



LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA
THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

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Compliance Committee
Convention on Access to Information, Public
Participation in Decision-making
and Access to Justice in Environmental Matters
(Aarhus Convention)
United Nations Economic Commission for
Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland

2017-08- 10 No. (16-1)-D8- 5923
To 2017-08-10 No. ACCC/S/2015/02

REGARDING COMPLIANCE COMMITTEE'S ADDITIONAL QUESTIONS (SUBMISSION ACCC/S/2015/02)

On 10 August 2017, the Ministry of Environment of the Republic of Lithuania received a letter from the Compliance Committee of the Aarhus Convention with additional questions addressed to the submitting Party and the Party concerned in the procedure based on the submission ACCC/S/2015/02. Please find our answers to the questions provided below.

Questions from the Committee to both Parties

1. The Parties' statements refer to five different EIA reports by Belarus. Were any of the mentioned 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?

Answers to the above questions

1. Compliance Committee asks to provide information related to five different EIA reports:
 - 1(a) The EIA report sent to Lithuania prior to 2 March 2010;
 - 1(b) The EIA report published online on 4 March 2010;
 - 1(c) The EIA report presented to Lithuania during the bilateral meeting of 18 June 2010;
 - 1(d) The EIA report forwarded to Lithuania on February 2011;
 - 1(e) The EIA report annexed to the expertiza decision of 23 October 2013.The main differences among the mentioned EIA reports can be evaluated in terms of 1) *volume* and; 2) *content of the report*, specifically – essential information about the planned economic activity (location, technological alternatives, etc.) and information about the transboundary impact of the planned economic activity on different elements of the environment and human health.
The very first EIA report sent to Lithuania prior to 2 March 2010 (1(a)):
 - Consisted of 136 pages (EIA report – 134 pages, Annexes – 2 pages);
 - Contained a chapter with brief information about transboundary impact of the planned economic activity (12 pages) (table of content of this EIA report is provided in Annex 1).
 - In the view of Lithuanian authorities, this version of the report can be treated only as a scoping

document. This report lacked important information: 1) on the proposed activity; 2) locational and technological alternatives; 3) management of spent nuclear fuel and radioactive waste; 4) transboundary radiological impact on the Lithuanian population under normal operational conditions and in the event of accidents; 5) transboundary impact on the ecosystem and hydrological regime of the river Neris; and 6) justification of the conclusions presented in the report (For more information please refer to the letter of the Ministry of Environment of the Republic of Lithuania No. (1-15)-D8-8864 dated 15 October 2009 (Annex 2). Lithuanian position on the document taking into account the views of Lithuanian public was presented in the letter of the Ministry of Environment of the Republic of Lithuania No. (10-3)-D8-4486 dated 7 May, 2010 (Annex 3).

From the Belarus replies to Lithuanian comments that were presented to Lithuania just before the bilateral meeting of 18 June 2010 (for more information please see Annex 4) and from the information delivered at the meeting, the members of the Lithuanian delegation got the impression that the EIA reports mentioned in 1(b) and in 1(c) were totally different from the EIA report sent to Lithuania prior to 2 March 2010 (1(a)). These versions of the report – 1(b) and 1(c) – were 4 times more thorough both in size and in content (had at least 20 chapters). Despite our official requests (for more information please see Annex 5) the EIA reports mentioned in 1 (b) and 1(c) have never been submitted to Lithuania, therefore, we are not able to provide more details about the content of these two reports.

The EIA report forwarded to Lithuania on February 2011 (1(d)):

- Consisted of 719 pages (EIA report – 528 pages, Annexes – 191 pages);
- Contained information, although insufficient, on transboundary impacts (addressed throughout the report, the report did not include any specific chapter);
- Information about the written comments received was included in the Annexes.

Table of content of this EIA report is provided in Annex 6.

The report did not answer the questions raised by Lithuania in the letter of the Ministry of Environment of the Republic of Lithuania No. (10-3)-D8-4486 dated 7 May 2010 and the bilateral meeting held in Minsk on 18 June 2010. The EIA report lacked important information on site selection criteria; there were no explanations why such important factors as the population density and vicinity to the most densely populated part of the territory of the Republic of Lithuania that included the capital city Vilnius had been omitted. The report failed to provide equal and thorough assessment of the locational alternatives as it focused exclusively on one particular site, i.e. the Ostrovets site. The report had not been supplemented with any additional geological, seismological and seismo-tectonic data, although such information was necessary for proper comparison of the locational alternatives.

Issues related to the long-term safety, such as planning of decommissioning, radioactive waste and spent nuclear fuel management and final disposal were not properly addressed in the report. Safety substantiation concerning the possible crash of a heavy aircraft was not presented, although it is a very important issue when planning a nuclear power plant (due to possible terror acts on a NPP using an aircraft). The modelling assumptions used for assessment of radiological impact in the event of design and severe accident were imprecise and unjustified. It was unclear how the assessment of the radiological impact on the population of Lithuania under normal operational conditions was carried out. The EIA report did not thoroughly address how the operation of the nuclear power plant in Ostrovets site could affect the ecosystem and hydrological regime of the river Neris. There were no conclusions about the negative impact of change of hydrological regime, thermal, wastewater pollution on the sensitive Neris river ecosystem and no information was provided on the concrete envisaged measures to mitigate possible adverse effects on the ecosystem of the river caused by different types of pollution. Provided information about the early warning of other states and communication in the case of accidents as well as exchange or radiological monitoring data was insufficient (for more information please refer to Annex 7).

It can be stated, that the texts of the EIA reports mentioned in 1(d) and 1 (e) can be treated as identical. Also, despite the fact that Lithuania has not been provided with neither of the two, we have grounds to assume that the EIA report texts of 1(b) and 1(c) are also identical. However, the EIA reports mentioned in 1(d) and 1 (e) are different from those mentioned in 1(b) and 1(c) and different from the EIA report sent to Lithuania prior to 2 March 2010, i.e. 1(a). The EIA reports 1(b) and 1(c) are also different from the 1(a).

We would also like to note that the Implementation Committee of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) during the twenty-seventh session held in Geneva, 12-14 March 2013, adopted Findings and Recommendations noting that the

NPP project in Belarus was implemented in violation to the Espoo Convention and requested Belarus to agree with Lithuania on the steps to be followed in order to continue the transboundary EIA procedure. However, on 11 June 2013, Belarus submitted only an extremely poor quality Lithuanian translation of the same EIA documentation dated as of 6 July 2010, which had been already assessed by the Lithuanian experts and the Espoo Convention Implementation Committee. Notably, the content of the EIA documentation remained unchanged.

2. In 2010 Lithuanian public had the opportunity to send written comments in Lithuanian language to the Ministry of Environment of the Republic of Lithuania regarding the EIA report sent to Lithuania prior to 2 March 2010 (1 (a)). The written commenting period for the public was from the 10 February till the 31 March 2010. All the received comments were published on the website of the Ministry of Environment (<http://www.am.lt/VI/index.php#a/9819>). No other versions of EIA reports were submitted by Belarus to Lithuanian authorities or the public in 2010. It should be reiterated that the EIA report sent to Lithuania prior to 2 March 2010 (1 (a)) could be considered only as a scoping document and it lacked important information.

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.

Answer to the above question

There are no written correspondence regarding this matter, the organisational and logistical issues were discussed by phone. At that time informal communication was common practice between the competent authorities:

1) before this event of 2 March 2010 we already have had some practice when Belarus, as Party of Origin, took part in the event in Lithuania and was responsible for the interpretation during that event. In September 2009 a meeting regarding the EIA report for the planned hydro-power plant on the river Nemunas in Belarus was held in Druskininkai (town in Lithuania close to Lithuanian-Belarus border). At the meeting the Belarus side provided interpretation services following the 'polluter pays' principle.

2) in addition to this, Lithuania, as a Party of Origin, in all meetings organised in Belarus in relation to the presentation of the EIA reports for activities planned in Lithuania (at least three events were organised in 2007-2009) provided interpretation following the 'polluter pays' principle.

ATTACHED:

1. Table of content the EIA report (1(a)), 8 pages.
2. 15-10-2009 letter of the Ministry of Environment of the Republic of Lithuania No. (1-15)-D8-8864, 5 pages.
3. 07-05-2010 letter of the Ministry of Environment of the Republic of Lithuania No. (10-3)-D8-4486, 7 pages.
4. 14-06-2010 letter of the Ministry of natural Resources and Environmental Protection of the Republic of Belarus No. 13-16/2799-bH, 15 pages.
5. 09-07-2010 letter of the Ministry of Environment of the Republic of Lithuania No. (10-3)-D8-6627, 3 pages.
6. Table of content of the EIA report (1(d)), 9 pages.
7. 18-03-2011 letter of the Ministry of Environment of the Republic of Lithuania No. (10-3)-D8-2613, 9 pages.

Yours sincerely,

Robertas Klovas
Chancellor of the Ministry