

Questionnaire for the

REPORT OF **THE REPUBLIC OF BELARUS** ON THE  
IMPLEMENTATION OF THE CONVENTION ON  
ENVIRONMENTAL IMPACT ASSESSMENT IN A  
TRANSBOUNDARY CONTEXT

in the period 2010–2012

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# PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

*In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.*

## Article 2

### General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

The following acts have been adopted:

Law of the Republic of Belarus of November 9, 2009 № 54-3 “On the State Environmental Expertise”, as amended by the Law of the Republic of Belarus of July 14, 2011 № 293-3 (hereinafter – the Law);

Regulation on the Environmental Impact Assessment Procedure, adopted by the Resolution of the Council of Ministers of the Republic of Belarus of May 19, 2010 № 755; as amended by the Resolutions of the Council of Ministers of the Republic of Belarus of June 1, 2011 № 689 and of October 13, 2011 № 1370 (hereinafter – the Regulation);

Regulation on the Procedure for Discussion of Issues in the field of Nuclear Energy Use with Participation of Public Associations, Other Organizations and Citizens, adopted by the Resolution of the Council of Ministers of the Republic of Belarus of June 4, 2009 № 571; not in effect since June 9, 2011;

Regulation on the Public Environmental Expertise (Review), adopted by the Resolution of the Council of Ministers of the Republic of Belarus of October 29, 2010 № 1592; as amended by the Resolutions of the Council of Ministers of the Republic of Belarus of 13 October 2011 № 1370.

Technical Code of Routine Practice 17.02-08-2012 “Environmental Protection and Nature Use. Rules for Environmental Impact Assessment (EIA) and Report Preparation”.

Environmental impact assessment related training of officials is taking place on a regular basis.

*Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

The Law of the Republic of Belarus “On the State Environmental Expertise” is planned to be amended, and the work on preparation for signing of the bilateral agreements with Lithuania, Poland and Ukraine on the implementation of the Convention is underway.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

Ministry of Natural Resources and Environmental Protection and its territorial bodies, local executive and administrative bodies, local Councils of Deputies.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

Ministry of Natural Resources and Environmental Protection.

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

No.

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

The list of activities (objects), subject for the environmental impact assessment, is determined in the Article 13 of the Law. This list includes 52 objects. Appendix I is not fully transposed into the national list. However, Article 13 of the Law establishes that the objects subjects for the environmental impact assessment are "other objects, envisaged by the legal acts and international treaties of the Republic of Belarus". Based on this there are no differences between the national list and the Appendix I.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

The national list of activities (objects), subject for the environmental impact assessment, includes 52 objects (for comparison: Appendix I in the second amendment includes 22 activities). At the same time, Appendix I in the second amendment is not fully covered by the national list.

#### PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

The paragraphs 11, 12, 17, 18, 19, 23, 24 and 44 of the Regulation determine that:

Notification on a proposed activity, EIA programme and EIA report shall be furnished to the affected Parties in Russian, English and other language upon the agreement with the concerned Parties;

Public discussions (hearings) of the EIA report shall take place in the affected Parties pursuant to the international agreements and national legislation of the affected Parties, in which following the initiative of latter the Ministry of Natural Resources and Environmental Protection and other concerned shall participate;

Adopted EIA report and information on the decision made with the regards to the object location issue (decision on permitting the object construction) with the rationale for its adoption shall be submitted to the concerned Parties in Russian, English or other language upon the agreement between the concerned Parties and

published on the web-site of the Ministry of Natural Resources and Environmental Protection.

## Article 3

### Notification

#### QUESTIONS TO PARTY OF ORIGIN

9. Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible as and no later than when informing its own public”.

10. Indicate whether and how the following provisions are reflected in your national legislation:

a. The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);

The paragraphs 11 and 12 of the Regulation determine that the notification on a proposed activity shall be prepared and furnished to the affected Party simultaneously with the environmental impact assessment programme.

b. The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 ( ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?

The own format for notification determined in the Regulation is used (attached).

c. The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;

The time frame for the response to the notification, consequences if an affected Party does not comply with the time frame and the possibility of extending a deadline are determined in the draft bilateral agreements with Lithuania, Poland and Ukraine<sup>1</sup>.

The time frame for the response to the notification shall be indicated in the notification, and, as a rule, is 30 calendar days.

d. The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;

The paragraphs 11 and 12 of the Regulation determine that the request for the information necessary for the preparation of the EIA report shall be prepared and furnished to the affected Party either simultaneously with the notification,

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<sup>1</sup> Pursuant to the article 33 of the Law of the Republic of Belarus of July 23, 2007 “On International Treaties of the Republic of Belarus” the legal norms of the international treaties of the Republic of Belarus are part of the Republic of Belarus legislation.

The Article 1 of the Law of the Republic of Belarus “On International Treaties of the Republic of Belarus” refers the interstate, intergovernmental or international agreements of inter-agency nature to the international treaties.

or after the response in written from the affected Party is received with the confirmation to participate in the transboundary EIA procedure.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

The order for interaction with the competent authorities of the affected Party on public participation is determined in the draft bilateral agreements with Lithuania, Poland and Ukraine.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

The paragraphs 19 and 44 of the Regulation determine that the public hearings in the affected Parties shall be carried out pursuant to the international agreements and national legislation of the affected Parties.

The paragraphs 11 and 12 of the Regulation say that the notification, stipulated by the Article 3 paragraph 1 of the Convention, on the proposed activity shall be furnished to the affected Party, which it could use for the notification of its public.

The notification on the proposed activity indicates:

- Name (type), objectives, rationale, description of character and scope of the proposed activity, description and rationale of the proposed activity location, timing for its implementation;
- Timing for EIA, proposed timing for the public hearings and consultations;
- Nature of possible decision on the proposed activity and assumed timing for its making;
- Information on the proposed activity customer and EIA developer.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

In line with the paragraphs 7, 19, 34 and 35 of the Regulation:

- Public notification on public hearings shall be made in the frameworks of the public hearings (discussions) of the EIA report, and is made available in mass media, as well as web-sites of local executive and administrative bodies;
- Notification on public hearings shall contain:
  - o Information on the proponent of the proposed activity (name; legal, postal and electronic addresses; telephone and fax numbers);
  - o Name, rationale and description of proposed activity;
  - o Information on the proposed activity location;
  - o Information on timing for the proposed activity implementation;
  - o Information on timing for public hearings and submitting of comments on the EIA report;
  - o Information on where the EIA report is available for acquaintance and where the comments and proposals on the EIA report should be furnished (name, postal address, web-site, surname, first name, middle name and position of the contact person, telephone and fax numbers, electronic address);
  - o Information on the location of local executive and administrative body responsible for decision-making on permitting of the object construction (name, postal address, web-site, telephone and fax numbers, electronic address), and timing for submitting the request on necessity in a meeting to discuss the EIA report and request on intention for public environmental expertise.

- h. Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

The paragraphs 19 and 44 of the Regulation determine that public hearings in the affected Parties shall be carried out pursuant to the international agreements and national legislation of the affected Parties.

The format of notification of the affected Party public shall be determined by the national legislation of the affected Party. The affected Party may use the notification on the proposed activity furnished to it pursuant to the Article 3 paragraph 1 of the Convention to notify its public.

Based on the aforesaid it is not possible to definitely response on whether the notification to the public of the affected Party has the same content as the notification to the public of the Party of origin or not.

- 11. Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website ([http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))?*

Notification shall be furnished via the diplomatic channels to the Competent Authority of the affected Party. The electronic copy of the notification shall be furnished simultaneously to the contact point.

#### QUESTIONS TO AFFECTED PARTY

- 12. Indicate whether and how the following provisions are reflected in your national legislation:*

- a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

According to the paragraph 28 of the Regulation the Ministry of Natural Resources and Environmental Protection shall make decision on whether to participate or not in the transboundary EIA within 30 calendar days after receiving the notification, and shall furnish the response to the Party of Origin via the diplomatic channels.

- b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

Pursuant to the paragraph 28 of the Regulation the information necessary for the preparation of the EIA report (documentation) shall be prepared within 60 calendar days by the local executive and administrative bodies and presented to the Ministry of Natural Resources and Environmental Protection for its further furnishing to the Party of origin via the diplomatic channels.

- c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

The procedure of interaction with the competent authorities of the Party of origin on public participation is determined in the draft agreements with Lithuania, Poland and Ukraine.

- d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

The paragraphs 28, 34 and 35 of the Regulation determine that:

- Within 3 working days after receiving from the Party of origin the EIA documentation the Ministry of Natural Resources and Environmental Protection shall publish it on its web-site and submit it to the local executive and administrative bodies, which organize and carry out the public hearings on the EIA documentation;

- The public notification on the public hearings shall be made in the frameworks of the public hearings (discussions), be published in mass media, as well as on web-sites of the local executive and administrative bodies.

## Article 4

### *Preparation of the environmental impact assessment documentation*

#### QUESTIONS TO PARTY OF ORIGIN

13. Indicate the legal requirements in your country, if any, related to:

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

In accordance with the paragraph 16 of the Regulation<sup>2</sup> the EIA documentation shall include:

- Summary of non-technical nature (as a separate section) with the brief information on the proposed activity and environmental impact, including in a transboundary context, and proposed measure to prevent, minimize or compensate it, findings and conclusions of the impact assessment;
- Information on the proposed activity proponent;
- Information on objectives and necessity in the implementation of the proposed activity (including the information on compliance of the proposed activity to adopted concept, programme, sectoral development scheme (transport, heat-, gas-, water-supply and sewerage, amelioration, and other sectors), adopted urban-planning documentation);
- Description of alternative options (territorial and (or) technological) for location and (or) implementation of the proposed activity, including the включая отказ от ее реализации (no-action alternative);
- Assessment of the current state of the environment, socio-economic and other conditions in the Republic of Belarus and affected Parties in case of significant adverse transboundary impact of the proposed activity;
- Description of main sources and possible types of environmental impact of each of alternative options for location and (or) implementation of the proposed activity;
- Prediction and assessment of change in the environmental state and socio-economic conditions resulted from the implementation of each of proposed activity alternative options; the existing sources of impact and specificities of the state of the environment within the area of a proposed activity impact are taking into account;
- Description of measures to improve the socio-economic conditions and prevent, minimize or compensate the significant adverse environmental impact resulted from the implementation of proposed activity alternative options;

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<sup>2</sup> Requirements for the EIA documentation content and its preparation are further developed in the Technical Codex of Routine Practice 17.02-08-2012 "Environmental Protection and Nature Use. Rules for the environmental impact assessment (EIA) and preparation of the report".

- Forecasting of possible emergencies and beyond-design accidents and assessment of their impacts, description of measures for prevention of and response to such situations and mitigation of their consequences;
- Rationale for selection of priority option of location and (or) implementation of the proposed activity among all alternative options considered;
- Information (presented as separate sections) on assessment of likely significant adverse transboundary impact of each of alternative options for location and (or) implementation of the proposed activity on the environment in each of the affected Parties and on proposed measures for its prevention, minimization or compensation;
- Description of local environmental monitoring programmes and post-project analysis, if necessary;
- Main findings of the impact assessment;
- Reliability assessment of forecasted consequences of the proposed activity implementation indicating uncertainties identified during the impact assessment.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

The paragraphs 8, 11, 12, 13, 14 and 15 of the Regulation determine that:

- EIA documentation structure, EIA works schedule, amount and detailing degree shall be determined in the EIA programme based on the specificities of the proposed activity and complexity of the natural, social and technogenic conditions;
- EIA programme shall be furnished to the affected Party and be finalized according of the comments and proposals of the latter; the consultations on the comments on and proposals to the EIA programme shall be carried out following the initiative of the affected Party.

c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

Pursuant to the paragraphs 9 and 16 of the Regulation the EIA programme and EIA documentation shall contain information on the alternatives and their description, respectively.

d. *The procedures and format for providing the EIA documentation domestically;*

According to the paragraphs 33 and 36 of the Regulation the EIA documentation shall be made available at the proponent and (or) local executive and administrative bodies, libraries and other accessible places, as well as on the web-site of the proponent.

e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

In line with the paragraphs 17 and 18 of the Regulation the EIA documentation shall be furnished to the affected Party by the Ministry of Natural Resources and Environmental Protection in English and (or) other language upon the agreement of the concerned Parties in hard and electronic copies through the diplomatic channels.

f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*



Pursuant to the paragraphs 33, 35 and 36 of the Regulation the local executive and administrative bodies jointly with the proponent shall provide for the public access to the EIA documentation and possibility to document the questions, comments and proposals on the documentation during the public hearings. The duration of the public hearings shall be no less than 30 calendar days after the notification on the public hearings is published.

In accordance with the paragraph 41 of the Regulation the minutes of the public hearings shall be made indicating the number of participants in the public hearings per administrative-territorial unit (district) with the conclusions and proposals of the commission for the preparation and holding of the public hearings. The minutes of the public hearings shall be adopted by the chairperson and signed by the members of the commission for the preparation and holding of the public hearings. The chairperson of the commission shall be designated among the deputy chairperson of the local executive and administrative body. The summary of feedbacks prepared by the design organization under the agreement with the proponent shall be attached to the minutes of the public hearings. This summary shall include all comments and proposals on the EIA documentation submitted during the public hearings to the local executive and administrative bodies, proponent and design organization indicated in the public hearings notification.

In case, public notifies the proponent on intention for a public environmental expertise within 10 working days after the notification on the public hearings was published in mass media, the public environmental expertise shall be carried out pursuant to the Regulation for Public Environmental Expertise. The findings of the public environmental expertise shall be shaped as the conclusion of the public environmental expertise.

In accordance with the paragraph 22 of the Regulation the findings of the public hearings and consultations shall be attached to the EIA documentation when it is submitted for the state environmental expertise (review).

Pursuant to the paragraph 11 of the Regulation on the State Environmental Expertise, the state environmental expertise shall take into account, *inter alia*, the materials of the public hearings and conclusion of the public environmental expertise.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

The procedures for the examination of the EIA documentation and deadlines for comments are determined in the draft bilateral agreements with Lithuania, Poland and Ukraine.

Pursuant to the paragraphs 20 and 22 of the Regulation:

- Comments and proposals of the affected Parties shall be furnished to the proponent and design organization for preparation of responses to them;
- Findings of the public hearings and consultations shall be attached to the EIA documentation when submitting it for the state environmental expertise.

In accordance with the paragraph 11 of the of the Regulation on the State Environmental Expertise, the state environmental expertise shall take into account, *inter alia*, the materials of the public hearings and consultations in the affected Parties.

- h. *The procedures for public hearings domestically;*

In line with the paragraphs 34, 37, 38 and 39 of the Regulation the meeting to discuss the EIA documentation shall take place following the initiative of the public.

In case the public had requested the corresponding local executive and administrative bodies on the necessity for a meeting to discuss the EIA documentation the latter shall notify the public on a date and venue through the publication in mass media and on the web-sites of the proponent and the corresponding local executive and administrative bodies.

The meeting may be scheduled not earlier than 30 calendar days after the notification on the public hearings was published.

The procedure for holding of the meeting includes:

- Registration of the participants in the meeting;
- Opening of the meeting;
- Statement by the representative of the proponent (oral report or presentation);
- Statement(s) by the representative(s) of the design organization(s) (presentation);
- Delivery of questions, their handling, responses to questions that does not require preparation or additional studies and surveys;
- Summarizing and closure of the meeting.

In case the responses to the delivered questions could not be provided in the course of the meeting on the EIA documentation discussion, the responses shall be furnished to their authors at postal or electronic addresses indicated at the registration within 30 calendar days after the meeting was held.

The minutes of the meeting listing questions and comments on and proposals to the EIA documentation delivered in the course of the meeting indicating their authors and responses to them, as well as total number of participants, shall be produced based on the findings of the meeting on the EIA documentation discussion. The minutes shall be adopted by the chairperson and signed by the members of the commission on the preparation and holding of the public hearings. The chairperson of the commission shall be designated among the deputy chairperson of the local executive and administrative body. .

*i. The procedures for public hearings held on the territory of the affected Party.*

The paragraphs 19 and 44 of the Regulation determine that the public hearings in the affected Parties shall take place in accordance with the international agreements and national legislation of the affected Parties.

#### QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

*a. The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

Pursuant to the paragraph 28 of the Regulation the Ministry of Natural Resources and Environmental Protection after receiving the EIA documentation from the Party of origin shall publish it at its web-site and furnish it to concerned bodies and organizations, corresponding local executive and administrative bodies.

Concerned bodies and organizations within 30 calendar days after receiving the EIA documentation shall examine it and submit the comments and proposals to the Ministry of Natural Resources and Environmental Protection.

Local Councils of Deputies, local executive and administrative bodies shall organize and held the public discussion (hearings) of the EIA documentation pursuant to the procedure, described in paragraphs 25 f) and h), and within 10 working days after the public hearings are finalized shall furnish the public comments on and proposals to the EIA documentation to the Ministry of Natural Resources and Environmental Protection.

The Ministry of Natural Resources and Environmental Protection within 10 working days after receiving shall summarize the received comments on and proposals to the EIA documentation and furnish to the Party of origin through the diplomatic channels.

*b. The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

Pursuant to the paragraph 28 of the Regulation the local executive and administrative bodies shall organize and held the public discussion (hearings) of the EIA documentation pursuant to the procedure, described in paragraphs 25 f) and h).

*c. The procedures for the examination of the EIA documentation domestically.*

Pursuant to the paragraph 28 of the Regulation the concerned bodies and organizations within 30 calendar days after receiving the EIA documentation shall examine it and submit the comments and proposals to the Ministry of Natural Resources and Environmental Protection, which within 10 working days shall summarize them and furnish to the Party of origin through the diplomatic channels.

## Article 5

### Consultations

#### QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

*a. The procedures for cooperation with the affected Party related to consultations;*

The procedures for cooperation with the affected Party related to consultations is determined in the draft bilateral agreements with Lithuania, Poland and Ukraine.

*b. The stages, procedures and deadlines for consultations with the affected Party;*

According to the paragraphs 15 and 21 of the Regulation the consultations on the EIA programme and the EIA documentation shall take place.

The procedures and deadlines for consultations are determined in the draft bilateral agreements with Lithuania, Poland and Ukraine.

*c. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

The project documentation shall be agreed with the concerned bodies in cases and order, established by the legislation in the field of architecture, urban-planning, and construction activity.

#### QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

*a. The procedures for interaction with the Party of origin related to consultations;*

The procedures for interaction with the Party of origin related to consultations are determined in the draft bilateral agreements with Lithuania, Poland and Ukraine.

Pursuant to the paragraph 28 of the Regulation the Ministry of Natural Resources and Environmental Protection jointly with the concerned bodies and organizations shall agree upon the venue and date of the consultations with the Party of origin.

*b. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Pursuant to the paragraph 28 of the Regulation the concerned bodies and organizations after receiving and examination of the responses from the Party of origin to their comments on and proposals to the EIA documentation shall submit the proposal on the necessity in

consultations with the Party of origin to the Ministry of Natural Resources and Environmental Protection.

## Article 6

### *Final decision*

#### QUESTIONS TO PARTY OF ORIGIN

17. Indicate the legal requirements in your country, if any, related to the following provisions:

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

There is no definition of "final decision" in the national legislation.

According to the paragraph 23 of the Regulation the decision of the local executive and administrative body on the location of the object (decision on permitting the construction of the object) shall be understood as the "final decision" under the EIA procedure. In case of an atomic power plant the "final decision" shall be made by the President of the Republic of Belarus, nuclear installations and storage facility for nuclear materials, irradiated nuclear materials and operational nuclear wastes – the Council of Ministers of the Republic of Belarus. There are no legal requirements for the content of a decision. However, the paragraph 23 of the Regulation envisages for rationale of the "final decision" making.

The "final decision" making procedure is regulated by the legislation in the field of architecture, urban-planning, and construction activity, as well as legislation in the field of atomic energy use.

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

According to the paragraph 23 of the Regulation the decision of the local executive and administrative body on the location of the object (decision on permitting the construction of the object) shall be understood as the "final decision" under the EIA procedure. In case of an atomic power plant the "final decision" shall be made by the President of the Republic of Belarus, nuclear installations and storage facility for nuclear materials, irradiated nuclear materials and operational nuclear wastes – the Council of Ministers of the Republic of Belarus. The "Final decision" ("окончательное решение") is required for all objects (projects) listed in Appendix I.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

The paragraphs 23 and 24 of the Regulation determine that:

- Decision on compliance or not of the project to the requirements of the legislation on the environmental protection and rational natural resources use shall be published on the web-sites of the territorial (oblast) bodies of the Ministry of Natural Resources and Environmental Protection;
- Information on the decision made by the local executive and administrative body on the object location (or on permitting the object construction) with its rationale, as well as information on where the adopted EIA documentation is available for acquaintance with, shall be published in the same mass media, which were used for the notification on the public hearings on the EIA documentation, as well as be published on the web-sites of the local executive and administrative bodies;

- Lists of decisions made on permitting the objects construction shall be formed and maintained to-date by the local executive and administrative bodies on their web-sites.

In case of the transboundary EIA procedure the Ministry of Natural Resources and Environmental Protection shall publish on its website and furnish through the diplomatic channels to the affected Parties the information on decision made with regards to the object location (or decision on permitting the construction of the object) with its rationale, as well as the adopted EIA documentation, on which the positive conclusion of the state environmental expertise was made, in Russian, English and (or) other language upon the agreement of the concerned Parties in hard and electronic copies.

- d. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Pursuant to the paragraph 11 of the Regulation on State Environmental Expertise the conclusion of the state environmental expertise shall be made taking into account, *inter alia*, the materials of the public hearings in Belarus and the public hearings and consultations in the affected Parties.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

In line with the Article 17 of the Law in case there are factors of environmental impact identified, which were not accounted in the project that was granted with the positive conclusion of the state environmental expertise, the validity of the conclusion of the state environmental expertise shall be cancelled. The project with the cancelled conclusion of the state environmental expertise, shall be re-submitted to the state environmental expertise, if the proponent of the proposed economic or other activity had not refused from its implementation. In accordance with the Article 15 of the Law the adoption of the project, funding and implementation of project solutions contained therein without the positive conclusion of the state environmental expertise shall be prohibited.

The paragraphs Пунктами 7 and 22 of the Regulation determine that:

- The EIA documentation shall be finalized in case the environmental impacts not accounted in the EIA documentation are identified;
- Prior to the EIA documentation is provided for the state environmental expertise, the procedures of the public hearings and consultation, including in the transboundary context, shall take place.

## Article 7

### *Post-Project Analysis*

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

In accordance with the provisions of the paragraph 16 of the Regulation the EIA documentation shall include the description of local environmental monitoring programmes and post-project analysis, if necessary.

The local monitoring shall be carried out aimed at the observation of the state of the environment in the area of the implementation of the activity, which has the adverse environmental impact, and of the impact of this activity on the environment. Its procedure is determined in the Regulation on the Procedure within the National System of the Environmental Monitoring in the Republic of Belarus of Local Environmental Monitoring and Use of its Data, adopted by the Resolution of the Council of Ministers of the Republic

of Belarus of April 28, 2004 № 482; as amended by the Resolution of the Council of Ministers of the Republic of Belarus of April 2, 2009 № 410.

*b. Procedures for informing of the results of post-project analysis.*

There are no legal requirements.

## Article 8

### *Bilateral and multilateral agreements*

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

There were no agreements concluded in the reporting period. The work on preparation for signing of the bilateral agreements on the implementation of the Convention with Lithuania, Poland and Ukraine was underway.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No (please, refer to the response in paragraph 19).

## Article 9

### *Research programmes*

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

Aimed at the observation of the state of the environment in the area of the implementation of the activity, which has the adverse environmental impact, and of the impact of this activity on the environment the Resolution of the Council of Ministers of the Republic of Belarus of April 28, 2004 № 482; as amended by the Resolution of the Council of Ministers of the Republic of Belarus of April 2, 2009 № 410 adopted the Regulation on the Procedure within the National System of the Environmental Monitoring in the Republic of Belarus of Local Environmental Monitoring and Use of its Data. The information-analytical center of local monitoring was established.

Also, aimed at the collection, accumulation and dissemination of information on the best available techniques the Instruction on the Procedure for Collection, Accumulation and Dissemination of Information on the Best Available Techniques was introduced with the adoption of the Resolution of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus of June 8, 2009 № 338. The BAT data base was established.

## Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

The first amendment to the Convention was adopted by the Decree of the President of the Republic of Belarus of February 28, 2011 № 81.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No. The concerned bodies did not reach the coordinated agreement with regards to the adoption of the second amendment to the Convention.

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

No. The concerned bodies did not reach the coordinated agreement with regards to the adoption of the Protocol on SEA.

## PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

*Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.*

### CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

The list of the transboundary EIA procedures is published and maintained to-date on the website of the Ministry of Natural Resources and Environmental Protection.

During the reporting period Belarus has the transboundary EIA procedures with the regards to the following proposed activities:

- Construction of nuclear power plant in Belarus;
- Development of the chalk deposit of the 'Khotislavskoye' field in Malorita district in the Brest oblast (region);
- Construction of Nemnovsky hydropower plant on the Neman river in the Grodno oblast.

Also the following was carried out during the reporting period:

- Belarus had notified Poland on the planned construction of the CCGT-CHP with electrical capacity of 400 MW and 150 MW in Brest;
- Ukraine had notified Belarus on the planned construction of the power units №№ 3 and 4 at the Khmelnitzky NPP.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The duration of the transboundary EIA procedure was 2 years in case of NPP, and 1.5 years in case of Khotislavskoye field, where the public participation stage and consultation stage took 1.5 year and 1 year, respectively.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

There is the practice of using the Convention for political purposes, thus preventing the sustainable economic development of states-Parties, for instance, Lithuania opposition to the construction of nuclear power plant in Belarus.

29. *Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others:*

- a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

Information on the assessment of a likely significant adverse transboundary impact as the separate chapters was included into the EIA documentation.

- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?*

The questions of translation were addressed in the course of the interaction (consultations) with the competent authorities of the affected parties under the transboundary EIA procedure.

As part of the transboundary EIA procedure for the nuclear power plant in Belarus the EIA documentation was completely translated into English; in addition, at the request of Lithuania, the section on the assessment of likely significant adverse transboundary impact and summary of the EIA were translated into the Lithuanian. In the case of the transboundary EIA procedure for the nuclear power plant in Belarus there were difficulties in terms of both translation and interpretation into the Lithuanian, due to the fact that the terminology in the field of nuclear energy is not fully developed in Lithuanian language.

- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

In the case of the transboundary EIA procedure for its NPP, Belarus had notified the public in the affected Parties on the proposed activity, EIA procedure, participation and consultations, as well as EIA documentation.

Following the invitation of the affected Parties Belarus participated in the public hearings in the affected Parties. Also, the representatives of the Lithuanian public participated in the public hearings in Belarus.



Upon the request of Lithuania Belarus had provided to the Lithuanian public the chapter on the assessment of likely significant adverse transboundary impact and summary of the EIA in Lithuanian.

However, Lithuania strongly hindered the Belarus intention to inform the Lithuanian public on the NPP design solutions for the protection of the environment, including the radiation safety issues – representatives of Belarus was twice denied entry to Lithuania for a meeting with the Lithuanian public (including the canceled entry visas in one case) .

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

There is a practice of formal consultations, for instance, ignoring by Lithuania of Belarus legitimate interests (issues) on significant adverse transboundary impact of a new NPP in Lithuania.

- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

In the frameworks of the transboundary EIA procedure for the NPP in Belarus the affected Parties were communicated with information on the “final decision” with indication of reasons it is based on, and adopted EIA documentation, where the EIA findings were duly accounted, in Russian and English in hard and electronic copies.

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

Starting the October 2010 Belarus is carrying out the post-project analysis (monitoring of the natural state of the ground and surface waters) of the development of chalk deposit in Khotislavskoye field. The transboundary EIA procedure was carried out for this object with the participation of Ukraine as the affected Party.

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country’s experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

There are no joint transboundary projects.

- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention’s “case study fact sheet”?*

Responses a) through e) above could be the examples of good practice.

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

The competent authorities (focal points and contact points).

#### CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

Belarus has always been sympathetic to the possible differences in the timing of the implementation of EIA various stages in the concerned Parties and always satisfy the requests of the affected Parties to extend the stated terms.

#### EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

No.

b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

No.

c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

No.

There are no suggestions.

#### CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

There is practice when a Party to the Convention depending on whether it is a Party of origin during the transboundary EIA procedure (construction of new NPP in Lithuania) or an affected Party (construction of NPP in Belarus), had variously interpreted the following provisions:

“due account” (article 6 paragraph 1 of the Convention);

“reasonable alternatives” (paragraph b) of the Appendix II to the Convention).

#### AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

In the frameworks of the UNDP project “Building capacity for Strategic Environmental Assessment and environmental conventions implementation in Belarus” the following events has been held:

- Workshop “Practice of transboundary environmental impact assessment of Neman hydropower plant (HPP) and EIA and HPP legislation”, Minsk, July 15-16, 2010;

- International workshop “Experience of transboundary EIA at the example of the Neman HPP and consideration of the Espoo Convention implementation guide”, Minsk, November 5, 2010;

- Regional conference “Compliance with the provisions of the Espoo Convention in conducting EIA for the objects with the transboundary impacts and discussion of the legal recommendations”, Minsk, December 3, 2010;

- Regional conference “Practice of transboundary EIA of Neman HPP. SEA as an instrument for joint analysis and account of environmental problems”, Grodno, December 27-28, 2010.

Also, the Guidelines for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context were developed under the Project.

The Convention implementation related issues are on a regular basis included into the in the lecture materials for training courses of the Ministry of Natural Resources and Environmental Protection, as well as training courses of other concerned bodies.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

There are plans to make amendments to the law of the Republic of Belarus “On the state environmental expertise”, as well as signing of the bilateral agreements on the implementation of the Convention with Lithuania, Poland and Ukraine.

#### SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

There are no suggestions.

\* \* \* \* \*

Notification on proposed activity

Proposed activity \_\_\_\_\_  
(name (type) \_\_\_\_\_)

Project Proponent \_\_\_\_\_  
(name, legal, \_\_\_\_\_  
postal and electronic addresses, telephone and fax numbers)

Objectives of the proposed activity \_\_\_\_\_

Rationale of the proposed activity \_\_\_\_\_

Description of the proposed activity \_\_\_\_\_  
(nature and scope) \_\_\_\_\_

Location of the proposed activity \_\_\_\_\_  
(description and rationale  
for selection of location)

Duration of the proposed activity implementation \_\_\_\_\_  
(beginning and duration  
of the construction and operation)

Intended timing for making decision on the proposed activity \_\_\_\_\_

Nature of possible decision on the proposed activity \_\_\_\_\_

Timing for impact assessment \_\_\_\_\_

Developers(s) of impact assessment \_\_\_\_\_  
(name, legal, \_\_\_\_\_  
postal and electronic addresses, telephone and fax numbers)

Intended timing for public hearings and consultations \_\_\_\_\_

Timing for response on intention to participate in the environmental impact assessment in the transboundary context \_\_\_\_\_