

Questionnaire for the

REPORT OF **LITHUANIA** ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

Information on the focal point for the Protocol

Mr. Vitalijus AUGLYS
Director of Pollution Prevention Department
Ministry of Environment
Jaksto 4 /9, LT-01105 VILNIUS
Telephone: +370 52 663 651
Fax: +370 52 663 663
E-mail: v.auglys@am.lt

Information on the point of contact for the Protocol

Name and contact information (if different from above):

Information on the persons responsible for preparing the report

- i. Country: LITHUANIA
- ii. Surname: KRASTINYTE
- iii. Forename: VIKTORIJA
- iv. Institution: MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF
LITHUANIA
- v. Postal address: JAKSTO 4/9, VILNIUS LT-01105
- vi. E-mail address: v.krastinyte@am.lt
- vii. Telephone number: +37070663267
- viii. Fax number: +370 5 2663663

- i. Country: LITHUANIA
- ii. Surname: REVOLDIENE
- iii. Forename: RUTA
- iv. Institution: MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA
- v. Postal address: JAKSTO 4/9, VILNIUS LT-01105
- vi. E-mail address: r.revoldiene@am.lt
- vii. Telephone number: +370 706 63654
- viii. Fax number: +370 5 2663663

Date on which report was completed: 2013-06-27

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

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 2 - Definitions:

1. Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.

- a) Yes ☐
- b) Yes, with some differences:

Plans and programs – planning documents of national, regional, district or local level (action plans and programs, development plans (programming documents), development plans and programs of branches of economy, strategies, concepts, territorial planning documents, etc., including plans and programs which are jointly financed by the European Union), which are prepared, approved and (or) ratified according to the legislation in force or according to the competence carrying out public administration and the effects of which may be significant to the environment, including complete or partial amendments to such plans and programs.

Decision of the Government of the Republic of Lithuania of August 18, 2004, No. 967 on the Approval of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment contains this definition of plans and programmes.

- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation ☐

Your comments:

2. Is the definition of “environmental, including health effect” in your legislation the same as in article 2, paragraph 7? Please specify.

- a) Yes ☐
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of “environmental, including health effect” in the legislation ☒

Your comments:

Law of the Republic of Lithuania on environmental protection presents the definition of the consequences for or effects on the environment shall mean the consequences or effects (physical, chemical, etc.) on the environment which lead or may lead to significant changes in the natural functions of an ecosystem or elements thereof;

Requirements to describe and evaluate the likely significant primary, secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects on the environment, including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including

architectural and archaeological heritage, landscape and the interrelationship between the above factors, are set in the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment contains this definition of plans and programmes.

According to the Guidance on Implementation of SEA Directive, prepared by representatives of Member States and the Environment Directorate-General of the European Commission, this list of issues is not fully exhaustive and it should be considered case-by-case which additional issues may be relevant during an SEA. The notion of human health should be considered in the context of the other issues mentioned above, for example considering such environmentally related health issues as exposure to traffic noise or air pollutants. Notably, the context of all issues and relationship between them is essential, since overall effect often is synergetic and more severe (and significant) than the isolated effects resulting from each single factor.

3. Is the definition of “the public” according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.

a) Yes ☐

b) Yes, with some differences:

The following definition of the public is presented in the Regulations of Strategic Assessment of the Effects of Plans and Programmes on the Environment: The public – one or more natural or legal persons and their associations, organizations or groups. The definition covers the public at large, as well as non-governmental organizations, and is applied in all cases of SEA.

c) No (please provide the definition):

d) There is no definition of the public in the legislation ☐

Your comments:

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.

a) Yes (please provide the conditions): ☒

b) No ☐

Your comments:

According to the Law on Environmental Protection definition of public concerned shall mean one or more natural or legal persons affected or likely to be affected by decisions, acts or omissions in the field of the environment and protection thereof as well as utilisation of natural resources or having an interest in the process of adoption of these decisions.

According to this definition, the associations and other public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) established in accordance with the procedure laid down by legal acts and promoting environmental protection shall in any case be held the public concerned.

Article 3 – General provisions:

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).

a) Law on SEA (please indicate number/year/name):

b) SEA provisions are transposed into another law(s) (please specify):

c) Regulation (please indicate number/year/name):

Decision of the Government of the Republic of Lithuania of August 18, 2004, No. 967 on the Approval of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment.

d) Administrative (please indicate number/year/name):

e) Other (please specify):

Your comments:

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).

a) Constitution ☒

b) Law on public participation (please indicate number/year/name):

c) Law on SEA ☐

d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):

No. D1-455, August 27, 2004 Order of the Minister of Environment of the Republic of Lithuania concerning approval of the order of Public participation in the procedures of the strategic assessment of the effects of plans and programs on the environment and informing the assessment stakeholders and member states of the European Union.

e) Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (please indicate number/year/name):

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of the United Nations Economic Commission (Valstybės žinios (Official Gazette) No 73-2572, 2001).

Government Resolution No 1175 On Approval of the Order on Public Access to Environmental Information in the Republic of Lithuania, adopted on 22 October 1999.

Lithuania ratified Aarhus Convention in 2001. Access to environmental information is based on a 1999 order on public access to environmental information.

f) Other (please, specify):

Your comments:

Article 4 – Field of application

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

Article 7 of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment lists types of plans and programs the effects of which may be significant on the environment, i.e. when the organizers of preparation of plans and programs are obliged to carry out the assessment. There are four cases when the assessment is obligatory.

In first case, potential significance of the effects of plans or programs on the environment are determined by their types (plans and programs which are prepared for industry, energy, transport, telecommunications, tourism, agriculture, forestry, fishery, water management, waste management, territorial planning or land use) and relation to future development consent of projects listed in Annexes I and II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania. In other words, if a plan or program under preparation will potentially set the framework for future development consent of several projects of the same economic activity or several types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, Strategic Environmental Assessment is obligatory.

In second case, significance of the effects of plans or programs on the environment is related to their type, level and scale - Strategic Environmental Assessment is obligatory preparing comprehensive territorial planning documents of national, regional and district levels and major changes of these documents.

In third case, it is considered if plans or programs may have significant effects on established or potential "Natura 2000" territories. Determination of significance of the effects of plans or programs on established or potential „Natura 2000" territories is carried out by institution responsible for organization of protection and management of such territories (Protected Areas Service under the Ministry of Environment, Directorates of State and Biosphere Reserves, and State Parks) in accordance with the order established by the Ministry of Environment. In this case, if a plan or program is related to established or potential "Natura 2000" territories or to the environment within a vicinity of such territories, and the above mentioned institution determines that implementation of such plan or program (separately or in combination with other plans and programs) might have significant effects on established or potential "Natura 2000" territories, Strategic Environmental Assessment is obligatory.

In fourth case, the organizer of preparation of a plan or program decides if the implementation of the plan or program under preparation may have significant effects on the environment and if therefore Strategic Environmental Assessment is to be carried out. The procedure of this decision-making is referred to as "Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment". The procedure and objects of the Screening are further described in Chapter 5.2 of this Manual.

8. Explain how you define whether a plan or programme "set the framework for future development consent" (art. 4, para. 2).

There is no special definition or interpretation of "setting the framework for future development consent of projects" in the Manual for Strategic Environmental Assessment of Plans and Programs.

Potential significance of the effects of plans or programs on the environment are determined by their types (sectors) and relation to future development consent of projects listed in Annexes I and II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania. In other words, if a plan or program under preparation will potentially set the framework for future development consent of several projects of the same economic activity or several types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, Strategic Environmental Assessment is obligatory.

Other plans and programs which set the framework for future development consent of economic activities projects to be approved by environmental authorities (i.e. if implementation of a plan or program foresees an economic activity, for which any type of permission from environmental authorities is required. It should be noted that the scope of this provisions extends beyond the types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania).

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

The concepts “use of small areas”, “local level” to such plans and programs” are directly transposed from Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive). According to the Guidance on Implementation of SEA Directive, prepared by representatives of Member States and the Environment Directorate-General of the European Commission, these concepts cannot be expressed in specific and concrete numeric values suitable for all cases, and it should be decided case-by-case for each plan or program under preparation. It should be also mentioned, that the concept “local level” shall not be directly related with specific administrative units, i.e. by transposing provisions of the SEA Directive Member States are not allowed to decide that, e.g. all municipality-level plans are plans of “local level” and therefore are only subject to the Screening for SEA. Also, the main criterion, which should be taken into account by the organizers of preparation of plans and programs by using these concepts, should be significance of potential effects of plans and programs on the environment, not level or area covered by the planning documents under preparation.

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

The concept „minor modification“ to such plans and programs” are directly transposed from Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive). According to the Guidance on Implementation of SEA Directive, prepared by representatives of Member States and the Environment Directorate-General of the European Commission, these concepts cannot be expressed in specific and concrete numeric values suitable for all cases, and it should be decided case-by-case for each plan or program under preparation. The main criterion, which should be taken into account by the organizers of preparation of plans and programs by using these concepts, should be significance of potential effects of plans and programs on the environment, not level or area covered by the planning documents under preparation.

Article 5 – Screening

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis ☐
- b) By specifying types of plans and programmes ☐
- c) By using a combination of (a) and (b) ☒
- d) Other (please specify):

Your comments:

The combination of case-by-case examination and specifying types of plans and programmes approaches is used for identification of plans and programmes to which SEA procedures should apply.

Lithuanian legislation on SEA obliges the organizers of preparation of plans and programs to perform the Screening procedure during preparation of:

1. Planning documents, for which SEA would be obligatory because of their types (sectors) and relation to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania (see Chapter 4.2 of this Manual), which determine the use of small areas at local level as well as minor modifications to such plans and programs.

2. Minor modifications of comprehensive territorial planning documents of national, regional and district levels (decision if modifications are minor shall be based on significance of potential effects of plans and programs on the environment);

3. Other plans and programs which set the framework for future development consent of economic activities projects to be approved by environmental authorities (i.e. if implementation of a plan or program foresees an economic activity, for which any type of permission from environmental authorities is required. It should be noted that the scope of this provisions extends beyond the types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania).

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

Stakeholders of the strategic environmental assessment are specified in legislation (Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment contains this definition of plans and programmes):

Stakeholders of the Assessment:

1. Governmental and municipal institutions responsible for environmental protection, health protection, management and protection of protected territories, protection of cultural assets:

- 1.1. Performing assessment of national level plans and programs:

- 1.1.1. Ministry of Environment;

- 1.1.2. Ministry of Health Protection;

- 1.1.3. Protected Areas Service under the Ministry of Environment;

- 1.1.4. Ministry of Culture;

- 1.1.5. Administrations of the Governors of Counties;

- 1.2. Performing assessment of regional level plans and programs:

- 1.2.1. Ministry of Environment or it's authorised institution;

- 1.2.2. Ministry of Health Protection or it's authorised institution;

- 1.2.3. Protected Areas Service under the Ministry of Environment;

- 1.2.4. Ministry of Culture or it's authorised institution;

- 1.2.5. Administrations of the Governors of Counties;

- 1.2.6. Municipalities within the territory of the region;

- 1.3. Performing assessment of district and local level plans and programs:

- 1.3.1. Relevant Regional Environmental Protection Department of the Ministry of Environment;

- 1.3.2. Relevant territorial division of the Ministry of Health Protection;

- 1.3.3. Protected Areas service under the Ministry of Environment;

- 1.3.4. Relevant territorial division of the Ministry of Culture;
1.3.5. Municipalities within territory of the district or locality.

Before making a decision if the SEA is to be carried out, the organizer of preparation of a plan or program shall consult with relevant governmental and municipal institutions responsible for environmental protection, health protection, management and protection of protected territories, protection of cultural assets. The basis for consultations is the Screening Document, which must be submitted to the stakeholders of SEA according to their competence. The stakeholders of SEA examine the Screening Document and within 10 working days in written form provide their conclusions to the organizer of the plan or program. The organizer of preparation of the plan or program has the right to oppose (reject) conclusions of the stakeholders of SEA, however the refusal shall be motivated and the decision regarding the need for SEA shall be provided not only to the stakeholders, but to the general public as well. If it is decided that the SEA is not needed, the organizer of preparation of the plan or program shall notify the stakeholders and the public where they can access the arguments for such decision.

The stakeholders are obliged to examine the scoping document and within 10 working days in written form provide their conclusions regarding the quality of the document to the organizer of a plan or program or to his consultant. It should be noted, that the organizer of preparation of the plan or program has the right to oppose (reject) conclusions of the stakeholders of SEA, except conclusions of institution, responsible for organization of protection and management of protected territories, i.e. when implementation of a plan or program may cause significant effects on established or potential "Natura 2000" territories, (alone or in combination with other plans and programs).

The stage of SEA report preparation consists of preparation of the SEA report and consultations with SEA stakeholders and the public. The SEA report is prepared by the organizer of preparation of a plan or program or his consultant, in accordance with the scoping document. After the SEA report is prepared, the organizer of preparation of a plan or program shall consult with the public in accordance with the established order and organize public presentation of SEA report and draft plan or program to the public (in case of territorial planning – the report and solutions, prepared during the planning concept definition phase). After public consultation procedures are completed, the organizer of preparation of a plan or program or his consultant submits the SEA report and the draft of a plan or program (in case of territorial planning – the SEA report and the planning concept directions) to the Stakeholders of the Assessment. Report to the organizer of a plan or program or to his consultant in written form and within 25 working days upon receiving the above mentioned documents. Stakeholders of the assessment, after assessing complexity of the plan or program, have a right to extend provision of conclusions up to 50 working days, prior to that informing the organizer or his consultant.

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority ☐
- b) By sending written comments to the local municipality ☐
- c) By providing answers to a questionnaire ☐
- d) By taking part in a public hearing ☐
- e) There are no opportunities for public participation in screening and/or scoping ☐
- f) Other (please specify):

Your comments:

Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment

Stakeholders and Member States of the European Union stipulate three types (stages) of public participation in the SEA process:

1. Announcement about the SEA of a plan or program;
2. Presentation of SEA Report and draft plan or program to the public.
3. Informing about decision regarding approval of the plan or program.

During the first stage, the organizer of preparation of a plan or program is obliged to inform the public about the screening results or about the beginning of the SEA process. In cases when the screening procedure is performed, the organizer shall inform the public within 10 working days after preparation of the screening document and making a decision concerning obligation to carry out SEA; in cases when SEA is obligatory without a screening procedure – after starting preparation of SEA scoping document. In both cases the public is informed by announcing information specified in the Regulations in the press of town(s) or district(s) on which territories plan or program are prepared, in the Internet page of the organizer of preparation of a plan or program, and when plans and programs are prepared on national level – in the regional and national press. The announcement, inter alia, shall contain information to whom, when (it is recommended to allocate a time period of 20 working days), where and how the general public may submit the proposals regarding specific SEA. The organizer of preparation of a plan or program shall examine and assess all proposals received from the public and make a decision to accept or reject these proposals.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

Organizer of preparation of a plan or program, after preparation of the screening document and making a decision concerning obligation to carry out SEA, within 10 working days (in cases when SEA is obligatory without a screening procedure – after starting preparation of SEA scoping document) informs public by means of announcing in the press of town(s) or district(s) on which territories plan or program are prepared, in the Internet page of the organiser of preparation of a plan or program, when Plans and programs are prepared on national level – in the regional and national press the following information:

- 1.1. The title (name) of the organizer of preparation of a plan or program;
- 1.2. The name of plan or program, preparation starting date and objectives;
- 1.3. Information whether SEA will be carried out, if not – where motivation for such decision is available;
- 1.4. To whom, when and where and how the proposals can be submitted.

Article 6 – Scoping

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV ☒
- b) By using the comments from the concerned authorities ☒
- c) By using the comments from the public concerned, if it has been consulted ☒
- d) As determined by the competent authority based on its own expertise ☐
- e) By using other means (please specify):

Your comments:

Lithuanian SEA legislation stipulates that scoping is an obligatory procedure, which is performed whenever SEA of a certain plan or program is required. SEA scoping stage consists of preparation of the scoping document and consultations with SEA stakeholders and the public. Obligatory minimal contents of the scoping document are strictly regulated in the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment. The scoping document is prepared by the organizer of preparation of a plan or program or his consultant. The Report shall contain a description and assessment of potential significant effects of implementation of a plan or program (in case of territorial planning documents – concept directions) and of their alternatives on the environment, extensive analysis of all issues defined in the scoping document and information required by the provisions of Annex 2 of this Order. Amount of information to be provided and the level of elaboration of the issues examined depend on the objectives of a plan or program, its geographical scope, contents and extent, the level of decision making and the planning level.

Article 7 – Environmental report

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

- a) On a case-by-case basis ☒
- b) As defined in the national legislation (please specify):

Your comments:

Lithuanian legal acts provide for any “reasonable alternative” definition, but they only provide for a requirement to supply an alternative description and reasons for selection such alternatives of plans or programmes. The Manual for Strategic Environmental Assessment contains an explanation that in describing the analyzed alternative for the plan or programme and specifying the reasons for its selection it is essential to state how environmental aspects has determined the selection of such alternative and how in each case of analyzed alternative the environmental aspects, plan or programme effects (direct, indirect, long-term, cumulative, etc.) have been taken into consideration.

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments ☒
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☐
- d) Other (please specify):

Your comments:

The stakeholders of the Assessment according to their competence examine the Report and draft plan or program (in case of territorial planning – Report and planning concept directions) and within 25 working days in written form provide their conclusions regarding the draft plan or program or concept directions, the quality of the assessment and Report to the organizer of a plan or program or to his consultant. Stakeholders of the assessment, after assessing complexity of the plan or program, have a right to extend provision of conclusions up to 50 working days, prior to that informing the organizer or his consultant. These conclusions are binding for organizers of preparation of plans and programs.

Article 8 – Public participation

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices ☒
- b) Through electronic media ☒
- c) Through other means (please specify):

Your comments:

Organizer of preparation of a plan or program, after having prepared SEA report and draft plan or program, not later than 20 working days before public presentation informs public by means of announcing in the press of town(s) or district(s) on which territories plan or program are prepared, in the Internet page of the organizer of preparation of a plan or program, when Plans and programs are prepared on national level – in the regional and national press the following information:

- 1.1. The title (name) of the organizer of preparation of a plan or program;
- 1.2. That SEA was carried out for a plan or program;
- 1.3. When in the institution of the organizer of preparation of a plan or program (or other in announcement defined location) the public can get acquainted with draft plan or program and SEA report;
- 1.4. To whom, when and where and how the proposals can be submitted;
- 1.5. When in the institution of the organizer of preparation of a plan or program (or other in announcement defined location) presentation of SEA report and draft plan or program will be presented to the public.

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes ☐
- b) By making the information available to all public and letting them identify themselves as public concerned ☐
- c) By other means (please specify):
- d) Your comments:

The following definition of the public concerned is presented in the Law on Environmental Protection: Public concerned shall mean one or more natural or legal persons affected or likely to be affected by decisions, acts or omissions in the field of the environment and protection thereof as well as utilization of natural resources or having an interest in the process of adoption of these decisions. According to this definition, the associations and other public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) established in accordance with the procedure laid down by legal acts and promoting environmental protection shall in any case be held the public concerned.

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point ☐
- b) By providing answers to a questionnaire ☐
- c) Orally ☐

- d) By taking part in a public hearing ☒
- e) Other (please specify):

Your comments:

Public concerned express its opinion by writing comments, proposals for the organizer of preparation of a plan or program according the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union.

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period ☒
- c) No, it is defined case by case ☐
- d) Other (please, specify):

Your comments:

Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union specifies different time limits for each procedure:

Organizer of preparation of a plan or program, after preparation of the screening document and making a decision concerning obligation to carry out SEA, within 10 working days (in cases when SEA is obligatory without a screening procedure – after starting preparation of SEA scoping document) informs public by means of announcing in the press of town(s) or district(s) on which territories plan or program are prepared, in the Internet page of the organiser of preparation of a plan or program, when Plans and programs are prepared on national level – in the regional and national press.

Organizer of preparation of a plan or program, after having prepared SEA report and draft plan or program, not later than 20 working days before public presentation informs the public.

Article 10 – Transboundary consultations

22. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify.

- a) During scoping ☐
- b) When the draft plan or programme and the environmental report have been prepared ☒
- c) At other times (please specify):

Your comments:

In the cases when implementation of a plan or program which is being prepared for the territory of the Republic of Lithuania may have significant negative effects on the environment of another Member State or upon request of such Member State, draft plan and report are submitted to such State before a plan and program is adopted.

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 ☒
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No ☒

Your comments:

If the affected Member State, informs about the intention to start consultations, an agreement shall be made on a reasonable time frame and consultations concerning transboundary environmental effects of implementation of plan or program and mitigation measures shall start.

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin ☐
- b) Following those of the affected Party ☐
- c) Other (please specify):

Your comments:

During the consultations it shall be agreed upon how to ensure that institutions participating in SEA process and the public of the affected Member State, will be informed and will be able to provide during a reasonable time period conclusions and proposals (a detailed order is agreed upon).

Article 11 – Decision

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report ☐
- b) Mitigation measures ☐
- c) Comments received in accordance with articles 8 to 10 ☐

Your comments:

1. The organizer of preparation of a plan or program, whilst preparing the final draft of a plan or program and before making a decision to approve and (or) ratify the plan or program or whilst presenting plan or program for ratification according to Lithuanian legislation, (in territorial planning – during selection of a preferred alternative in the concept phase) takes into account information, provided in the Report, the conclusions of the stakeholders of the Assessment and the proposals of the public, as well as the results of transboundary consultations (if such take place). In cases when implementation of a plan or program may have negative significant effects on the already established or potential “Natura 2000” territories, the organizer of preparation of a plan or program shall follow the conclusion

of the institution responsible for protection and management of protected territories concerning possibility to adopt or approve this plan or program.

2. If it is defined that implementation of the plan or program shall have significant negative effects to established or potential "Natura 2000" territories and there are no alternative solutions to plan or program, plan or program can be approved and implemented only in those cases, when solutions are related to human health or protection, conservation of certain environmental components or considering opinion of European Commission, - to other important reasons. In such cases all possible compensation measures shall be foreseen and implemented in order to retain integrity of established or potential "Natura 2000" territories network. Information about these measures shall be provided to the European Commission by the institution responsible for protection and management of protected territories.

3. The organizer of preparation of a plan or program informs the public about the decision taken in accordance with the procedure established by legislation referred to in paragraph 9.3 of this Order, informs the stakeholders of the Assessment and the Member States which have participated in the transboundary consultations (if such took place) about where the information referred to in paragraph 39 of this Order can be accessed in accordance with the order established by the Ministry of Environment.

4. The organizer of preparation of a plan or program ensures that in accordance with the procedure established by the law, the following information is made available to the stakeholders of the Assessment, the public, and the EU States which have participated in the transboundary consultations:

4.1. Approved and (or) ratified plan or program.

4.2. Envisaged measures for monitoring the implementation of a plan or program.

4.3. A document where the following information is summarized:

4.3.1. How environmental considerations have been integrated into a plan or program.

4.3.2. How information, provided in the Report, the conclusions of the stakeholders of the Assessment and the proposals of the public have been taken into account during the decision making.

4.3.3. How the results of transboundary consultations (if such took place) have been taken into account during the decision making.

4.3.4. The reasons for choosing the approved and (or) ratified alternative of a plan or program (in case of territorial planning - the concept of a territorial planning document), in the light of other alternatives examined.

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

About the decision to approve and (or) ratify the plan or program the organizer of preparation of a plan or program shall inform the public, the stakeholders of the Assessment and the Member States which have participated in transboundary consultations (if such took place). Requirements for the informing procedures and contents are in detailed described in the Order of the Minister of Environment of the Republic of Lithuania of August 27, 2004, No. D1-455 on the Approval of the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union.

1. The organizer of preparation of a plan or program, whilst making decision concerning the approval of a plan or program or before submitting for an approval in accordance with the order defined in legal acts of the Republic of Lithuania and taking into

consideration conclusions of SEA stakeholders, shall prepare a summary of SEA stakeholders conclusions according to the form as defined in Annex 2.

2. The organizer of preparation of a plan or program about decision taken shall inform the public by announcing in the mass media (as specified in paragraph 9) the following information:

2.1. Who and when did approve plan or program;

2.2. When in the institution of the organizer of preparation of a plan or program the public can get acquainted in detail with the plan or program as approved, motivation for selecting a certain alternative, the measures for monitoring the effects of implementation of a plan or program as well as information about how environmental issues were integrated into plan or program, how information presented in SEA report was considered, conclusions of SEA stakeholders, public proposals and results of transboundary consultations (if such took place).

3. The organizer of preparation of a plan or program shall inform (in a written form) the SEA stakeholders about the decision that was made, to present a summary of SEA stakeholders conclusions (Annex 2) and provide information when it is possible in the institution of the organizer of preparation of a plan or program to get acquainted in details with the information referred to in paragraph 2.2.

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?

Please specify.

- a) By informing the point of contact ☒
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public ☐
- c) By informing all the authorities involved in the assessment and letting them inform their own public ☐
- d) Other (please, specify):

Your comments:

Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union determines the main principles of the informing the public and authorities of the affected Party.

The agreement about detailed order concerning informing institutions and the public of significantly affected EU Member State shall be reached during transboundary consultations. Such order shall ensure that institutions and the public of significantly affected EU Member State will be informed about the decision made, about where it is possible to get acquainted in details with a plan or program as approved, motivation for selecting a certain alternative, the measures for monitoring the effects of implementation of a plan or program as well as information about how environmental issues were integrated into plan or program, how information presented in SEA report was considered, conclusions of SEA stakeholders, public proposals and results of transboundary consultations.

Article 12 – Monitoring

29. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, para. 1 and 2).

Usually a monitoring of objectives and measures foreseen in the document is being performed after a plan or program is approved, i.e. after a certain period of time (or periodically) it is investigated if measures foreseen in the planning document are implemented properly. The type of monitoring directly depends on the type of plan or program and the chosen assessment approach. If the chosen approach was objective led assessment, then the monitoring should be focused on the question how implementation of the plan or program is influencing the chosen environmental and sustainable development objectives.

In general, the organizer of preparation of the planning document during the process of SEA, namely during the procedures of consultations with relevant state and municipal institutions should request from these institutions to indicate what monitoring information they will be able to provide based on the monitoring program included in the SEA report.

Monitoring program also should contain the duration and frequency of monitoring actions and indicate who is responsible both for carrying out monitoring and for remedial actions (e.g. to amend the planning document by foreseeing additional or more effective measures to prevent, reduce and compensate significant adverse effects on the environment).

According to the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, monitoring of the effects of implementation of plans and programs is performed at national, municipal and company levels according to the order defined by the Law on Environmental Monitoring, while the organizer of preparation of the planning document is responsible for remedial actions if the monitoring institution informs the organizer that there are certain negative significant effects related to implementation of specific planning document solutions.

Article 13 – Policies and legislation

30. Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.

a) Yes (please specify which articles of the Protocol apply):

b) No ☒

Your comments:

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

31. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

a) Yes ☐

b) No ☒

DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2010–2012

32. Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.

- a) If they are different for different types of plans and programmes ☐
- b) If they are different at different levels (national, regional, local) ☒
- c) If they are different for domestic and transboundary procedures ☐
- d) Please name the responsible authority/authorities:

The organizer of preparation of plans and programmes is responsible for carrying out the SEA procedure.

Different competent authorities participate in the SEA procedure.

1. Stakeholders of the Assessment:

1.1. Governmental and municipal institutions responsible for environmental protection, health protection, management and protection of protected territories, protection of cultural assets:

1.1.1. Performing assessment of national level plans and programs:

1.1.1.1. Ministry of Environment;

1.1.1.2. Ministry of Health Protection;

1.1.1.3. Protected Areas Service under the Ministry of Environment;

1.1.1.4. Ministry of Culture;

1.1.1.5. Administrations of the Governors of Counties;

1.1.2. Performing assessment of regional level plans and programs:

1.1.2.1. Ministry of Environment or it's authorised institution;

1.1.2.2. Ministry of Health Protection or it's authorised institution;

1.1.2.3. Protected Areas Service under the Ministry of Environment;

1.1.2.4. Ministry of Culture or it's authorised institution;

1.1.2.5. Administrations of the Governors of Counties;

1.1.2.6. Municipalities within the territory of the region;

1.1.3. Performing assessment of district and local level plans and programs:

1.1.3.1. relevant Regional Environmental Protection Department of the Ministry of Environment;

1.1.3.2. relevant territorial division of the Ministry of Health Protection;

1.1.3.3. Protected Areas service under the Ministry of Environment;

1.1.3.4. relevant territorial division of the Ministry of Culture;

1.1.3.5. Municipalities within territory of the district or locality;

Ministry of Environment is a coordinator of SEA procedures in the cases when implementation of a plan or program which is being prepared for the territory of the Republic of Lithuania may have significant negative effects on the environment of another Member State.

33. Does your SEA documentation always include a specific (sub) chapter on information on potential transboundary effects? Please specify.

- a) Yes ☐
- b) No, only when potential transboundary effects are identified ☒

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

CASES DURING THE PERIOD 2010-2012

Sectors	Screening		Scoping		Environmental report					
	2010 m.	2011 m.	2012 m.	2010 m.	2011 m.	2012 m.	2010 m.	2011 m.	2012 m.	2012 m.
	2010 m.	2011 m.	2012 m.							
Industry	-	-	1	-	1	1	-	1	-	
Energy	4	16	17	1	10	16	1	8	17	
Transport	3	8	15	1	3	3	1	3	6	
Telecommunications			2	2	-	-	2	-	-	1 -
Agriculture-		-	2	-	2	-	-	-	-	
Forestry	1	-	-	-	-	-	-	1	-	
Fishery	-	-	-	-	-	-	-	-	-	
Water management			15	9	13	9	2	1	6	5 -
Waste management			-	-	-	-	2	5	-	1 10
Territorial planning or land use				31	53	97	7	17	13	4 9
6										
Tourism	10	12	22	-	-	1	-	-	1	
Others	4	4	5	1	-	6	-	1	4	

EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2010-2012

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

No

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

No

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. 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. Please detail:

- a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

According to Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment legislation monitoring of the effects of implementation of plans and programs is performed at national, municipal and company levels according to order defined by the Law on Environmental Monitoring in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

When certain unforeseen negative significant effects are related to implementation of specific planning document solutions, the monitoring institution informs about that the organiser of plan or program and provides necessary data. Based on that organiser of the plan or program defines further remedial actions.

In case when municipality on contract basis transfers rights and duties of detail plan organiser to land owner according to order, in cases and on conditions as defined Governmental Order No. 635, dated May 26, 2004 “concerning transfer of rights and duties of detailed territorial planning organiser and contract making order”, monitoring is carried out by director of municipal administration.

- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?

b) Your country’s experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?
- ii. What does your country usually translate as a Party of origin?
- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country’s experience of the effectiveness of public participation? 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?)
- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.
- v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within

cases. Would your country like to present a case within a “case study fact sheet” to be published on the website of the Convention and its Protocol?

COOPERATION BETWEEN PARTIES IN 2010–2012

38. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?

EXPERIENCE REGARDING GUIDANCE IN 2010–2012

39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online¹? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

40. Do you provide any assistance and guidance to the public? If yes, please specify.

No.

41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.

No.

42. Has your country had difficulties implementing the procedure defined in the Protocol?

AWARENESS OF THE PROTOCOL

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

SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

* * * * *

¹ http://www.unece.org/env/eia/pubs/sea_manual.html