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ECONOMIC COMMISSION
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Tel: +41 (0)22 917 4226 (direct)
+41 (0)22 917 1234 (Palais des Nations)
E-mail: aarhus.compliance@unece.org

Palais des Nations, Room 429-4
CH-1211 GENEVA 10

Ref: ACCC/S/2015/02

10 August 2017

Ms. Tatsiana Yeudasiova
Ministry of Natural Resources and Environmental Protection
Minsk, Belarus

Ms. Egle Pauzoliene
Ministry of Environment
Vilnius, Lithuania

Dear Ms. Yeudasiova, dear Ms. Pauzoliene,

Re: Submission to the Aarhus Convention Compliance Committee concerning compliance by Belarus in connection with public participation in decision-making concerning Ostrovets nuclear power plant (ACCC/S/2015/2)

In the context of its deliberations on the above submission, the Committee agreed to send further questions to both parties in order to clarify a number of matters with a view to finalizing its draft findings. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be grateful to receive your replies to the enclosed questions on or before **Monday, 28 August 2017**. Please send your response to aarhus.compliance@unece.org, copying the other Party. You will then have until **Monday, 4 September 2017** to provide the Committee with any comments you wish to make on the reply by the other Party. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its upcoming fifty-eighth meeting (Budva, 10 – 13 September 2017).

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

- Cc: Permanent Mission of Belarus to the United Nations Office and other international organizations in Geneva
Ms. Iya Malkina, First Deputy Minister, Ministry Natural Resources and Environmental Protection, Minsk, Belarus
Mr. Ivan Narkevitch, RUE Bel SRC "Ecology", Minsk, Belarus
- Cc: Permanent Mission of Lithuania to the United Nations Office and other international organizations in Geneva
Ms. Agnes Jakstiene, Ministry of Environment, Vilnius, Lithuania
- Enc: Questions for the Parties from the Committee

Questions from the Committee to both Parties:

1. The Parties' statements refer to five different EIA reports by Belarus:
 - a. An EIA report sent prior to the 2 March 2010 to Lithuania;
 - b. An EIA report published online on 4 March 2010;
 - c. An EIA report presented during the bilateral meeting of 18 June 2010;
 - d. The final EIA report forwarded to Lithuania on 11 February 2011;
 - e. The final EIA report annexed to the expertiza decision of 23 October 2013.

Were any of the above EIA reports exactly word-for-word identical and if so which ones? For those that differ from the previous version, in what way(s) did they differ?

2. Did the Lithuanian public have the opportunity to send written comments on the EIA report(s) in 2010 and if so, what was the dates of the written commenting period(s)? Could they send comments in Lithuanian language?

Questions to the Party concerned:

3. In your statement at the hearing at the Committee's 55th meeting, you stated:

"it should be noted that the final version of the EIA report, mentioned in the introduction, is a detailed version of the previous version and contains no changes of a fundamental nature. It was simply supplemented by project solutions, to which the affected parties showed interest".

If you state that there were no differences between the EIA reports of 4 March 2010, 18 June 2010 and 11 February 2011, then what are your arguments to support your claim that the comments received from the Lithuanian public were taken into account as required by article 6, paragraph 8, of the Convention?

4. Was there an expertiza decision prior to the President's Decree no. 418 of 15 September 2011 on the Location and Design of a Nuclear Power Plant in Belarus?
5. Paragraph 54 (d) of the Report on the activities of the Espoo Implementation Committee of 24 March 2014 (ECE/MP.EIA/2014/4 - ECE/MP.EIA/SEA/2014/4) states that Belarus extended the time frame to submit comments for the Lithuanian public on the final EIA report from 1 October to 18 October 2013. If this statement is correct:
 - a. What was the reason for this extension?
 - b. What was the original timeframe for public participation set for the Lithuanian public?
 - c. What date was the final EIA report indeed finalized?
 - d. Was the expertiza decision taken on 23 October 2013 as stated by Lithuania? If not, please specify the date of this decision.
6. What aspects of the decision-making / project documentation would the Lithuanian public have been able to comment on at the time of the hearing and written commenting period in October 2013 that it would not have been able to comment on at the hearing in March 2010?
7. Please provide the relevant pages of the following EIA reports where the comments of the Lithuanian public have been taken into account (please use highlighting to clearly indicate where the Lithuanian public's comments have been addressed):
 - a. The final EIA report sent to the submitting Party on 11 February 2011.
 - b. The final EIA report annexed to the expertiza decision of 23 October 2013.
8. What steps, if any, did your public authorities take to inform the public in Lithuania of the hearing held on 9 October 2009 in Ostrovets, Belarus? Please refer to any relevant announcements published in the print media in Lithuania, any notices posted in public places in Lithuania as well as any other methods your public authorities used to inform the public in Lithuania.
9. What steps, if any, did your public authorities take to inform the public in Lithuania of the hearing held in 17 August 2013 in Ostrovets, Belarus? Please refer to any relevant announcements published in the print media in Lithuania, any notices posted in public places in Lithuania as well as any other methods your public authorities used to inform the public in Lithuania.

Question to the submitting Party:

10. At page 2 of the annex to your submission of 25 March 2015, you state "Belarusian representatives...informed that they would ensure translation into Lithuanian during the hearing". Please provide the letter or other correspondence from Belarus in which it states that it will provide translation at the public meeting on 2 March 2010 in Vilnius.