Republic of Belarus of 10 January 2000 on the Legislation of the Republic of Belarus (National Register of Legislation of the Republic of Belarus,

2000, No. 7, 2/136; 2002, No. 7, 2/830; 2008, No. 184, 2/1507; 2009, No. 161, 2/1583)

in Article 8:

in the first paragraph:

the following indent is to be added to the Article after the second indent:

“the participation of citizens and public associations in an open (nationwide, public or professional) discussion of draft legislation in cases provided for by legislation. In other cases, an open (nationwide, public or professional) discussion of a draft legislative instrument may be conducted if the legislative authority so decides;”;

the third indent is to be regarded as the fourth indent;

the second paragraph is to be deleted.

Article 3. In the second paragraph of Article 2 of the **Law of the Republic of Belarus of 10 November 2008 on Information, Informatization and Information Protection** (National Register of Legislation of the Republic of Belarus, 2008, No. 279, 2/1552), the word “environmental” is to be added after the word “legal,”.

Article 4. In the second paragraph of Article 2 of the **Law of the Republic of Belarus of 12 July 2000 on National and Local Meetings** (National Register of Legislation of the Republic of Belarus, 2000, No. 67, 2/186; National Legal Internet Portal of the Republic of Belarus, 19 November 2013, 2/2068), a sixth indent is to be added as follows:

“meetings organized and conducted for public discussions of decisions having an impact on the environment and (or) connected with the use of natural resources.”.

Article 5. Within six months, the Council of Ministers of the Republic of Belarus is to:

ensure that the legislation of the Republic of Belarus is brought into line with this Law;

take other measures to implement the provisions of this Law.

Article 6. This Law is to enter into force as follows:

Articles 1-4: six months after official publication of this Law;

other provisions: from the date of official publication of this Law.

President of the Republic of Belarus

A. Lukashenko