

## COMMISSION DECISION

C (2008) 3808 of 8 August 2008

### **on the Annual Action Programme 2008 in favour of the Republic of Belarus for the support to the development of a comprehensive framework for international environmental co-operation to be financed under Article 19 08 01 03 of the general budget of the European Communities**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument<sup>1</sup>, and in particular Article 12 thereof,

Whereas:

- (1) The Commission has adopted the Country Strategy Paper for Belarus<sup>2</sup> and the Multiannual Indicative Programme for the period 2007-2010<sup>3</sup>, point 6.1, which indicates the priorities of "Social and Economic Development" and Democratic Development and Good governance".
- (2) The objectives pursued by the (Annual) Action Programme are to enhance environment protection through the revision of Belarus' environment policy framework in such a way as to bring the country closer to international or, where applicable, EU policies and approaches, and to empower the Belarusian citizens and their associations to play an active role in achieving environmental policy objectives.
- (3) This decision constitutes a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002<sup>4</sup>, Article 90 of Commission Regulation (EC, Euratom) No 2342/2002<sup>5</sup>.
- (4) It is appropriate to define the term "substantial change" in the meaning of Article 90 (4) Regulation (EC, Euratom) No 2342/2002 for the application of this decision.

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<sup>1</sup> OJ L 310, 9.11.2006, p. 1.

<sup>2</sup> C(2007) 672

<sup>3</sup> C(2007) 672

<sup>4</sup> Council Regulation (EC, Euratom) N° 1605/2002 (OJ L 248, 16.09.2002) as last amended by Council Regulation (EC, Euratom) N° 1995/2006 (OJ L 390, 30.12.2006) and by Council Regulation (EC, Euratom) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p.9.)

<sup>5</sup> OJ L 357, 31.12.2002, p.1, Regulation last amended by Regulation (EC, Euratom) N° 478/2007 C OJ L 111, 28.04.2007, p.13.

- (5) The measures provided for in this decision are in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006.

HAS DECIDED AS FOLLOWS:

*Article 1*

The actions “Support to the development of a comprehensive framework for international environmental co-operation in the Republic of Belarus”, which constitute the Annual Action Programme in favour of Belarus, the text of which is set out in the Annex, are approved.

*Article 2*

The maximum contribution of the Community is set at EUR 5 million to be financed from budget line 19 08 01 03 of the general budget of the European Communities for 2008.

*Article 3*

Within the maximum indicative budget of all the specific actions, cumulated changes not exceeding 20% of the maximum contribution of the Community are not considered to be substantial provided that they do not significantly affect the nature and objectives of the Annual Action Programme.

The authorising officer may adopt such changes in accordance with the principles of sound financial management.

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*

## ACTION FICHE FOR BELARUS - (ENPI AAP 2008)

### 1. IDENTIFICATION

Title	Support to the development of a comprehensive framework for international environmental co-operation in the Republic of Belarus		
Total cost	<i>EC Contribution - € 5 million</i>		
Aid method - Management mode	Project approach - Joint management – CRIS 2007/19597		
DAC-code	<b>41010</b>	Sector	<b>Environmental policy and administrative management</b>

### 2. RATIONALE

#### 2.1. Sector context

Since 1 May 2004, Belarus is a direct neighbour of the EU that can be affected by, but also cause, transboundary adverse impact on the environment resulting from human activities. At the same time, lack of compatibility of the national legislative framework with the EU body of environmental law and diverging institutional arrangements and practices in compliance and enforcement of environmental law do not ease integration of Belarus in the regional and international co-operation framework. Belarus faces many challenges to promote environment protection. Key areas include threats related to climate change, water quality, waste management, nature protection, soil degradation, industrial pollution and radiation contamination. The institutional and administrative capacity needs strengthening, in particular as regards strategic planning, implementation and enforcement. In particular, further efforts to strengthen mechanisms for access to public participation and information are needed, including the empowerment of civil society.

Environmental Protection has only gradually emerged as a key policy issue for the Government. Since 1999, Belarus has taken steps to strengthen the institutional and legal framework for environment policy, including a revision of the national legislative framework<sup>6</sup>. A National Strategy for sustainable development was adopted in 2004. However, primary legislation too often lacks clear and detailed direction in order to guide the preparation of secondary legislation.

Commission experts have met with Belarusian counterparts at technical level to discuss areas of mutual interest. Environment is one of the fields covered by these technical talks and six priority areas for possible further cooperation have been identified in this process: climate change, integrated water management of shared international river basins, nature protection, waste management, integrated permitting, multilateral environment agreements.

Technical co-operation is likely to bring about a strategic shift in the way Belarus adopts and implements its environmental legislation. Besides, the citizens and their associations must be invited to accompany that strategic shift, in order to secure inclusion and ownership, and thereby improve awareness and enforcement.

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<sup>6</sup> New laws adopted since then include a framework for integrated environmental licensing, environmental assessment (ecological expertise), norms for pollutant emissions (effluents) and environmental certification.

## 2.2. Lessons learnt

- Past assistance projects in the field of environment have shown the high level of interest of the Belarusian authorities to make effective use of external assistance. Excellent Government support for instance has been received in preparing and implementing the regional TACIS (AP2002) project on global climate change completed in October 2006, whose results have been taken further by the Government<sup>7</sup>.
- To avoid the problem of delays in project approval and registration, which has resulted in some project failures, it is necessary that all relevant authorities are involved from the beginning of project design.
- The ‘better governance and local democracy’ objective of the National indicative programme 2007-2010 can be best achieved through involvement of officially registered NGOs and by working at grassroots level, with the citizens, in full co-operation with the local authorities. Under these conditions, effective citizen ownership of the Government decisions can be achieved. Besides, the concurrent demonstration of the EU’s attention to the quality of life of the Belarusian citizens will be a visible and concrete project outcome in support of the Neighbourhood Policy.

## 2.3. Complementary actions

The proposed measure will allow building up on the results of a series of Tacis projects in the areas of management of trans-boundary river basins; environmental policy making; ecological information systems; and global climate change.

The main objectives of the Tacis Regional action programme 2003 “Trans-boundary river basin management” project for Belarus and Ukraine were to improve integrated water management of the Prypiat river basin, based on the EU Water Framework Directive and the Helsinki Convention requirements. Reference to this successful experience has been a precious asset while preparing the proposed measure with the government and the environmental NGOs.

A Regional Tacis project on environmental information, education and public awareness covering implementation of the Aarhus Convention was carried out in 2002-4. A Danish project on Aarhus implementation was completed in 2005.

The Tacis Regional Action Programme 2005 “Water Governance for NIS” project aims at contributing to the reduction of pollution, to fair sharing and effective use of scarce water resources, to the improvement of the quality of shared water resources, such as trans-boundary rivers.

The Tacis Regional Action Programme 2006 “Support to Kyoto Protocol Implementation in the Tacis countries” project aims to assist the Partner Countries concerned in combating climate change, both by extending the use of the mechanisms attached to the Kyoto Protocol and by supporting the formulation of appropriate mitigation and adaptation strategies at each country level. It builds on the AP2002 Regional Tacis project on global climate change.

The Tacis National Action Programme 2005 “Support to Environment and Sustainable Development in Belarus” project aims at supporting small-scale sustainable development programmes at the local level. The proposed measure will allow in particular to implement further such activities and reaching such results which will have been identified under this project as particularly viable and valuable in Belarus’ context.

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<sup>7</sup>

Some European NGOs are also successfully working on Kyoto Protocol related projects, with the full support of the Belarusian national and local authorities.

The ENPI Eastern Regional action programme 2008 may include (programme in preparation) an “ENPI Waste Governance and Management of Environmental Data” project for seven countries, including Belarus. The project aims to reduce environmental risk and pollution and promote sustainable use of natural resources.

The 2008 action programme of the Thematic Programme on Environment and Sustainable Management of Natural Resources including Energy (ENRTP) may include (programme in preparation) a project supporting the implementation of Natura 2000 principles in ENPI Eastern partners, including through the Emerald network of the Bern Convention.

The World Bank and the EBRD have declared their interest in following up the "Kyoto implementation" part of the implementation of multilateral environment agreements section of the action (point 3.2, Component One) with project proposals backed by their respective Carbon Credit Funds.

## **2.4. Donor coordination**

Currently, co-ordination is done on the spot, at programming as well as implementing stages, by the donors themselves. Belarus has not signed the Paris Declaration on aid effectiveness and therefore has not set up a government-led donor co-ordination mechanism. However, in the formulation phase of this project, the main counterpart ministry in the Belarus Government has shown willingness to co-ordinate donor activities in the environmental sector. The project could therefore be the opportunity to introduce and develop, on a pilot basis, fully-fledged government-led co-ordination in Belarus.

## **3. DESCRIPTION**

### **3.1. Objectives**

#### *Overall objective*

The project aims at enhancing environment protection in Belarus.

#### *Specific objectives*

- To revise Belarus’ environment policy framework in such a way as to bring the country closer to international or, where applicable, EU policies and approaches (First NIP 2007-2010 priority area, ‘Social and economic development’)
- To empower the Belarusian citizens and their associations to play an active role in achieving environmental policy objectives, in areas where social participation should be encouraged, notably with the application of the Aarhus Convention across all aspects of activities covered by this Action Programme as well as via pilot projects (Second NIP 2007-2010 priority area, ‘Democratic development and good governance’).

### **3.2. Main activities and expected results**

The proposed action is composed of three main components:

- The first component will address legal and procedural convergence, as well as capacity building for implementation;
- The second component will cover a number of pilot projects
- The third component will concentrate on education, awareness-raising and dissemination activities

#### *Component One: Legal and procedural convergence, and capacity building for implementation*

The main activities to be implemented under this component will be:

- Gradual convergence, where appropriate, of environmental legislation, development of secondary legislation and alignment of institutional structures<sup>8</sup> towards the EU environment policy and body of environmental law and best practices, with particular focus on integrated water resource management, integrated permitting (including the integration of air pollution with other media) and implementation of multilateral environment agreements (in particular UNECE Conventions, including the Convention on Long Range Transboundary Air Pollution).
- Alignment of the environmental policy-making and policy-implementing processes with EU legal requirements and best practice ('legislative and implementation due process'), including as regards the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, with a view to strengthening civil society inclusion and ownership of the country's environmental policies.

At least one practical test case is envisaged on a pilot project defined under Component 2 here-below; it could consist in conducting the feasibility study for the extension of an existing, government-owned, waste management project in full accordance with EU requirements, including extensive consultation of the concerned population<sup>9</sup>.

Another test case will be conducted on a pilot project defined under Component 2 here-below to verify environmental law enforcement with respect to natural parks.

Particular attention will be paid here to the enforcement issue, with the involvement of the law enforcement agencies and the judiciary, to which specific training will be delivered.

This component will support the Belarusian authorities in reaching their objective of gradually bringing the country closer to the EU's environment policy framework, as appropriate. It will seek the strengthening of the relevant policy-making and regulatory bodies. During the practical test case on policy implementation, support will be offered to the citizens and their associations to reach effective inclusion and participation in the decision-making procedure.

#### Component Two: Pilot projects

This component will implement pilot projects:

- A maximum of four pilot projects in the area of municipal waste management in medium-sized cities, with a view to install full-cycle waste treatment / recycling units.

As agreed during the formulation phase, these pilot projects will replicate the pattern developed for the Ukrainian city of Ivano-Frankivsk under a previous Tacis project, pulling into one project the efforts of the municipality, the local communities (acting as the main driving forces for implementing the project in line with their needs) and the local entrepreneurs (included as participants in the waste treatment cycle).<sup>10</sup> The pilot municipalities will be chosen together with the authorities during the project's inception phase.

- A pilot project, associating the Ministry of Natural Resources and Environmental Protection (MNREP) and the concerned national and local NGOs, aiming at practical enforcement of EU-compliant legislation on nature protection. Given that the timing of this pilot project coincides with the 600th anniversary of the Belovezhska Puscha, it is

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<sup>8</sup> Targeting in particular the institutional separation of the regulatory and inspection functions, and the streamlining of the licensing function.

<sup>9</sup> The formulation phase has allowed to identify together with the MHCS and interested NGOs, at least one such test case for implementation, in the city of Brest.

<sup>10</sup> A successful, similar project took place in 2006 in Soligorsk, under the auspices of the Belarusian National Technical University.

envisaged that it would be conducted there. Discussions on UNESCO's possible involvement in this project were initiated during the project formulation phase.

The pilot projects shall have a maximum dissemination and replication potential in the priority fields dealt with under Component One. As agreed with the MNREP, they will involve systematically civil society in project design and implementation. This component will include capacity-building measures for the various parties to the pilot projects, as appropriate to ensure the latter successful implementation.

#### Component Three: Education, awareness-raising and dissemination activities

This component will promote better awareness of environmental issues, both theoretical and practical, among the population. It will target both the general population and scholars / students, by providing notably:

- Dissemination of information on the concepts relevant to comprehend, support and originate initiatives to replicate dissemination of such information.<sup>11</sup>
- On-the-ground assistance to the citizens and their organisations to implement such concepts and develop local initiatives
- Support for increased awareness of the population concerning the rights enshrined in the Aarhus Convention.
- Maintenance, improvement and publication of “Green educational packages” developed by Belarusian NGOs, for dissemination in primary and secondary schools
- Development of curricula for university students on environmental law and on the management of environmental issues in business / industrial activities
- Set-up and maintenance of an on-line information centre on environmental law in Belarus and on international law and best practice (or EU law and best practice, where relevant)<sup>12</sup>.

#### Expected results

- Comprehensive and cost-effective environment policy framework, particularly in the selected priority sub-sectors, converging towards EU / international law, maintained as appropriate, and effectively enforced;
- Appropriate legal, human and technical capabilities of all project stakeholders to effectively fulfil their roles and responsibilities under the environmental policy;
- Pilot projects addressing the issues of waste management, public participation and nature protection, put in operation to provide benchmarks on the practical use of EU-compatible environmental policies, with a high demonstration and replication potential, in line with the strategy developed within the framework of the ENPI Eastern Regional action programme 2008 dealing with Waste Governance and Management of Environmental data (subject to approval by all parties involved);
- Increased awareness of the population of environment issues.

### **3.3. Stakeholders**

At the national level, the MNREP is the main partner for this project, together with nation-wide citizens' associations. Other targeted partners include the Ministry for Housing and Communal Services, responsible for municipal solid waste management, the Committee for

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<sup>11</sup> In particular, replication of the information and training centre on the environment set up in 2006 in the Pervomayskiy district of the Minsk city (with assistance from the German government)

<sup>12</sup> Several NGOs suggested that this web resource should be placed on the website of the MNREP. The proposed project, however, envisages the creation of an independent resource, and the conduct of a feasibility study of the options to ensure its long-term sustainability.

Statistics, responsible for energy savings and the promotion of renewable energy, or the Presidential Administration, involved in licensing activities. As of today, only the MNREP has the proper capacity to supervise the project on the Belarusian side. Other ministries and agencies (Ministry of Education, the State Border Committee, the Ministry of Interior, the Judiciary) will require intensive training and limited restructuring ('streamlining') to enhance the place and comprehension of environmental issues in their internal policies.

Other stakeholders include local governments and municipalities; local businesses; citizens and their associations able and willing to participate in defining and implementing the environmental strategy, monitoring the enforcement of environmental rules, and participating in the pilot projects. This category of stakeholders will require less and more focused capacity-building efforts, the primary concern being to improve their capacity to bear on environmental decision-making.

### **3.4. Risks and assumptions**

#### Risks:

- insufficient political support for reforms in the environmental sector and elimination of administrative obstacles
- lack of interest of the concerned governmental agencies to financially support those components of the project that will need post-project funding
- lack of involvement of local communities and/or the lack of local leaders and/or frequent changes of representatives of local organisations.

These risks are to be mitigated by the involvement of the concerned stakeholders at all stages of the measure.

#### Assumptions:

Government is vital to ensure project success and subsequent sustainability. It is assumed that all project partners will actively contribute to the implementation of the project, appointing dedicated personal and providing required inputs to the work of consultants, whose role will be to facilitate co-operation between the stakeholders.

It is also assumed that the Belarusian beneficiaries will contribute to the logistical arrangements in order to ensure the successful implementation of this programme.

### **3.5. Cross-cutting Issues**

Good governance and human rights: Improving administrative capacity and disseminating EU policies and decision-making procedures will raise the democratic standards of governance in environmental issues; implementation of the pilot projects in co-operation with the civil society organisations will also be a step towards improved local democracy.

Gender balance: The proposed measure has no direct impact per se on gender balance. However, certain activities funded by the measure may have an impact on this issue, given for instance the high rate of involvement of women in local citizens' organisations.

Environment: The measure specifically focuses on this sector.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Implementation method**

The implementation method for this project will be joint management by means of the signature of a contribution agreement with an international organisation in accordance with art. 53d of the Financial Regulation. UNDP seems to be the most suitable candidate because of its proven track record in the country, but also another member of the UN family could be considered.

Audit and evaluation contracts are always contracted and implemented by the Commission.

#### **4.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. Full financing may only be applied in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulation where financing in full is essential to carry out the action in question.

#### **4.3. Budget and calendar**

The indicative breakdown of the budget is as follows: Component One: Legal and procedural convergence, and capacity building, 1M€; Component Two: Pilot projects, 3M€; Component 3: Education, awareness-raising and dissemination activities, 0.85M€ and a provision for visibility, evaluation and audit of 0.15M€.

It is foreseen that all the operational duration of the project will be of 36 months after the signature of the contract.

#### **4.4. Performance monitoring**

The monitoring of the measure will follow standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

Key indicators<sup>13</sup> measuring progress on the measure will focus on the percentage of converged EU legal acts in the selected priority areas; the number of civil servants involved / trained under the measure; the number of NGOs and citizens involved / trained under the measure; the number of replications of the pilot projects and dissemination activities; the depth of environmental awareness in the student population; in terms of law enforcement, the elasticity of air pollution to GDP growth before (0.15) and after the project.

#### **4.5. Evaluation and audit**

Evaluation and audit activities will be conducted, if so decided by the Commission, and will be financed from the budget of the Programme.

#### **4.6. Communication and visibility**

Communication and visibility will be ensured by a specific communication strategy and the development of targeted communication activities in order to inform all categories of stakeholders of the opportunities that the project offers, to raise awareness of the issues involved, and to generate active support from stakeholders. A specific budget is set apart for this purpose.

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<sup>13</sup> There is no standard indicator applicable to the DAC Sector code of the proposed measure.