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THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

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Implementation Committee
Convention on Environmental Impact
Assessment in a Transboundary Context
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**ANNUAL REPORT ON THE IMPLEMENTATION OF THE DECISION VI/2
REGARDING BELARUS**

Referring to 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 annual report on the implementation of the recommendations further to a submission by Lithuania regarding the Belarus nuclear power plant in Ostrovets (hereinafter – Ostrovets NPP). Our consistent and continuous efforts towards the effective implementation of the above mentioned recommendations are described in detail below.

I. EU risk and safety assessment (stress tests) for the Ostrovets NPP

Belarus committed to perform the risk and safety assessments (the stress tests) in 2011, but presented its national stress tests report only on 30 October 2017.

On 2 July, 2018 European Nuclear Safety Regulators Group (ENSREG) endorsed the EU peer review report on the Belarus' NPP stress tests. The stress test exercise, led by the ENSREG, has identified many deficiencies of the Belarus NPP design that are direct lessons of Fukushima accident. The stress test peer review team (PRT) presented important recommendations on how to eliminate these deficiencies and improve safety.

Key findings:

- a. **Comprehensive seismic assessment was not performed** prior to the preparation of Belarus NPP design. Seismic assessment is crucial in order to determine appropriate NPP design criteria.
- b. **Belarus NPP design has deficiencies related to loss of safety functions.**
- c. **Severe accident management has deficiencies.**

Summing up, the stress tests exercise has widened the scope of existing safety concerns (e.g. site selection, implementation of environmental conventions, etc.) of the Ostrovets NPP. Lithuania is of the position that without full implementation of all recommendations presented by the peer review team as well as elimination of other safety concerns the first unit of the Ostrovets NPP shall not be commissioned.

PRT suggested that Belarus **should prepare and implement National Action Plan**. This Plan should contain safety improvement measures which should address all recommendations of the stress tests peer review team. Despite the repeated EU encouragements to prepare and present National Action Plan by the end of 2018, up to date this document is not available. The situation raises even more concerns as regards plans by Belarus to commission the first unit of the NPP already in March-April of 2019.

Yet, stress tests is just one of the elements that can enhance nuclear safety. They only assess external hazards to the NPP; but **do not address** the most important question **concerning site research, evaluation and selection criteria**. Also, significant questions like seismic and geological research, site suitability for the construction of the NPP, transboundary environmental impact, low safety and construction culture (that already led to several accidents at the construction site) are out of the scope.

II. Site and External Events Design (SEED) mission

It should be further noted that Belarus did not fully implement the recommendations of the sixth Meeting of Parties of the Espoo Convention (decision VI/2): “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.” That was also acknowledged by the Implementation Committee (Report on the activities of the Implementation Committee, ECE/MP.EIA/2017/4–ECE/MP.EIA/SEA/2017/4). Considering the scope of the IAEA SEED mission chosen by Belarus, **no conclusions could be drawn regarding site evaluation and selection criteria as these topics were not analysed by the IAEA experts**. Therefore, Lithuania will further maintain the view that Belarus should invite the IAEA SEED mission in full scope.

III. Bilateral Lithuanian–Belarus Agreement on the Implementation of the Espoo Convention

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 procedures related to the draft Bilateral Lithuanian–Belarus Agreement on the Implementation of the Espoo Convention. Lithuanian and Belarus experts held discussions on the matter on 12-13 of June 2018 in Minsk. During the meeting both delegations reiterated their intentions to conclude the Agreement on intergovernmental level and discussed the following items: general provisions (Article 1), notification (Article 2), EIA documentation (Article 3) access to information and public participation (Article 4), bilateral consultations (Article 5), final decision (Article 6), post-project analysis (Article 7), organizational matters (Article 8). Remaining issues for further consideration are:

- Provisions on concept of consultations and discussions (Article 1.2);
- Timeframe for procedural steps in the text of the agreement;
- Specification of references to Article 8 of the Agreement (Articles 2.3 and 1.4);
- Content requirements for the “scoping document”; concept of “raw materials” (Article 2.2 point 2);
- Provision on substantial change of EIA report and its resubmission to the affected Party (Article 3.3);
- Submission of an approved EIA report together with the final decision (Article 5);
- The issues of submitting an approved EIA report, the need to translate the full content of the final decision, the language of the presentation of the results of the review of the affected Party’s position with respect to the proposed activity, comments of interested bodies and the public of the affected Party (Article 8);
- Discussions and improvement of articles 10-12.

Preliminary, the next meeting was planned for October/November 2018 in Vilnius. With a view to preparation for a meaningful round of consultations and taking into account the remaining open issues since the previous meeting, the Ministry of Environment of the Republic of Lithuania on 5 November 2018 by its letter No. (10-3)-D8-5235 requested Belarus to inform Lithuania about the preparedness to continue discussion on the issue (copy to the Implementation Committee). Belarus confirmed its readiness to continue discussions by the letter received in Lithuania on 26 of November 2018 has received the letter No. 11-1-1/278-ию of Ministry of Natural Resources and

Environmental Protection of the Republic of Belarus On 13 December 2018 Ministry of Environment of the Republic of Lithuania by its letter No. (10-3)-D8-5828 has with regret informed Belarus (copy to the Implementation Committee) that due to the recent changes in the top management of the Ministry of Environment of the Republic of Lithuania, for the time being Lithuanian side was not able to set the date for a bilateral Lithuanian–Belarus meeting on the revised draft of the Bilateral Agreement for the Implementation of the Espoo Convention. The Ministry of Environment of the Republic of Lithuania will propose dates for the meeting as soon as this becomes possible.

IV. Joint body on bilateral cooperation

Lithuania keeps the position that existing legal instruments of bilateral cooperation in the field of environmental protection could be used in bilateral cooperation regarding relevant issues concerning the Ostrovets NPP.

- Bilateral Agreement between the Lithuanian Ministry of Environment 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 meetings and consultations of experts in different areas of environment protection, the permanent working group and working subgroups for particular questions.
- Technical Protocol on Cooperation in Monitoring and Information Exchange on Status of Transboundary Surface Waters, which was signed in Minsk on 10 April 2008. This Agreement includes the element of intercalibration of monitoring devices and harmonization of methodologies related to surface water analysis. In accordance with it, 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.

Ministry of Environment of the Republic of Lithuania on 16 November 2017 by its letter No (10-3)-D8-7625 informed the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus that Lithuanian side agreed to supplement the Technical Protocol mentioned above by bottom sediments and aquatic vegetation sampling of the Drukshiai/Drisvyaty Lake with the aim of carrying out interlaboratory comparative analyses and was ready to launch bilateral consultations regarding the amendment of the Technical Protocol.

Lithuania also proposed to Belarus to hold strategic discussions on radiological monitoring (further harmonisation of methodologies, compatibility of data and etc.) after the results of the international expert mission for the assessment of national radiological monitoring system according to the Euratom Treaty Article 35 in Belarus become available. It's worth mentioning that already in 2015, European Commission sent to Belarus an official proposal to host the mentioned international expert mission, because such missions are also carried out in the neighbouring countries and Belarus was considered as an especially important verification target. However, according to our knowledge, the verification of radiological monitoring system in Belarus has not been accomplished.

Lithuania still did not receive an answer to the letter mentioned above.

Moreover, the draft Bilateral Agreement on Early Notification of a Nuclear Accident between the Lithuanian State Nuclear Power Safety Inspectorate and the Ministry for Emergency Situations of the Republic of Belarus, when it will be signed could be used as an instrument for exchange of information in case of a nuclear accident. After mutual exchange of views Lithuanian State Nuclear Power Safety Inspectorate expressed its willingness to sign the agreement and proposed the wording in September 2018. Belarus has not provided its consent yet.

V. Meeting of the Parties to the Espoo Convention

Despite the considerable efforts to reach a consensus on the compliance matters at the seventh Meeting of the Parties of the Espoo Convention held on 13-16 June 2017 in Minsk (MOP-7), the adoption of the decision on the review of compliance with the Convention (including the Ostrovets NPP case) was postponed until the Intermediary Meeting of the Parties of the Espoo Convention that takes place on 5-7 February 2019.

Ministry of Environment of the Republic of Lithuania supports and appreciates the work of the Implementation Committee while analysing the quality of steps taken by the Party of origin in relation to the Ostrovets NPP case. In our view, substantive, technical and scientific aspects as far as consideration of these aspects is needed to properly assess compliance with the provisions of the Convention are of critical importance aiming to ensure qualitative implementation of the Espoo Convention.

Lithuanian support for the work done was also expressed by the letter of 28 May 2018 No (10-3)-D8-2850, which provided Lithuania's view on the scientific and technical questions, annexed to the Committee's letter of 27th of April 2018, related to the Ostrovets NPP project.

Lithuania supports the draft decision IS/1d (as of 16/11/2018) on compliance by Belarus with its obligations under the Convention in respect of the Belarusian nuclear power plant in Ostrovets as proposed by the Implementation Committee. Lithuania is of the opinion that the selection of reasonable alternatives, especially site alternatives for a nuclear power plants, and making of final decision based on the outcome of the environmental impact assessment and consultations should be in line with the Espoo Convention. It is of utmost importance not to narrow the scope of the Convention when deciding on compliance and also to take into account the objectives of the Espoo Convention itself.

Lithuania highly appreciates the attention of the Espoo Convention bodies to the Ostrovets NPP case, reiterates its full support to the work done by the 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 close cooperation. We do hope that the Lithuanian annual report will be useful for this purpose.

Yours sincerely,

Martynas Norbutas
Vice-Minister

