



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

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

12 March 2015 No. (10-3)-D8-1883

Ms. Aphrodite Smagadi, Secretary
Convention on Environmental Impact
Assessment in a Transboundary Context
Environment Division
Office S.319, Palais des Nations, CH - 1211
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Dear Mr Felix Zaharia,

Ministry of Environment of the Republic of Lithuania (hereinafter – Lithuanian MoE) wishes to inform the Implementation Committee of the Espoo Convention about the steps Lithuania has taken after the adoption of recommendations of the 6th Meeting of Parties of the Espoo Convention regarding Bilateral Agreement for the implementation of the Convention, as well as establishment of a permanent joint body for relevant issues, concerning the Nuclear Power Plant (NPP) in Ostrovets in Belarus.

In 2003, in order to implement the provisions of the Espoo Convention and in accordance with Article 8, Lithuanian MoE initiated the signing of the Bilateral Agreement between Lithuania and Belarus. After several rounds of consultations, Lithuania outlined its proposals to Belarus in the letter of 3 December 2013. In response, on 15 May 2014 Belarus presented to Lithuania a draft Agreement in Russian language. After preliminary analysis of the draft Agreement, Lithuanian experts identified that proposed provisions had been altered substantially and they cannot fulfil their purpose – to serve as a detailed legal and practical instrument for the enhanced implementation of the Espoo Convention.

Taking into account the purpose of the Bilateral Agreement and difficulties in practical implementation of the provisions of the Convention, in particular with Belarus' project of the Nuclear Power Plant (NPP) in Ostrovets, and according to Lithuanian national legislation regarding the conclusion of international agreements, Lithuania is working on the draft Agreement in order to present to Belarus a fully revised version.

For the achievement of a substantial improvement of implementation of the provisions of the Espoo Convention, in Lithuanian point of view, the Bilateral Agreement should bring added value, i.e. (1) increase the clarity of legal norms (clear guidance) in order to minimise differences in approaches while reading the Convention and performing transboundary environmental

impact assessment procedures; (2) define an order and forms of procedural steps; (3) specify procedural timeframes for effective participation of institutions and the public of the Affected Party, based on the best practise of other Parties to the Convention; (4) determine requirements for the documents' content in order to get a clear view of the possible impact of the proposed activity on the environment and the public. Lithuania also proposes to include a provision on establishment of bilateral working groups and/or commissions into the Agreement, in order to solve issues, arising from the practical application of the Espoo Convention. While the provisions of the draft Bilateral Agreement are still under the process of bilateral harmonisation, we suggest establishing a joint body for resolution of the issues, related to the Belarus NPP project, within the framework of the Espoo Convention.

After receiving Belarus proposals of May 2014 on draft Bilateral Agreement, MoE organised the translation of the text into Lithuanian language and circulated it among competent Lithuanian institutions (Ministry of Energy, Ministry of Finance, Ministry of Transport and Communication, Ministry of Justice, Ministry of Foreign Affairs, Department of European Law) for thorough analysis and evaluation. MoE received a number of propositions and suggestions and is working now on a fully revised version of the draft Bilateral Agreement. As soon as internal legal procedures are finished, Lithuanian MoE will present the project to Belarus for further consideration.

Sincerely yours,

Vice-Minister
Algirdas Genevičius

