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From: General Secretariat of the Council

To: Delegations

Subject: Intermediary Sessions of the Meetings of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Protocol on Strategic Environmental Assessment (SEA) (Geneva, 5-7 February 2019)

- Information from the Lithuanian delegation, supported by the Luxembourg delegation

Delegations will find in the Annex an information note from the Lithuanian delegation, supported by the Luxembourg delegation, on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 20 December 2018.

**Intermediary Sessions of the Meetings of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Protocol on Strategic Environmental Assessment (SEA)
(Geneva, 5-7 February 2019)**

**- Information from the Lithuanian delegation, supported by the Luxembourg delegation -
Non-compliance case concerning the Ostrovets nuclear power plant**

The intermediary session of the Meeting of the Parties (MOP) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) will be held in Geneva on 5-7 February 2019. It will consider decisions regarding non-compliance cases including the Ostrovets nuclear power plant (NPP) case. Consideration of these decisions was postponed at the seventh MOP, which took place in June 2017 in Minsk.

Based on the findings adopted by the Implementation Committee, draft decision IS/1d on compliance by Belarus with its obligations under the Convention in respect of the Belarusian NPP in Ostrovets ¹ is presented for the MOP's further endorsement in February.

Following a thorough examination, including substantial and procedural aspects, the Implementation Committee proposes that the MOP endorse the draft decision containing the findings that:

- *The environmental impact assessment documentation, which was made available to the affected parties and the public [...], **does not provide sufficient information supporting and justifying the selection of the Ostrovets site to take the final decision on the activity in accordance with the Convention;***
- *By not providing such evidence in the environmental impact assessment documentation and the final decision on the activity, **Belarus failed to comply with article 4, paragraph 1, article 5, paragraph (a) and article 6, paragraph 1, of the Convention.***

¹ https://www.unece.org/fileadmin/DAM/env/documents/2019/ece/Meeting_of_Parties_-_2019/Advance_copies/ece.mp.eia.2019.5e_-_Advance_copy.pdf.

Lithuania welcomes the work accomplished by the Implementation Committee and counts on the solidarity of the EU Member States and the Commission during the Espoo MOP in endorsing its findings and issuing strong recommendations when adopting the relevant decision.

Additional information on the Belarusian NPP in Ostrovets

Lithuania is deeply concerned about this violation of international law. The development of the Belarus NPP project is not in line with the Espoo² and the Aarhus³ Conventions: the site was selected before the completion of the transboundary environmental impact assessment (EIA) procedure; the appropriate participation of the public in the EIA procedure was not guaranteed (in Lithuania and in Belarus itself); and the site selection and assessment was not properly justified. The construction of the Belarusian NPP is being performed on the site, which is only 40 km away from Vilnius, the capital of Lithuania. In the event of a severe accident in the Belarusian NPP the negative implications would be unavoidable for Vilnius and up to one third of the population of Lithuania.

In 2017, the MOP of the **Aarhus Convention** endorsed a decision stating that Belarus was developing the NPP project in contravention of the provisions of the Convention, given that meaningful and effective public information and participation in decision-making processes in environmental matters had not been ensured. It was the third decision on **non-compliance** regarding Ostrovets NPP by the Aarhus MOP, **earlier decisions having been adopted** in 2011 and 2014. However, the Aarhus MOP recommendations were not implemented. Similarly, a decision on non-compliance regarding the Belarusian NPP was already adopted by the **Espoo MOP** already **in 2014**.

² United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context, decision of Belarus non-compliance [VI/2](#).

³ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, decision of Belarus non-compliance [VI/8c](#).

Since the official launch of the Belarusian NPP's construction back in 2013, Lithuania has repeatedly called upon Belarus to accept a full scope International Atomic Energy Agency Site and External Events Design (**IAEA SEED**) mission with a view to evaluating the site selection criteria and whether the Ostrovets site is appropriate for the construction of an NPP. The same recommendations were issued by the Espoo Convention and the Convention on Nuclear Safety in 2014. Belarus only invited the IAEA SEED mission in 2017. However, the scope of the mission, which was determined by Belarus itself, was deliberately limited and excluded the key elements: evaluations on the population density and distribution in the area (the aspects that are vital for emergency preparedness), seismic activity and geological suitability of the site for NPP construction, as well as the environmental impact assessment.

Belarus committed itself to performing the risk and safety assessments (EU stress tests) in 2011, but presented its national stress tests report only on 30 October 2017. On 2 July 2018, in Brussels, the European Nuclear Safety Regulators Group (ENSREG) discussed and endorsed the EU peer review report on the Belarusian NPP stress tests. The report identified **serious deficiencies and provided a number of important recommendations for improvement of the** Belarusian NPP design ⁴.

Lithuania urges that all the recommendations be fully implemented before the commissioning of the NPP.

⁴ [EU Peer Review Report of the Belarus Stress Tests.](#)