



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

REGARDING FOLLOW-UP ON DECISION VI/2 OF THE MEETING OF THE PARTIES

Dear Mr. Zaharia and Ms. Aulavuo,

We would like to thank you for the letter of 16 December 2015 regarding the initiatives of the Implementation Committee of the Espoo Convention (hereinafter – Committee) that could support the analysis of the steps undertaken by Belarus and Lithuania after the adoption of the Committee’s report on its twenty-seventh session. It is of utmost importance to consider all the details of the Belarus Nuclear Power Plant (hereinafter – Belarus NPP) case as the Committee, following the recommendations of the Meeting of Parties (hereinafter – MOP) adopted at its sixth session, is requested to report to the MOP at its seventh session.

Lithuania highly appreciates the work done by the Committee since 2011. Whereas a number of developments took place after the adoption of the Committee’s report on its twenty-seventh session, we fully support the view that the Committee should thoroughly analyze the steps undertaken by both Parties concerned, taking into account not only the procedures, set by the Espoo Convention, but also the content of the documents.

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. We strongly believe that the spirit and the letter of the Espoo Convention is not only about the procedures, but also about the substance. Therefore, formal submission of the documents to the affected Party does not mean that the EIA documentation comply with the Espo 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 seriously undermines the quality of the whole transboundary EIA procedure itself.

We are convinced that open and transparent manner of cooperation with international organizations from Belarus side would help to ensure that no compromises are made at the expense of nuclear

safety. Lithuania highly supported the recommendation to invite the IAEA (International Atomic Energy Agency) SEED (Site and External Events Design) review mission to evaluate the criteria for site selection for the Belarus NPP. Such an assessment would present independent conclusions regarding the suitability of construction site as well as the quality of the studies for the NPP (including EIA documentation). The results of the SEED mission should be analyzed by the Committee in relation to MOP recommendations of 2014. Lithuania would appreciate Belarus commitment to invite the IAEA SEED mission. Although Belarus has alleged that official request has been submitted to the IAEA Secretariat, up until now no schedules or dates when the mission would take place were provided, despite constant Lithuanian requests to carry out these activities without any delay.

Considering the presented arguments, Lithuania supports the model proposed by the Committee regarding the engagement of scientific experts and technical advice in order to assess Belarus compliance with the Espoo Convention. Expert body established by Lithuania and Belarus could serve as a good instrument to address the matter given that high standards of transparency and credibility of the body are met. In order to ensure equal sharing of costs, transparent management of finances as well as constructive work of such body, we are convinced that equal contributions by both Parties should be transferred to the Espoo Convention Trust Fund and be managed by Espoo Secretariat. We expect the Secretariat of the Espoo Convention to support the work of the expert body where necessary.

We welcome the suggestion of the Committee to follow the model of an inquiry commission set in Appendix IV of the Espoo Convention in this case. We agree that each Party shall appoint a scientific or technical expert, who shall designate by common agreement the third expert (Chair of the established body). The Chair of the expert body shall not be a national of one of the parties concerned, nor have a usual place of residence in the territory of one of them, nor be employed by any of them, nor have dealt with the matter in any other capacity (in accordance with paragraph 2 of Appendix IV of the Espoo Convention).

We are ready to present our views on this matter at the Bureau meeting of 19-20 January 2016 as scheduled.

Yours sincerely,

Algirdas Genevicius
Vice-Minister



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