



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/18/Add.15
9 May 2005

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (a) of the provisional agenda)

IMPLEMENTATION REPORT

Lithuania^{*/}

Based on the reporting format annexed to decision I/8

1. Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

Materials supplied by experts responsible for the implementation of the Convention at the Ministry of the Environment (MoE) and its subordinate institution, the Environmental Protection Agency, were used as a basis for the preparation of this report. National legislation, international agreements and information provided on the websites of, or otherwise supplied by, State and municipal institutions were also employed.

The draft report was made available for public consideration from 7 to 31 December 2004 on the website of the MoE (under the heading “public relations”). The home page also specified the

^{*/} This document was submitted late due to the fact that various first-time problems had to be overcome as this is the first reporting cycle under decision I/8 of the Meeting of the Parties. This was compounded by the fact that a considerable volume of other documentation being prepared for the second meeting of the Parties had to be processed during the same period.

possibility to comment on the report. On 3 January 2005, the MoE received a letter signed by the representatives of five environmental non-governmental organizations (NGOs), namely the Regional Environmental Center for Central and Eastern Europe (REC - Lithuania), Environmental Centre for Administration and Technology (ECAT - Lithuania), Baltic Environmental Forum (BEF - Lithuania), Community Atgaja and Lithuanian Entomological Society. This letter was valuable for the preparation of the report. Several proposals received from NGO representatives will also be useful for further cooperation between the Ministry and NGOs in order to effectively implement the Convention. Comments and suggestions expressed in the letter were taken into account and used in the preparation of the final version of the report.

2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

During the preparation of the report, Government Resolution No. 1175 on Approval of the Order on Public Access to Environmental Information, adopted in 1999, was being revised in order to implement EU Directive 2003/4/EC of 28 January 2003 on public access to environmental information. Law No. I-1495 on Environmental Impact Assessment was also being revised to comply with the provisions of Directive 2003/35/EC of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment.

ARTICLE 3

3. List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

(a) According to Law No. VIII-1524 on the Right to Receive Information from State and Municipal Institutions, the official responsible for access to information must provide full assistance and guidance to individuals in exercising their rights. The procedure for assisting individuals is also regulated by Government Resolution No. 1491 on Approval of the Standard Order on Providing Services to Citizens and other Persons in Public Administrations and other Institutions. According to the provisions of Government Resolution No. 1175, public authorities must appoint a unit or employee responsible for access to information. In specific areas of environmental policy, public information and participation are regulated under specialized legislation;

(b) The public availability of information has been identified as one of the principles of environmental protection policy in the Environmental Protection Strategy (1996). In 1998, the Public Environmental Education Strategy and Action Programme were approved (the latter is currently being updated) aiming, *inter alia*, to increase public awareness in the field of environmental protection and promote public participation in political, economic and social decision-making processes. In 2004, an Order of the Minister of Environment approved the Programme for Information on the Environment and Promotion of Environmental Education for the Lithuanian Public and the Action Plan for 2004-2006;¹

(c) The creation and activities of associations and other public organizations are regulated by Law No. IX-1969 on Associations. Law No. I-2223 on Environmental Protection defines the rights of individuals, public organizations and other legal and natural persons consistently with the rights protected under the Convention. Cooperation with environmental NGOs is also provided in a number of legal acts on environmental protection, construction, special planning and other areas of activity, plans and strategies, and in other documents of State and municipal institutions.

Funds for environmental education and information to the public are usually allocated from the Environmental Protection Support Programme. The MoE cooperates with NGOs, and environmental NGO sit on the MoE's Panel and Advisory Council.²

NGO projects may also be funded from special municipal support programmes for environmental protection defined in Law No. IX-1607 on the Special Programme for Municipal Support to the Environmental Protection. Pursuant to Order No. 533 of the Minister of Environment on the Approval of the Reporting Form on the Implementation of Measures under the Special Programme for Municipal Support to Environmental Protection, Completion Instructions and List on Environmental Measures (2003), each municipality has to report on the use of these funds;

(d) The principles of the Convention have not only been applied domestically but have also influenced activities and decisions at the international level, such at the EU level and in the context of An Agenda 21 for the Baltic Sea Region (Baltic 21);

(e) The Constitution states that an individual is entitled to his or her own beliefs and benefits from freedom of expression.³ The Convention was ratified in 2001 by Law No. IX-449 on the Ratification of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Zin., 2001, No. 73-2565).

4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

The requirements of laws and other legal acts are implemented, but their effective application remains a target requiring considerable input of time, human, financial and other resources.

In their response, NGO representatives put forward several concrete proposals for bringing up to date the Public Environmental Education Strategy and Action Programme (e.g. drawing up a funding programme and public reporting on implementation). They also suggested drawing up and approving the regulation on the involvement of NGOs and cooperation with the MoE. NGOs also had some concerns with the criteria concerning applications submitted for implementation of the environmental education programme financed by the Structural Funds.

5. Provide further information on the practical application of the general provisions of the Convention.

Assistance to individuals wishing to exercise their rights is firstly provided through the authority's information representative (the Public Information Division acts as the information representative at the MoE), whereby information is provided by phone, during visits to the

authority and via e-mail. If specific information is necessary, requesters are advised by experts in the relevant area. The monthly schedule of appointments with MoE experts and contact information are published on the website of the Ministry, transmitted to all news agencies by phone and included in information publications. Environmental information centres are maintained locally by regional environmental protection departments, and city and regional agencies in the immediate proximity of the residents of each territorial unit. The bulletin boards or websites of a number of authorities indicate the procedure for the provision of services and contact numbers. For instance, the website of the Municipality of Vilnius indicates the toll-free phone number for environmental information. The websites of some authorities indicate which expert should be contacted for particular information, while others have a separate section containing information lists with relevant links.

Environmental information is made accessible to the public not only through information representatives of the authority and the press office, but also through environmental education projects and the media. The MoE publishes information publications, handouts and posters. Thematic actions and information campaigns are carried out according to approved priorities. Environmental information is disseminated via the Internet, the press, conferences, seminars and other information channels. The promotion of awareness concerns behavioural issues in everyday life. The MoE and subordinate institutions also take part in educational projects of other organizations or institutions (e.g. environmental schools, "Green Key", etc.). In 2003, 41 measures for public information and ecological education were implemented using the funds of the Environmental Protection Support Programme. The website of the Ministry provides information on the activities of its units and contains relevant reports.

In 2004, the Minister of Environment signed agreements on cooperation between the MoE and dozens of national research and educational institutions in the field of environmental quality management.⁴

State and municipal authorities also organize and participate in environmental education projects according to their relevant approved priorities. The level of activity in this area varies considerably from one municipality to another.

The MoE and its subordinate institutions cooperate with environmental NGOs, implementing joint projects and providing methodological and other assistance. In 2003, the Public Information Division of the MoE was involved in 20 joint projects with NGOs (15 in 2002).⁵

Municipal administrations not only involve environmental NGOs in their projects but also participate in the projects organized or coordinated by NGOs.⁶

6. Give relevant web site addresses, if available:

The websites of the Ministry's subordinate institutions as well as of NGOs can be found on the MoE's website at www.am.lt.

The websites of municipalities can be found on the website of the Association of Local Authorities in Lithuania at www.lsa.lt.

ARTICLE 4

7. List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

“Public authorities”: Government Resolution No. 1175 is applicable to public administrations and other public authorities, local government authorities, and budget and public institutions set up by municipalities which create or possess environmental information according to the procedure laid down in the laws and other legal acts in exercising their direct functions, specific obligations or powers financed from national and municipal budgets and funds, except for the President of the Republic, the Seimas of the Republic, the Constitutional Court, other courts, the institution of ombudsmen of the Seimas, the National Audit Office, the Bank of Lithuania, the National Security Department and the prosecution offices.

The term “environmental information” used in national legislation is consistent with the one found in the Convention. It is defined in Law No. I-2223 and Government Resolution No. 1175. To date, the term “applicant” used in Government Resolution No. 1175 is consistent with the term “the public” in documents regulating access to information. The applicant is one or more natural persons or legal persons or companies without legal personality. It is intended to introduce the term “the public” (replacing the “applicant”) in the new wording of Government Resolution No. 1175 which will be identical to the definition found in the Convention.

With regard to article 3, para. 9, of the Convention, Government Resolution No. 1175 provides that access to information is given to the applicants irrespective of citizenship, nationality and place of residence (if the applicant is a legal person, irrespective of the place of registration or main business location) and without stating an interest in such information.

- (a)(i) According to Government Resolution No. 1175, access to information is given to applicants without stating an interest in such information;
 - (ii) According to Law No. VIII-1524, when the applicant requests an official document, he or she must be given access to the original copy. If it is not possible, the copy of the document or an extract therefrom must be prepared. The applicant covers the costs of reproduction of documents according to the procedure prescribed by the Government;
 - (iii) According to Government Resolution No. 1175, information is made available to the applicant in the form desired. If the applicant does not state how the information should be made available, if technical reasons prevent from providing information in the desired form, if this information has already been made public in any other form or if the public authority believes that it would be reasonable to make it available in another form, the information is made available in the form chosen by the public authority (with a statement of the relevant reasons);
- (b) According to Government Resolution No. 1175, the public authority must reply to the request as soon as possible but no later than within a month from the date of receipt of the request. If no additional material or verification is necessary to prepare the reply, the authority

must reply to the applicant within 15 working days from the date of receipt. If it is unable to reply to the applicant within a month due to the extent and complex nature of the requested information, the head of the authority may postpone the deadline for the reply but not for more than two months after the date of receipt. The applicant must be notified in each case, irrespective of the decision on postponement of the deadline, and the reason for the postponement must be stated;

(c) Government Resolution No. 1175 contains a list of exceptions to access to environmental information which is almost identical to the one found in the Convention.⁷ The confidentiality of commercial and industrial information is regulated under the Law on Competition which contains the definition of a commercial secret. The Regulations for the Issuance, Renewal and Withdrawal of Permits for Integrated Pollution Prevention and Control (IPPC), which were approved by Order No. 80 of the Minister of Environment (2002), defines which information (commercial secrets) may not be disclosed to the public.

Law No VIII-1524 requires that refusals of information requests be reasoned and, in order to protect the interests of non-disclosure, that they are considered more important than the applicant's interest in accessing the information. Government Resolution No. 1175 also notes that it is necessary to ensure the dissemination of information related to emissions or mitigation of the hazardous effects of pollution on human health and the environment;

(d) According to Government Resolution No. 1175, if the written request is received by an authority that does not have the requested information and is not obliged to have it according to its competence, it must forward the request to the competent authority within five working days from the receipt of the request and notify the applicant thereof; if the public authority is asked orally for information that it does not hold, it must indicate the competent authority which should be contacted by the applicant;

(e) According to Government Resolution No. 1175, if information may be separated out from the exempted information, the public authority must make available the relevant part of the requested information without prejudice to the requirements of confidentiality of the exempted information and giving a notice thereof to the applicant (particularly in cases where it is necessary to ensure the dissemination of information related to the emissions or mitigation of the hazardous effects of pollution on human health and the environment);

(f) According to Government Resolution No. 1175, the applicant must be notified of a refusal of the request on the basis of the exemptions within 15 working days after the date of receipt of the request; it is also necessary to indicate the reasons for the refusal and the possibility to appeal against the decision according to the procedure laid down in the laws and other legal acts;

(g) Law No. I-1418 on Public Access to Information, Law No. 1524, Government Resolution No. 1391 on the Approval of Government Resolution No. 1175 on the Registration of Official Information of Public Authorities and Other Budgetary Organizations and the Provision thereof to the Public or Providers of Public Information and Government Resolution No. 1175 state that all information produced by the authorities in exercising direct functions, specific obligations or powers derived from the national and municipal budgets and funds of the Republic

of Lithuania must be free of charge. The applicant must only pay for the services related to the provision of the environmental information such as copying, publishing, etc. Government Resolution No. 1039 sets forth the procedure for reproduction costs which is consistent with the provisions of the Convention.

8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

The provisions of approved legislation are being implemented.

9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Most of the requests are received by the Public Information Division of the MoE by phone or direct contact by requesters. Written applications are registered together with all other applications and complaints of other authorities, NGOs and individuals. Therefore, there are no separate statistics. Information is available by e-mail request from the Ministry's information representative. In 2003, 393 requests were made by e-mail, of which 183 were replied to, after consultation with the experts and staff of the Public Information Division, and 206 were replied to by other experts at the MoE.

10. Give relevant web site addresses, if available:

www.am.lt
www.lsa.lt

ARTICLE 5

11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

For definitions and implementation of article 3, para. 9, see the response to question 7.

- (a)(i) The duty of public, administrative and control authorities to collect and disseminate environmental information according to their competence is laid down in Law No I-2223.

Information which should be disseminated is described in a number of legal acts related to different areas, namely Order No. 408 of the Minister of Environment (1999) on the Approval of Government Resolution No. 1175 on the Monitoring of Emissions and Order No. 217 of the Minister of Environment (1999) on the Approval of Waste Management Regulations;

- (ii) The Law on Environmental Monitoring determines environmental monitoring procedures carried out by the State, municipalities and economic operators;⁸

(iii) The dissemination of information in cases of special economic situations is regulated under the Law on Civil Protection. Order No. 248 of the Minister of Environment on the Management of Actions and Counter-measures in Cases of Special Ecological and Other Extreme Situations and Accidents (2003) which must also be complied with. In the case of an environmental emergency, a brief report on the situation and its environmental impact is drawn up. Important and operative information is published on the websites of the MoE and Environment Protection Agency;

(b) The way in which information can be accessed is regulated by Law No. VIII-1524 and Government Resolution No. 1491. The public must have access to the procedures adopted on the provision of information. According to Government Resolution No. 1175, the authorities must specify the directory of available environmental information, the form for recording information, the time limits for making information available to the requester, service fees, the payment procedure and other requirements. It provides that environmental information must be made easily accessible by State and municipal authorities through public telecommunication networks, if such information is in electronic format and the necessary hardware available. The new wording of this procedure will put greater emphasis on the provision of information through telecommunication networks. Information may also be available to those concerned by phone, e-mail, direct consultation or written request. Extensive environmental information is available at the MoE and its subordinate institutions, and on their websites;

(c) With a view to increasing the volume and accessibility of information using the latest technologies and the Internet, Government Resolution No. 118 on the Publication of Draft Laws and other Secondary Legislation on the Internet was approved in 1999. In 2003, the Government adopted the Resolution on the Approval of General Requirements for the Websites of Public Authorities. The Resolution aims to facilitate the public's access to all available information regarding the functions of public authorities through the Internet, and to ensure that important and reliable information is made available in an efficient manner. It also states that information must be systematized and updated regularly, depending on how often it changes.

In 2005, the websites of the institutions subordinate to the Ministry will be joined into a single network. Until now, the regional environmental protection departments did not have their own websites (except for one in Šiauliai). On the other hand, the availability of separate websites does not mean that information is more effectively accessible. General information concerning the regional environmental protection departments is published on the website of their central authority, i.e. the State Environmental Protection Inspectorate.

Although all municipalities have their own websites, the volume of available environmental information varies considerably. Usually, information which must be published by law, such as territorial planning information, is available. The directory of environmental information, environmental monitoring data, reports on the state of the environment, biological diversity information, etc. are also available in electronic format. This depends upon a variety of factors such as the number of environmental experts in the public authorities, available funds, etc.;

(d) Every year, the MoE prepares a report on the state of the environment which also provides information on the main environmental challenges. The publication is disseminated to

the public, public authorities and research institutions. Its digital version is also available in Lithuanian and English on the MoE's website;

(e) The information referred to in article 5 of the Convention is disseminated through the means mentioned in the above paragraphs. Information specified in the list can be found on the websites of the MoE, its subordinate institutions and the Seimas. According to legal procedure, laws and other legal acts are also published in the Official Gazette and its supplement information notices which are available in a printed form as well.

The new wording of Government Resolution No. 1175 will include a comprehensive, and more detailed than the Convention's, list of information which must be made available and actively disseminated.

To date, the list of links to the authorities holding such information, the so-called Directory of Environmental Information, has been compiled with a view to facilitate the search for environmental information.

Information regarding international agreements which have been ratified is published on the websites of the MoE, Environment Protection Agency and other authorities, according to their competence;

(f) Regulation (EEC) No. 761/2001 of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) applies to the involvement of organizations in EMAS. Companies which have implemented EMAS notify the public of their achievements on an annual basis. These companies and companies using the eco-label for their production have the option to inform the public through the website of the Environment Protection Agency;

(g) The MoE and its subordinate institutions print a number of concrete and analytical information on the environment and international agreements which can be found in the publications section of the MoE's website. Recently, it was decided to halt the publication of periodical handouts such as the information publications of the MoE to the public since other channels with more extensive coverage like the media and the Internet have been established;

(h) Regulation (EC) No. 1980/2000 of 17 July 2000 on a revised Community eco-label award scheme governs the award of the EU eco-label. The public is informed of eco-label awards and EMAS through the website of the European Environment Agency (EEA). The European Commission is also notified accordingly and publishes such information on the relevant websites;

(i) Lithuania signed the Protocol on Pollutant Release and Transfer Registers (PRTRs) in 2003. In accordance with EU Commission Decision of 17 July 2000 on the implementation of a European Pollutant Emission Register (EPER) and Order No. 136 of the Minister of Environment on the Collection of Pollutant Emission Data of 27 May 2002, it started to collect data in application of EPER requirements in 2004.

While EPER already implements several key elements of the PRTR Protocol, the Protocol's obligations extend beyond its scope, e.g. in terms of the facilities included, substances to report, coverage of releases to land and coverage of off-site waste transfers. Towards the Community's ratification of the Protocol, the Commission has adopted a proposal for a regulation concerning the establishment of European PRTRs. The current, more limited, EPER, should be replaced by a comprehensive European PRTR.

Implementation of EPER requirements and of the provisions of the EU regulation (and PRTR Protocol simultaneously) will enable the creation of a national information system on pollution, which will comply with European and international requirements for such databases and registers. The MoE has started the development of an integrated computerized information system for environmental management. This project should lay down the initial technical requirements for implementation of the regulation and Protocol, and creation of an integrated computerized information system on pollution.

12. Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

The experts who contributed to the report, as well as NGOs, have identified the following obstacles:

- The complexity of the structure of the MoE's website makes it difficult to find required information. The website must be improved and updated more regularly, and must contain information which is useful and practical;
- Significant funds are necessary for implementing or supporting environmental education projects, publishing and other campaigns. The lack of funds is often a factor impeding the educational and information processes;
- According to NGO representatives, the regional environmental protection departments and municipalities do not provide enough information;
- Lithuania does not have accredited laboratories to test the compatibility of products with the criteria for the award of eco-labels. On the other hand, it would not be reasonable to set up laboratories which would be inactive.

13. Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Producers wishing to enter the Western European markets have to ensure that their products are eco-friendly.

14. Give relevant web site addresses, if available:

Information on EPER and the future European PRTR can be found on the official website of the Environment Protection Agency (<http://aaa.am.lt>).

www.am.lt

www.lrs.lt (Seimas)

www.lsa.lt

ARTICLE 6

15. List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Public participation in decisions on specific activities listed in annex I to the Convention is regulated under Law No. I-1495 and the Regulations for the Issuance, Renewal and Withdrawal of Permits for Integrated Pollution Prevention and Control (IPPC), approved by Order No. 80 of the Minister of Environment in 2002.

The following laws and legal acts regulate participation of, and notification to, the public and public organizations in the case of decisions on planned activities:

- Law No. I-2223 on Environmental Protection entitles the public to take part in environmental impact assessment (EIA) procedures on the planned activity, etc.;⁹
- Law No. I-1495 provides that the public participates at the earliest stage of the EIA process from the moment of the publication of the information on the obligatory EIA of the proposed economic activity or of the screening conclusion. According to the established procedure, the public submits reasoned comments on the EIA. During the process, it is entitled to receive information on potential impacts of the proposed activity from other members participating in the EIA. There is also a possibility to appeal against the application of the provisions of the Law and the decisions made by the competent authority according to judicial procedure;
- Law No. I-1495 approves the following two lists of information: the types of proposed economic activities subject to EIA (appendix 1); and the types of proposed economic activities subject to screening for obligatory EIA (appendix 2).

When the proposed economic activity is included in either of these lists, and a modification or extension of the activity is projected, including the reconstruction of existing constructions, modernization or replacement of the production process and technological equipment, change in the production method, production volumes or types, introduction of new technologies and other changes which may have a negative impact on the environment, the screening procedure must be applied.

The activities listed in annex I to the Convention are included in these appendices. The EIA report must provide a thorough analysis of all the relevant issues, an analysis of alternatives by the entity having prepared the EIA documentation, the environmental monitoring plan, information on technical or practical problems encountered by the developer or the authorized entity having prepared the EIA documentation, as well as a summary of all the information analyzed in the report.

Proposals on EIA planning must be submitted to the developer in writing throughout the whole EIA process for the planned economic activity up to and during the public meeting. The detailed procedures for public participation are laid down in the secondary legislation. The Procedure for Public Information and Participation During the Environmental Impact Assessment of the Proposed Economic Activity as approved by the order of the Minister of Environment regulates public participation during the EIA process.¹⁰

Public information and participation during construction is regulated by Law No. I-1240 on Construction and the Technical Regulations for Construction (STR 1.05.06:2002) Design of Works approved by an Order of the Minister of Environment.¹¹

The Description of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes approved by Government Resolution No. 967 (2004) ensures that consultations with the public are held and their results, as well as those of other procedures available to the public, taken into account, and that the public is able to participate in the assessment of alternatives in territorial planning documents and other plans and programmes. The developer of the plan or programme must inform the public of the decision. If a SEA is not carried out, the developer must inform the public of where the reasoning for such a decision can be found. The developer must consult with the public and make available the report and draft plan or programme and, where alternatives for the territorial planning documentation are assessed, the report and alternatives prepared during the conceptual planning stage. The developer must also inform the public of the decision made and specify where the plan or programme adopted is available; of the planned monitoring measures for its implementation impacts; a brief description of the way in which the environmental issues are reflected in the plan or programme; the way in which information in the assessment report was taken into consideration during the decision-making process; the conclusions of the assessment and proposals put forward by the public; the way in which the results of cross-border consultations, if any, were taken into consideration during the decision-making process; and the reasons explaining the choice of a given alternative.

The Description of the Procedure for Public Participation in the Procedures for Strategic Environmental Impact Assessment of Plans and Programmes and the Notification of Assessment Parties and Order No. D1-455 of the Minister of Environment concerning approval of public participation in plans and programmes strategic environmental assessment procedures and stakeholders and European Union member States information order (2004) ensure that the public will be consulted on, and have opportunities to participate in, the SEA of plans and programmes and in the public debate over the SEA report, and will have access to the decisions made regarding the adoption and/or approval of the plan or programme. According to the Description, the procedures for public participation include the notification of the plans or programmes; the public availability of the SEA report and the draft plan or programme; and the notification of the decision adopted as regards the approval of the plan or the programme.

The Description of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes approved by Government resolution also contains the definition of the term “the public”.

Procedures for information disclosure provided under the Regulations for the Issuance, Renewal and Withdrawal of Permits for Integrated Pollution Prevention and Control include dissemination through the local, regional or national press, municipal bulletin boards, and the radio and television, if possible. Public information and participation in the procedure for Integrated Pollution Prevention and Control permits are organized by the regional environmental protection departments.

The State management of genetically modified organisms (GMOs) is regulated under Law No. IX-375 on GMOs, which stipulates that the public has the right to participate, according to legal procedure, in decision-making processes relating to the use of GMOs and genetically modified

products (GMPs) and to receive information about them. The State management of activities involving GMOs is undertaken by the MoE. All draft legislation in the field of GMOs and applications for use of GMOs are discussed by the GMO management steering committee comprising representatives of concerned public authorities and public organizations. The committee holds discussions and takes their opinion into consideration.

The Procedure for Public Information and Participation in Issuing Permits for the Use of Genetically Modified Organisms or Genetically Modified Products was approved by Order No. 299 of the Minister of Environment (2003). The public is entitled to receive information on the use of GMOs and GMPs upon request. Requests are refused if the disclosure breaches confidentiality and intellectual property rights. According to current national legislation, the notifying body must inform the public of the use of GMOs or GMPs through the national mass media. This procedure also provides that the MoE, without prejudice to confidentiality of information and intellectual property rights, shall organize the collection and ensure the availability of information on the use of GMOs and GMPs through the register and online database.

The Procedure for a Database on Genetically Modified Organisms was approved by Order No. D1-542 of the Minister of Environment (2004).¹² The national GMO database (<http://gmo.am.lt>) is important to ensure the transparency of the activities of public authorities, as well as the provision of information to, and participation of, the general public. It contains a special section for the public to express its opinion directly, although no discussions can take place.

16. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

The public is not actively involved during the early stages of planning and EIA, does not pay attention to notices, does not read the press and fails to observe the deadlines. It also objects without reasoning and does not listen to arguments.

During the early stage of planning and EIA, there is a lack of information on concrete technological and technical solutions relating to risk assessment, and difficulties in assessing alternatives.

There is a focus on compensation measures for property during the planning and EIA stages. Recently, the public has been more interested in property issues rather than environmental protection and public health.

In some cases, developers do not publish the screening report.

17. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Decisions on proposed economic activity

During public participation on territorial planning, SEAs of plans and programmes and EIAs, all individuals and public organizations involved in the public debate are registered, their speeches

entered into the minutes, and proposals registered and evaluated according to the established procedure.

Documents of public consultations constitute components of the EIA and SEA reports. Therefore, public participation statistics are available to the authorities when they make decisions.

GMOs

The MoE, assisted by the United Nations Environment Programme/Global Environment Facility (UNEP/GEF), organized a conference in 2004. Participants (representatives of various levels of the public) had the opportunity to listen to the presentations and play an active role in the discussion.

In 2004, a survey ordered by the Office of the Government was conducted in order to gauge the approach towards GMOs and their use. The survey was conducted in 18 towns and 58 villages. It showed that 40.2 per cent of the population is not at all aware of GMOs. This information was published on the website of the MoE.

18. Give relevant web site addresses, if available:

www.am.lt

<http://gmo.am.lt>

<http://aaa.am.lt>

ARTICLE 7

19. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Law No. I-1120 on Territorial Planning contains the definitions of the terms “the public” (identical to the one found in the Convention) and of “the public concerned”.

The public concerned means the public which is or may be influenced by the outcomes of the prepared territorial planning document or which has interest in their implementation; according to the definition, NGOs involved in solving land-use problems and acting under national laws are deemed to be concerned.

The requirement found under article 3, para. 9, of the Convention is applied. Law No. I-1120 states that natural and legal persons are entitled to have access to prepared and approved territorial planning documents at the seat of the authority in charge of the planning and to receive copies of the drawings, territorial planning documents or their components.

Public participation in the development of plans and programmes is regulated by the Law on Territorial Planning, the Law on Regional Development and the Law on Local Governance. The

Regulations for Public Participation in Territorial Planning was approved by Government Resolution No. 904 in 2004. According to these Laws, the public can participate in the preparation and discussion of territorial planning documents (comprehensive, special and detailed plans), regional development programmes, and municipal plans and programmes.

Public participation is a component of the territorial planning process involving the preparation of comprehensive, special and detailed plans of the areas. Public authorities or institutions organizing the planning process publish (in the press and on the website) notices on the initiation of the preparation of the territorial planning document, the possibilities to put forward proposals. They also hold consultations with the public concerned regarding the solutions; make them publicly available; organize public presentations; register proposals received and analyse them together with the developer; take into consideration or reject on reasonable grounds giving notice thereof to the applicants; and discuss the proposals with the public concerned at a conference or public meeting according to the approved regulations.

The reply may be appealed against to the authority responsible for the State supervision of territorial planning within a month from the day of receipt. The authority responsible for the State supervision of territorial planning must submit a reasoned answer within 20 working days from the date of receipt of the complaint and its reply may be appealed against according to judicial procedure. At least two months must be reserved for the public to have access to the prepared territorial planning documents at the national or regional levels, of which at least one month must be reserved for public presentation; one month for access to prepared comprehensive and special territorial planning documents at the regional level; 15 working days for public presentation; 20 working days for the detailed plans, of which 10 working days for public presentation; and ten working days for access to the detailed and special plans prepared according to the simplified procedure.

Pursuant to the above-mentioned regulations, the public must also be informed of the approval of the territorial planning document. In addition, the outcomes of the approved territorial planning document should be made accessible at the seat of the authority in charge of the planning process.

20. Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

The possibilities for the public to participate in the development of environmental policy are not regulated procedurally. However, according to the Law on Environmental Protection, public administration and control authorities (according to competence) must encourage individuals, public organizations and other natural and legal persons to participate in the adoption and implementation of decisions in the field of environmental protection.

21. Describe any obstacles encountered in the implementation of article 7.

The public has little interest in the territorial planning documents at the start of the planning process. Moreover, information published on the Internet or the national press does not always reach the public, and the NGOs are not active enough.

22. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

One example of public participation is the preparation and discussion of the Comprehensive Plan of the Territory of Lithuania. Articles in the press informed the public of the start of the plan preparation. Two months were reserved for accessing the plan (including one month for accessing the preliminary solutions and prepared plan). The public groups concerned such as NGOs, regional administrations and other public authorities had the possibility to attend conferences. Public participation was quite low, and experts and representatives of the public authorities were more active in the discussion.

The public was quite active in the preparation of the detailed plan for the old town of Vilnius, and meetings attended by the residents were organized and their proposals were registered.

23. Give relevant web site addresses, if available:

Information on territorial planning is published on the websites of municipalities as well as in the local press.

Information on the Comprehensive Plan for the Territory of Lithuania is available at <http://oracle.am.lt/bp/>

ARTICLE 8**24. Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.**

Public participation in the preparation of legal acts (including those in the field of environmental policy) is regulated according to the general provisions laid down in the Law on Civil Legislative Initiative which guarantees the right of the public to legislative initiatives. This right is also guaranteed in the Law on Petitions which allows to apply to public authorities demanding or proposing solutions to important problems when they involve adopting, amending, supplementing or repealing an effective legal act. According to the Law on Civil Legislative Initiative, all individuals can make proposals regarding the drawing-up of a legal act and the Statute of the Seimas provides for the possibility to submit draft laws for public debate. It was established in the decision of the Seimas Board on Public Access to Draft Laws and Other Legal Acts that the supplement Information Notices of the Official Gazette will publish those drafts of laws and legal acts which have been registered with the secretariat of the Seimas sessions. The Law on Public Administration also states that on the issues relating to decisions of administrative regulation, which concern general legitimate community interests and affect a large section of the population, public administration institutions must consult organizations representing public interests in a relevant area (associations, trade unions, public organizations and representatives of other NGOs) and, in cases provided for in the laws, also hold consultations with the public.

The Rules of Procedure of the Ministry of Environment also state that task forces may be set up by the order of the Minister for the preparation of draft legal acts, and that such task forces may include the representatives of companies and organizations.

25. Describe any obstacles encountered in the implementation of article 8.

Legal provisions are being implemented.

26. Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

27. Give relevant web site addresses, if available:

www.lrs.lt
www.am.lt

ARTICLE 9

28. List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Law No. VIII-1524 regulates the review procedure for decisions of the authorities on access to information. According to the provisions of the Law, persons who requested information on the activities of the authority and did not receive it within the time limits laid down by the law, or received inaccurate and partial information, are entitled to appeal against the decision of the authority to the Commission for Administrative Disputes according to the procedure laid down in the Law on Administrative Procedure, i.e. complaints of this nature are subject to the advance extrajudicial procedure of dispute settlement. If the applicant is not satisfied with the decision of the Commission for Administrative Disputes, he or she may appeal to the administrative court according to the procedure laid down in the Law on Administrative Procedure.

Government Resolution No. 1175 states that a person who requests environmental information from a public authority and believes that the information provided is not accurate or partial, may request additional information from the authority. If the public authority fails to provide additional information within the prescribed time limit or gives a justified refusal to do so, the person is entitled to appeal against the actions of the authority according to the procedure laid down in the laws and other legal acts, i.e. the Law on Administrative Procedure (to the Commission for Administrative Disputes).

This Procedure also stipulates the right of the person to appeal against the decision of the authority to refuse to give access to information which, according to the requirements of the legal acts or on other justified grounds, may not be disclosed (e.g. private information, State or service secret and commercial secrets). The Commission for Administrative Disputes reviews the applications of persons free of charge. It review disputes related to access to information

according to the Law on Commissions for Administrative Disputes and its decisions are binding on public administration bodies.

Persons, including representatives of the public, who think that their rights have been violated are entitled to apply to the Commission for Administrative Disputes within the scope of its competence according to the Law on Commissions for Administrative Disputes.

An equivalent provision is stipulated in the Law on Administrative Procedure which regulates the right of each individual to apply to court according to the procedure laid down in the laws for the protection of allegedly violated or disputed rights or interests protected by the laws. According to the provisions of the Law, the court may apply safeguard measures at the justified request of the litigants or at its own discretion. In other words, it may prohibit performing certain actions or suspend the validity of the disputed legal act. The Law on Environmental Protection also states that individuals, public organizations and other legal and natural persons are entitled to file a complaint (application) according to the procedure laid down in the laws of the Republic of Lithuania, and requests that persons liable for hazardous impacts on the environment are held to account if their decisions or acts (or omissions) violate the rights of individuals, public organizations, other legal and natural persons or interests protected by the laws.

The Law on Public Administration which is complied with by public authorities in reviewing the requests and complaints of individuals, states that the decision regarding the requests submitted must also specify the procedure for appeal, thus informing of an individual's right to appeal against a decision if it does not satisfy him or her.

Government Resolution No. 1175 states that a refusal to provide exempted information must include the reason for the refusal and explanation of the possibility to appeal against the decision according to the procedure laid down in the laws and other legal acts.

29. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

30. Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Practice of this field is just developing, and the first legal proceedings are currently taking place.

31. Give relevant web site addresses, if available:

32. If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Notes

- 1 For further information, see the supplementary document to the national implementation report found at
2 <http://www.unece.org/env/pp/reports%20implementation.htm> (available in English only), para. 1 (a).
3 id. para. 1 (b).
4 id. para. 1 (c).
5 id. para. 1 (d).
6 id. para. 1 (e).
7 id. para. 1 (f).
8 Id. para. 2.
9 id. para. 3.
10 id. para. 4 (a).
11 id. para. 4 (b).
12 id. para. 4 (c).
id. para. 4 (d).