



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

A. Jakšto St 4/9, LT-01105 Vilnius, tel: (+370 5) 266 35 39, fax: (+370 5) 266 36 63, e-mail: info@am.lt http://www.am.lt

Mr. Felix Zaharia  
Chair of Implementation Committee  
Convention on Environmental Impact  
Assessment in a Transboundary Context

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Ms. Tea Aulavuo, Secretary  
Convention on Environmental Impact  
Assessment in a Transboundary Context  
Environment Division  
Office S.319, Palais des Nations, CH - 1211  
Geneva 10  
Switzerland

**LITHUANIAN YEARLY REPORT ON THE IMPLEMENTATION OF THE DECISION  
VI/2 REGARDING BELARUS**

Dear Mr. Felix Zaharia and Ms. Tea Aulavuo,

Following the request of the Meeting of Parties set out in Decision VI/2 on the Review of compliance with the Espoo Convention adopted on its sixth session on 2–5 June, 2014, we kindly present Lithuanian yearly report on the implementation of the recommendations further to a submission by Lithuania regarding the Belarus nuclear power plant (hereinafter – NPP, Ostrovets NPP). Our consistent and continuous efforts towards the effective implementation of the above mentioned recommendations are described in detail in the enclosed report.

Following the recommendations of the Espoo Convention's Implementation Committee (hereinafter – the Implementation Committee) in 2016 there were two bilateral Lithuanian–Belarus experts' meetings organised in order to discuss the issues of the Ostrovets NPP project. The first meeting was held on 21-22 June in Vilnius, the second – on 13-14 September in Minsk.

The bilateral experts' discussions revealed that Lithuanian and Belarus positions differ on all the issues with regard to the Ostrovets NPP: site selection, assessment of alternative sites in the EIA Report, violations of the Espoo Convention, geological, seismological and hydrological assessment of the Ostrovets site, possible radiological impact on Lithuania, use and possible impact on the river Neris (Vilija) and potable water, the risk and safety assessment (the stress tests), the International

Atomic Energy Agency's (IAEA) Site and External Events Design (SEED) mission, safety of the NPP design, work and safety culture, competence and independence of the Belarus nuclear safety regulator, etc. For detailed positions and explanations please refer to the joint Lithuanian–Belarus report of the mentioned bilateral meetings submitted to the Implementation Committee on 8 December, 2016.

Lithuania maintains its position that the formal application of procedure related matters does not mean that the documents submitted to the affected Party comply with the Espoo Convention's requirements regarding its content and quality. Lithuania highly appreciates the Implementation Committee's view expressed on its thirty–fourth session on 8–10 December, 2015, regarding the Espoo Convention's requirements towards the substance of the EIA documentation and its suggestion to Lithuania and Belarus to co-establish an expert body modelled after the *Inquiry Commission* set in Appendix IV of the Espoo Convention that would support the analysis of the EIA procedures and substance of the Ostrovets NPP project.

Following the recommendation of the sixth Meeting of Parties of the Espoo Convention and with a view to enhance practical implementation of the Convention Lithuania continued the coordination of the draft Bilateral Lithuanian–Belarus Agreement on the Implementation of the Espoo Convention. Lithuanian and Belarus experts held detailed discussions on the matter on 17 December 2015 in Vilnius and on 27 October 2016 in Minsk on the basis of the text version presented by Lithuania to Belarus on 5 November, 2015. Lithuania proposed to continue the coordination on the draft Bilateral Agreement in 2017 in Vilnius.

Lithuania renews its full support to the work done by the Implementation Committee in order to analyse the steps undertaken by Belarus and Lithuania after the adoption of the Implementation Committee's report of its twenty-seventh session on 12-14 March, 2013, and confirms its readiness to continue the close cooperation with the bodies of the Espoo Convention. We sincerely hope that the Lithuanian yearly report will be useful for this purpose.

ENCLOSURE. Lithuanian yearly report, 2016, 13 pages.

Yours sincerely,

Mindaugas Gudas  
Vice-Minister



M. Masaityte +370 706 63654 e-mail: migne.masaityte@am.lt

**Yearly report on steps taken by Lithuania in regard to implementation of the recommendations further to a submission by Lithuania regarding Belarus, set out in Decision VI/2 on the Review of compliance with the Convention adopted by the Meeting of the Parties to the Convention on its 6th session on 2–5 June 2014**

No.	Recommendation of 6 <sup>th</sup> Meeting of Parties of the Espoo Convention	Steps taken / Comments
1. (Para 48)	<p><i>Endorses</i> the finding of the Committee that, following the recent legislative changes in Belarus, Belarus has improved its legal framework on EIA and that there were no grounds for finding non-compliance with article 2, paragraph 2, of the Convention;</p>	<p>The legislative changes in Belarus acknowledged by the Implementation Committee of the Espoo Convention (hereinafter – IC) have not ensured the right of Lithuanian public to get comprehensive information and to participate in the transboundary environmental impact assessment (hereinafter – EIA) process of the Belarus NPP project in accordance with the Espoo Convention. The remaining shortcomings of Belarus legislative system were highlighted by the Meeting of Parties of the Aarhus Convention<sup>1</sup> on 30 June-4 July 2014 in Maastricht, which stated that Belarus had failed to comply with the Aarhus Convention, while implementing the Ostroveti NPP project<sup>2</sup>. Currently the Compliance Committee of the Aarhus Convention is evaluating the progress of Belarus on elimination of the identified shortcomings and implementation of the recommendations.</p> <p>It is important to stress that currently the Compliance Committee of the Aarhus Convention is analysing another case against Belarus regarding the Ostroveti NPP. On 7 December 2016 in the meeting of the Compliance Committee a hearing session of the Ostroveti NPP case was arranged. It was based on the Lithuanian submission to the Committee as of 25 March 2015. The issues of general overview of the EIA procedure and its relation to the procedure of site selection, planning and licensing system in Belarus, were discussed in two bilateral meetings</p>

<sup>1</sup> United Nations Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

<sup>2</sup> Decision ECE/MP.PP/2014/2/Add.1. Association of NGOs “European ECO Forum” presented the communication ACCC/C/2009/44 to the Aarhus Convention in 2009. It was noted in the communication that Belarus does not comply with the provisions of the Aarhus Convention.



	<p>of experts on the revised draft Bilateral Agreement for the Implementation of the Espoo Convention (hereinafter – draft Bilateral Agreement)<sup>3</sup> held on 17th December 2015 in Vilnius and on 27th October 2016 in Minsk. Lithuania proposed to continue the coordination of the draft Bilateral Agreement in 2017 in Vilnius.</p> <p>Lithuania maintains its position that the formal submission of the EIA documentation (Article 3, Paragraph 8) to the Affected Party does not mean that the EIA documentation comply with the Espo Convention's requirements and the endorsed Findings and Recommendations (hereinafter – F&amp;R) of the IC regarding its content and quality. The EIA documentation submitted to Lithuania with the letter of 11 June 2013 was dated as of 6 July 2010. It means that it had already been assessed by Lithuanian experts and the IC before the adoption of the aforementioned F&amp;R and was found to be non-compliant with the provisions of the Espoo Convention. The documentation sent on 11 June 2013 did not take into account Lithuanian questions and comments and the F&amp;R of the IC. The IC at its 27th session recommended Belarus to continue the procedure of transboundary EIA on the basis of the final EIA documentation. For this purpose, Belarus was requested to agree with Lithuania on the steps to be followed, to answer all Lithuania's questions and to take into consideration Lithuanian comments. Although the Espoo Convention does not contain a notion of an updated EIA report, the IC stated that the EIA report had to be supplemented by the information, requested by Lithuania, in order to implement the provisions of the Espoo Convention.</p> <p>It should be noted that the letter of 11 June 2013 of Belarus did not include any new information regarding questions and comments that Lithuania had been raising from the very beginning of the EIA process in 2009. The documentation (about 1000 pages) submitted to Lithuania included only an extremely low quality translation of the EIA documentation dated as of 6 July 2010, a compendium of Belarus letters submitted to Lithuania earlier, as well as a non-existent document, misleadingly called <i>protocol of bilateral consultations</i>, which Lithuanian side did not sign. We note with regret that Belarus did not take the responsibility for the quality of the translation of the EIA report and did not provide a comprehensible translation into Lithuanian language.</p> <p>Therefore, in 2016 Lithuania continuously has been requesting Belarus to present to Lithuania</p>
<p>2. (Para 49)</p>	<p>Also endorses the findings of the Committee that, on 14 March 2013, the date of the adoption by the Committee of its report on its twenty-seventh session, including the findings as an annex to the report, Belarus was in compliance with its obligations under article 3, paragraph 2 (a) and (c), and article 3, paragraph 8, of the Convention in relation to the activities referred to in the submission by Lithuania regarding Belarus on 16 June 2011;</p>

<sup>3</sup>The revised draft Bilateral Agreement was submitted to Belarus and the IC by the letter of the Ministry of Environment of Lithuania (hereinafter – Lithuanian MoE), No. (10-3)-D8-8179 of 5 November 2015.

		<p>the EIA report that would contain the required information and would be in compliance with the provisions of the Espoo Convention. For detailed explanations please refer to the Joint report of the Bilateral Lithuanian-Belarus experts' meetings regarding the Ostrovets NPP project (21-22 June 2016, Vilnius, and 13-14 September 2016, Minsk) and its Annex 1 containing Lithuania's position).</p>
<p><b>3.</b> (Para 50)</p>	<p><i>Further endorses</i> the findings of the Committee that Belarus on 14 March 2013 was in non-compliance with its obligations under article 2, paragraph 6, article 4, paragraph 2, article 5, paragraph (a), and article 6, paragraphs 1 and 2, of the Convention in relation to the activities referred to in the submission;</p>	<p>Lithuania notes with regret that Belarus has not taken any constructive steps in order to implement the recommendations given by 6<sup>th</sup> Meeting of Parties (hereinafter – MOP) and in order to comply with the Espoo Convention. Lithuania maintains its position that the transboundary EIA procedures in line with the Espoo Convention for the Ostrovets NPP are still pending: Lithuanian questions remain unanswered; the revised EIA report that would meet the requirements of the Espoo Convention and F&amp;R of the IC has not been submitted to Lithuania, the public hearings have not been arranged, experts' consultations in accordance with Article 5 of the Espoo Convention have not been completed. Belarus refuses to implement its obligations under Espoo Convention.</p> <p>At the bilateral Lithuanian-Belarus experts' meetings regarding the Ostrovets NPP project (21-22 June 2016, Vilnius, and 13-14 September 2016, Minsk) Lithuania requested Belarus to provide to Lithuania presentations given during the meetings and to include all the presented information in the form of a revised EIA report, or as an Annex to the EIA report for further analysis by Lithuanian experts and public consultations. Belarus refused to revise the EIA report and agreed to share the information and presentations only under the condition that Lithuania admitted that the transboundary EIA for the Ostrovets NPP is finished. Lithuania finds the mentioned approach unacceptable.</p>
<p><b>4.</b> (Para 51)</p>	<p><i>Requests</i> the Government of Belarus to take a final decision on the site selection, in full compliance with the requirements of article 6, i.e., ensuring that due account has been taken of the outcome of the EIA documentation, and the comments thereon received pursuant to article 3, paragraph 8, and article 4, paragraph 2, as well as the outcome of the consultations referred to in article 5;</p>	<p>Belarus has not implemented this recommendation. Lithuania holds that the Ostrovets site was chosen and the construction works were commenced before the start of the transboundary EIA that constitutes a serious violation of the Espoo Convention.</p> <p>Presidential Decree of 15 September 2011 No. 418, which determined the Ostrovets site for the location of the NPP and required to develop the design of the NPP taking into account that specific location, and the Decree of 2 November 2013 No. 499 regarding construction of the Belarus NPP in the same site preceded the outcomes of the transboundary EIA. Therefore, the mentioned decisions constitute a serious violation of the Espoo Convention and cannot be considered as final decisions, as the transboundary EIA procedures in line with the Espoo Convention for the Ostrovets NPP are still pending: Lithuanian questions remain unanswered, the revised EIA report that would meet the requirements of the Espoo convention and F&amp;R of the IC has not been submitted to Lithuania, the public hearings have</p>

		<p>not been arranged, experts' consultations in accordance with Article 5 of the Espoo Convention have not been completed. Formal submission of the EIA documentation (Espoo Convention's Article 3, Paragraph 8) to the Affected Party does not mean that the EIA documentation comply with the Espoo Convention's requirements and the endorsed F&amp;R of the IC regarding its content and quality. The EIA documentation submitted by Belarus to Lithuania in February 2011 and June 2013 was dated as of 6 July 2010. It means that it had already been assessed by Lithuanian experts and the IC before the adoption of the F&amp;R. The mentioned documentation did not take into account Lithuanian questions and comments and the F&amp;R of the IC.</p> <p>We would like to recall that according to the written statement of Belarus (letter of the Ministry of Natural resources and Environmental Protection of Belarus dated 23 September 2011), <i>the Decree of the President of Belarus No. 418 "Concerning the site of the NPP in Belarus and development of the NPP project signed 15 September 2011" determined the Ostrovets site for the location and project development of the NPP and was the final decision in accordance with the Article 6 of the Espoo Convention and with the national legislation of Belarus.</i> The Presidential decree on location has never been revoked or amended. This proves that the Presidential decree of 2013 on the construction of the NPP in the site determined earlier couldn't change the location of the NPP and therefore could be considered only as a part of a final decision. The IC of the Espoo Convention in its F&amp;R further to a submission by Lithuania regarding Belarus, adopted at its 27th session, noted that for the Ostrovets NPP, Belarus split the final decision into two parts: (a) the decision on the location; and (b) the decision on permitting the construction in that specific location. The IC found that when Parties split their final decisions into several parts, all of these parts of the final decision have to comply with article 6 of the Convention.</p> <p>Considering the facts mentioned above and the F&amp;R of the IC of the Espoo Convention, adopted at its 27th session on 12-14 March 2013, and endorsed by 6<sup>th</sup> MOP of the Espoo Convention on 2-5 June 2014, Lithuania maintains the position that Belarus is in non-compliance with Article 6 of the Espoo Convention with regard to the final decisions mentioned above.</p>
<p><b>5.</b> (Para 52)</p>	<p>Also requests Belarus to provide to Lithuania the final decision on the proposed activity taken in accordance with the previous recommendation,</p>	<p>Belarus has not implemented this recommendation. The Decree of 2 November 2013 No. 499 regarding construction of the Belarus NPP in the site already determined in 2011 by Presidential Decree of 15 September 2011 No. 418 preceded the outcomes of the transboundary EIA and cannot be treated as meeting the requirements of Article 6 of the</p>

	<p>along with the reasons and considerations on which it was based;</p>	<p>Esposo Convention as it did not take into account endorsed F&amp;R of the IC due to the following reasons:</p> <ol style="list-style-type: none"> <li>1) EIA report provided to Lithuania does not comply with the F&amp;R of the IC;</li> <li>2) key questions raised by Lithuania still remain unanswered;</li> <li>3) public hearings for Lithuanian public in Lithuania (the affected party) have not been arranged;</li> <li>4) Experts' consultations have not been completed.</li> </ol> <p>Therefore, in 2016 Lithuania repeatedly invited Belarus to implement the necessary steps and to provide to Lithuania the final decision on the proposed activity along with the reasons and considerations on which it was based according to Article 6 of the Convention (for more details please refer to part No. 4 of this table).</p>
<p><b>6.</b> (Para 53)</p>	<p><i>Further requests</i> Belarus to continue the procedure of transboundary EIA on the basis of the final EIA documentation. To this end, and in accordance with the provisions of the Convention, Belarus should agree with Lithuania on the steps to be followed, answer all Lithuania's questions, and take into consideration the Lithuanian comments;</p>	<p>No positive steps. On the contrary, the construction works on the Ostrovetis site are progressing rapidly, despite the fact that the transboundary ELA procedure remains open. During the Bilateral Lithuanian-Belarus experts' meetings in 2016 in Vilnius and Minsk regarding the Ostrovetis NPP project, the following issues were opened :</p> <ul style="list-style-type: none"> <li>• Application of the transboundary EIA procedures and decision making;</li> <li>• Assessment of locational alternatives for the Ostrovetis NPP construction (including no-action alternative), site evaluation and selection criteria (geological, seismotectonic, hydrological conditions and population density);</li> <li>• Seismic safety assessment and assessment of seismicity and seismic hazards of the Ostrovetis and alternative sites;</li> <li>• International Atomic Energy Agency's (IAEA) Site and External Events Design (SEED) mission and stress-tests for the Ostrovetis NPP;</li> <li>• Assessment of impacts in case of accidents. Preparedness and response to a nuclear or radiological emergency;</li> <li>• Potential contamination of the river Neris (Vilija) and groundwater resources in Lithuanian capital Vilnius in case of major accidents in the Ostrovetis NPP;</li> <li>• Design of the NPP;</li> <li>• Nuclear safety and radiation protection regulatory regime including development of the relevant legislation in Belarus;</li> <li>• Incidents at the construction site of the Ostrovetis NPP. Measures taken to control and ensure highest quality of construction works and during operation of the Ostrovetis NPP.</li> </ul>



	<p>Prevention and management of incidents;</p> <ul style="list-style-type: none"> <li>Spent nuclear fuel and radioactive waste management policy and plans.</li> </ul> <p>Unfortunately, the bilateral experts' discussions revealed that Lithuanian and Belarus positions differ on all the issues with regard to the Ostroveti NPP: site selection, absence of alternative sites in the EIA process, violations of the Espoo Convention, geological, seismological and hydrological assessment of the Ostroveti NPP, possible radiological impact on Lithuania, use and possible impact on the river Neris (Vilija), the risk and safety assessment (the stress tests), the IAEA SEED mission, safety of the NPP design, work and safety culture, competence and independence of the nuclear safety regulator. For detailed explanations please refer to the Joint report of the Bilateral Lithuanian-Belarus experts' meetings regarding the Ostroveti NPP project (21-22 June 2016, Vilnius, and 13-14 September 2016, Minsk) and its Annex 1 containing Lithuania's position).</p> <p>In our view, consultations between Parties concerned should not be a mere formality, but should concentrate on the measures to "reduce or eliminate" (Article 5 paragraph 1) the potential transboundary impact of the proposed activity and allow thorough examination of its possible alternatives. Formal submission of the documents to the affected Party does not mean that the EIA documentation comply with the Espoo Convention's requirements and the endorsed Findings and Recommendations of the Committee regarding its content and quality. The lack of substance in the material provided by Belarus suggests that appropriate surveys were not carried out and this significantly undermines not only the quality of the whole transboundary EIA procedure itself but also the whole decision making process of the NPP in Belarus, as well as the safety of the project. Therefore, Lithuania highly encouraged Belarus to accept the proposal of the IC of the Espoo Convention to establish an international experts' body modelled after the <i>Inquiry Commission</i> set in Appendix IV of the Espoo Convention for an in-depth analysis of the Ostroveti NPP case under the Espoo Convention. This would be a good instrument to give advice of technical and scientific nature to the IC for further assessment of Belarus compliance with the Convention.</p>
<p>7. (Para 54)</p>	<p><i>Urges</i> Belarus and Lithuania to make further efforts to ensure that the language requirements of public consultations are satisfied;</p> <p>No progress recorded. On 11 June 2013 Belarus submitted to Lithuania the EIA report drawn up in 2010 and translated into incomprehensible Lithuanian language, most probably using a computer-based translation software (<i>Google</i> translate, etc.). It was impossible to understand the text, sentences made no sense, some of the key words were lost in translation, e.g. in</p>



		<p>“nuclear power plant” the word “plant” was translated into Lithuanian as “herb” rather than “factory” or “enterprise”, while the description of the transboundary EIA process mentioned Uzbekistan instead of Lithuania. Taking this aspect of the practical experience in application of the Espoo Convention and UNECE “Guidance on the Practical Application of the Espoo Convention” into account, Lithuanian Ministry of Environment (hereinafter – MoE) proposed to address the language requirement issues in the draft Bilateral Agreement for Implementation of the Espoo Convention by clearly stating, which documents in which language should be presented to the possibly affected Party; what language requirements are applicable during the public hearing and experts’ consultations meetings; who bears the costs and the responsibility for professional service of interpretation at the public hearing and experts’ consultations and translation of written material (EIA documentation, presentations and etc.). The revised draft Bilateral Agreement<sup>4</sup> was discussed at bilateral experts’ meetings on 17<sup>th</sup> December 2015 in Vilnius and on 27<sup>th</sup> October 2016 in Minsk. Lithuania proposed to continue the coordination of the draft Bilateral Agreement in 2017 in Vilnius.</p>
<p><b>8.</b> (Para 55)</p>	<p><i>Requests</i> Belarus and Lithuania to ensure that the Lithuanian public is informed about the final EIA report and provided with possibilities for making comments or objections to it, in line with article 3, paragraph 8, of the Convention;</p>	<p>No progress recorded. Lithuania has not received the requested updated version of the EIA report that would contain information indicated in Appendix II to the Espoo Convention and taking into consideration the key questions raised by Lithuania. This information is extremely important in order to allow for meaningful public consultations.</p> <p>During the Bilateral Lithuanian-Belarus experts’ meetings regarding the Ostrovetis NPP project in Vilnius and Minsk held in 2016, Lithuania requested Belarus to submit the revised EIA report, which would meet the requirements of the Espoo Convention, the F&amp;R of the IC, and would include the following information: assessment of locational alternatives for the construction of the NPP, site evaluation and selection criteria; seismic hazard assessment; preparedness and response to nuclear or radiological emergencies; potential contamination of the river Neris and potable water; impact of a heavy aircraft crash; management of spent nuclear fuel and radioactive waste, etc.</p> <p>Alternatively, Lithuania proposed to include the mentioned information in an Annex to the EIA report for further analysis by Lithuanian experts and public consultations. Moreover, Lithuania insisted on co-arrangement of the public hearings in the territory of Lithuania. Therefore, Belarus claims that the current version of the EIA report addresses the aspects of transboundary environmental impacts are unfounded.</p>

<sup>4</sup> The revised draft Bilateral Agreement was submitted to Belarus and the IC by the letter of the Lithuanian MoE, No. (10-3)-D8-8179 of 5 November 2015.

<p><b>9.</b> (Para 56)</p>	<p><i>Encourages</i> Belarus and Lithuania to continue consultations, on the basis of article 5, and urges Parties to agree on a reasonable time frame for the consultation period;</p>	<p>No updates. In Paragraph 53 of the F&amp;R of the IC of the Espoo Convention, adopted during 27<sup>th</sup> session on 12-14 March 2014, the IC pointed out that, in accordance with article 5 of the Convention, consultations should not be only a mere formality, but should concern the measures to “reduce or eliminate” (article 5, paragraph 1) the potential transboundary impact of the proposed activity and allow thorough examination of its possible alternatives. Lithuania maintains its willingness to enter into meaningful consultations with Belarus. Therefore, Lithuania has repeatedly requested Belarus to provide missing information (answers to the key questions and the updated EIA report) and to co-arrange public hearings in the territory of Lithuania. Such an approach is in line with the requirements of the Espoo convention, is necessary in order to define the scope of the remaining issues and helps experts to prepare for consultations in a comprehensive manner.</p>
<p><b>10.</b> (Para 57)</p>	<p><i>Also encourages</i> Belarus and Lithuania to agree on a post-project analysis in accordance with article 7 of the Convention;</p>	<p>No updates. Lithuania recalls the position that the transboundary EIA procedure for the Ostrovet's NPP with Lithuania is still open. Despite active bilateral correspondence and claims that Belarus has answered Lithuanian questions, Lithuania lacks substantial information, regarding environmental, nuclear and radiological safety of the Ostrovet's NPP. The main concerns remain as follows:</p> <ul style="list-style-type: none"> <li>• assessment of alternative sites for the NPP construction, according to IAEA recommendations and guidelines;</li> <li>• seismological observations and geological aspects of the selected site;</li> <li>• evaluation of the impact of Belarus NPP to Lithuanian environment and population;</li> <li>• cooling of the NPP, its impact to the river Neris and, as a consequence, to potable water in Lithuania;</li> <li>• emergency preparedness and response measures;</li> <li>• nuclear waste management issues, etc.</li> </ul> <p>We maintain the position that according to Article 7 of the Espoo Convention, the post-project analysis program shall be carried out for activities for which an EIA has been undertaken pursuant to the Espoo Convention. Belarus has not yet completed the transboundary EIA, therefore, entering the post-project analysis stage is premature. The information and answers to the key questions that Lithuania requests are necessary for thorough evaluation, whether the monitoring sites, methods, equipment and the frequency of the measurements, proposed in the post-project analysis program of the Ostrovet's NPP, will be sufficient and appropriate for monitoring radioactive emissions and monitoring of the environment.</p>



		<p>Despite the fact that at this stage of transboundary EIA elaboration of post-project analysis program is premature, Lithuanian authorities analyzed the post-project analysis program sent to Lithuania on 9 February 2015.</p> <p>Considering the arguments above, Lithuania concluded (letters of Lithuanian MoE No. (10-3)-D8-1884 of 12 March 2015 and No. (10-3)-D8-8056 of 30 October 2015) that the post-project analysis program of Belarus NPP cannot achieve the objectives of the post-project analysis, which are listed in the Appendix V of the Espoo Convention and provide information to Lithuanian questions, which are directly connected to the environmental, nuclear and radiation protection and possible transboundary impact, because transboundary EIA is not completed and not all the factors that might induce negative impacts to Lithuanian environment and the public are identified. Despite that, Lithuanian experts have thoroughly analyzed the post-project analysis program and provided to Belarus their detailed findings. Lithuania reiterated its willingness to fully engage in the post-project analysis of the Ostrovet NPP as soon as all the factors that can have significant adverse transboundary impacts are identified and other steps of the transboundary EIA in line with the provisions of the Espoo Convention are finalized. As the post-project analysis will accompany the NPP project throughout the life cycle, the possibility to revise the post-project analysis program should be kept open.</p>
<p><b>11.</b> (Para 58)</p>	<p><i>Further encourages</i> Belarus and Lithuania to conclude the bilateral agreement for the implementation of the Convention in accordance with article 8;</p>	<p>The revised draft Bilateral Agreement for the Implementation of the Espoo Convention<sup>5</sup> was discussed in two bilateral experts' meetings<sup>6</sup> held on 17th December 2015 in Vilnius and on 27th October 2016 in Minsk. It was agreed to continue the coordination of the draft Bilateral Agreement in the first quarter of 2017. During the meetings Lithuania and Belarus agreed to lift the level of the draft Bilateral Agreement from inter-institutional to intergovernmental and revised the preamble and five articles of the draft Bilateral Agreement (Articles 1, 2, 3, 4 and 7). It was agreed that by the next meeting both Parties will exchange their views on the minimum requirements for the EIA scoping documents; on the criteria when the amendments of EIA report would lead to re-submission of the amended EIA report to the affected Party and the repetition of the public consultation procedure in the affected Party.</p>

<sup>5</sup> The revised draft Bilateral Agreement was submitted to Belarus and the IC by the letter of the Lithuanian MoE, No. (10-3)-D8-8179 of 5 November 2015.

12. (Para 59)	Requests Belarus and Lithuania to report by the end of each year to the Committee on the implementation of these recommendations;	Lithuania highly appreciates the work done by the Implementation Committee of the Espoo Convention since the submission of the Lithuanian complaint 2011 and maintains willingness to continue an open dialogue with the bodies of the Espoo Convention. Following the request of the 6 <sup>th</sup> MOP of the Espoo Convention, Lithuania submits its yearly report.
13. (Para 60)	Welcomes the steps taken by both Parties since the Committee's twenty seventh session in following the Committee's recommendations to the Meeting of the Parties, and notes that information about these steps was provided to the Committee which will have to be assessed by the Committee pursuant to paragraph 63 below;	Lithuania expects a thorough assessment of the submitted documents and Belarus actions taken since 27 <sup>th</sup> session of the IC, taking into account not only the procedures, set by the Espoo Convention, but also the content of the documents. Lithuania records no progress in the implementation of the recommendations of 6 <sup>th</sup> MOP of the Espoo Convention on the Belarus side. On the contrary, Belarus is accelerating the construction works of the Ostroverts NPP, despite the F&R of the IC that were endorsed during 6 <sup>th</sup> Meeting of Parties of the Espoo Convention (ECE/MP.EIA/20.Add.1).
14. (Para 61)	Regrets that Belarus and Lithuania were not able to agree on the steps undertaken within the transboundary procedures after 14 March 2013;	Lithuania continuously tries to engage in an open and constructive cooperation with Belarus in order to overcome the encountered difficulties through bilateral meetings and correspondence at all levels. However, Belarus is reluctant to cooperate constructively. At the bilateral Lithuania-Belarus meetings in 2016, Belarus orally presented to Lithuania a lot of new information that had never been submitted to Lithuania. Moreover, the mentioned information contradicted the data provided in the EIA report and previous communication of Belarus. Lithuania requested Belarus to provide all the information in writing for further examination, but Belarus agreed to do that only under the condition that Lithuania withdrew its position that the transboundary EIA procedure for the Ostroverts NPP is still open. Lithuania highly supported the suggestion of the IC to Lithuania and Belarus to co-establish an international experts' commission for an in-depth analysis of the Ostroverts NPP case and continuously urged Belarus to accept the initiative. However, Belarus strongly opposes to it.
15. (Para 62)	Invites Lithuania and Belarus to improve their communication and cooperation for the implementation of the Convention, inter alia, by establishing a permanent joint body on post-project analysis according to article 7 and any other relevant issue concerning the Ostroverts nuclear power plant;	We hold the position that following the provisions of the Espoo Convention, post-project analysis can be initiated only when the preceding stages of application of the Convention are completed. The permanent joint body on post-project analysis could be established only after the finalization of the EIA procedure for the Ostroverts NPP project in line with the Espoo Convention. In the meantime, Lithuania proposed to Belarus (letter of Lithuanian MoE No. (10-3)-D8-3378 of 4 May 2015) to use the already existing legal instruments of bilateral cooperation in the field of environmental protection, enhancing cooperation in the framework of the Espoo Convention. Such instruments include joint bodies, data exchange mechanisms



		<p>and other issues:</p> <ul style="list-style-type: none"> <li>• Bilateral Agreement between the Lithuanian MoE and the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus Regarding the Cooperation in the Field of Environment Protection signed in Minsk on 14 April 1995. This Bilateral Agreement foresees the meetings and consultations of experts in different areas of environment protection, the permanent working group and working subgroups for particular questions.</li> <li>• Technical Protocol on Cooperation in Monitoring and Information Exchange on Status of Transboundary Surface Waters, which was signed in Minsk on 10 April 2008. In accordance with this Technical Protocol, the Plan for the Joint Sampling of Surface Waters in the Transboundary Areas of the Water Bodies is agreed by competent authorities of both Parties every year.</li> </ul> <p>Lithuania proposed that Lithuanian-Belarus joint body, established on the basis of the legal instruments mentioned above, could be used to discuss all environmental aspects of the Ostrovets NPP project.</p> <p>Moreover, following Lithuania's proposal the revised draft Bilateral Agreement<sup>7</sup> includes provisions regarding joint bodies. For more details, please, refer to parts 10 and 11 of this table.</p>
<p><b>16.</b> (Para 63)</p>	<p><i>Requests the Implementation Committee to thoroughly analyse the steps undertaken after the adoption of the Committee's report on its twenty-seventh session and to reflect the conclusions of its analysis in the report of the Committee's thirty-third session at the latest, and to report to the Meeting of the Parties at its seventh session on the matter;</i></p>	<p>Lithuania reiterates its full support to the work done by the IC since 2011 and the continuing work in the new inter-sessional period (2014-2017). Whereas a number of developments took place after the adoption of the IC's report on its 27<sup>th</sup> session, we support the view that the IC should thoroughly analyze the steps undertaken by both Parties since then.</p> <p>In the report of the IC on its 34<sup>th</sup> session held in Geneva, 8–10 December 2015, in the paragraphs 32-33 it is stated that <i>in the view of the Committee, the matters of disagreement between the two Parties related to scientific and other technical matters. The Committee recalled that, according to its structure and functions, its mandate was to provide advice and recommendations, inter alia, relating to technical matters (decision III/2, appendix, para. 4 (c)); but since it did not in this specific case have the sufficient technical and scientific knowledge to assess compliance by Belarus with the Convention on that basis, it was necessary for it to seek the services of scientific experts and other technical advice or consult other relevant sources, according to its structure and functions (ibid., para. 7 (d))</i> and that Committee agreed that, <i>subject to the agreement of Belarus and Lithuania, it would be useful</i></p>

<sup>7</sup>The revised draft Bilateral Agreement was submitted to Belarus and the IC by the letter of the Lithuanian MoE, No. (10-3)-D8-8179 of 5 November 2015.

		<p><i>if the two countries established and financed an expert body modelled after the inquiry commission provided for under appendix IV to the Convention. In that regard, the Committee asked the Chair to send letters to the Governments of Belarus and Lithuania seeking their views about the possibility of establishing such an expert body and inviting representatives of both countries to the Committee's thirty-fifth session (Geneva, 15–17 March 2016) to discuss the steps they had taken to implement the recommendations in decision VI/2. The Committee also agreed that the Chair should invite the Bureau, including its members representing Belarus and Lithuania, to discuss the establishment of the expert body at the next meeting of the Bureau (Geneva, 19–20 January 2016).</i></p> <p>On various occasions Lithuania highly supported the IC's views and proposal to establish the expert body modelled after the <i>Inquiry Commission</i> set in Appendix IV of the Espoo Convention for an in-depth analysis of the Ostrovets NPP case under the Espoo Convention (letter of Lithuanian MoE No. (10-3)-D8-358 of 18 January 2016; Espoo Convention Bureau meeting in Geneva, 19–20 January 2016; hearings regarding the Ostrovets NPP at the IC's 35<sup>th</sup> session (Geneva, 15 March 2016)). Moreover, Lithuania has repeatedly encouraged Belarus to accept the mentioned initiative of the IC. Although Belarus strongly opposes the proposal and claims that such a body would be a new unprecedented instrument and it would require additional financial resources, Lithuania is convinced that this would be a good instrument to give advice of technical and scientific nature to the IC for further assessment of Belarus compliance with the Convention.</p> <p>We remain open and ready to provide to the IC any additional information or explanations it would require.</p>
<p><b>17.</b> (Para 64)</p>	<p><i>Encourages</i> Belarus to further develop confidence-building measures, including to invite the International Atomic Energy Agency (IAEA) for a Site and External Events Design (SEED) mission with a view to evaluating the site selection criteria and studies for the nuclear power plant, as well as its development and operation, to fully ensure its safety.</p>	<p>Belarus has not implemented the recommendation. At the two bilateral Lithuania-Belarus meetings in 2016 on the issues of the Ostrovets NPP, Lithuania repeatedly called on Belarus to immediately accomplish the International Atomic Energy Agency's (IAEA) Site and External Events Design Review Service (SEED), in its full scope, with a view to provide an independent review of the site evaluation and the design of the NPP. Lithuania recalled that it had been reiterating the request since 2013. Lithuania also urged Belarus to fulfil its commitment of June 23, 2011, to undertake the comprehensive risk and safety assessment (the stress tests), taking into account the agreement with the European Commission. Lithuania insisted on Belarus to invite experts from the European Union, including Lithuania, to take part in the IAEA SEED mission and the stress-tests exercise, as only international expertise</p>

can guarantee impartial assessment. Belarus reiterated its promise to accomplish the IAEA SEED mission<sup>8</sup> and the stress tests in December 2016; however, no information about the planned dates and scope of the mentioned international review exercises and the participation of the EU and Lithuanian experts in the mentioned international reviews has been provided. For more information, please refer to the Joint report of the Bilateral Lithuanian-Belarus experts' meetings regarding the Ostrovet's NPP project (21-22 June 2016, Vilnius, and 13-14 September 2016, Minsk) and its Annex 1 containing Lithuania's position).

In 2016, at least six incidents known to Lithuania occurred at the Ostrovet's NPP. The incident of 10 July, when a 330-ton reactor vessel was dropped from the height of 4 m, was especially serious and could have negative impacts on the safety of the NPP, if the damaged vessel was used. Belarus did not disclose any information about the incident until it appeared in the independent Belarus media on July 25. Even then, Belarus officials denied the fact of an incident or tried to downgrade the scale of it. Only due to active Lithuanian stance on the issue Belarus disclosed some information and admitted that the damaged reactor vessel must be replaced. It should be noted that the new reactor vessel for the 1<sup>st</sup> unit of the Ostrovet's NPP was also involved in an incident: on 26 December in the railway station of Slavnoe (Vitebsk Region, Belarus) the new reactor pressure vessel on its way from Russia to Belarus hit the support of the railway power supply line. As in the case of all other incidents, Lithuania received the information from the media instead of the official Belarus authorities.

Taking into account the principles of openness, transparency and good neighbourliness, Belarus should have operatively informed Lithuania about all the incidents (causes, consequences, assessment, conclusion on possible impact, etc.) at the Ostrovet's NPP and ensure effective and transparent control of the construction works according to the agreed project documentation and international standards. Recent incidents at the Ostrovet's NPP prove that the above mentioned confidence building measures, as well as international supervision of the project are extremely important and the IC of the Espoo Convention has a major role to play.

<sup>8</sup> <https://issc.iaea.org/web/seed.html>