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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

Third meeting

Riga, 11–13 June 2008

Item 6 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:
Compliance mechanism

DRAFT DECISION III/6

GENERAL ISSUES OF COMPLIANCE

Draft decision prepared by the Bureau *

Addendum

DRAFT DECISION III/6d

**COMPLIANCE BY LITHUANIA WITH ITS OBLIGATIONS
UNDER THE CONVENTION**

*This document was submitted on the above date because it could only be prepared by the Bureau following the finalization of the corresponding findings of the Compliance Committee at its nineteenth meeting (5-7 March 2008).

The Meeting of the Parties,

Acting under paragraph 37 of the annex to decision I/7 on review of compliance,

Taking note of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2008/5 and Add.6), with regard to a case concerning public participation in the decision-making on a landfill in the village of Kazokiskes, Lithuania,

Encouraged by Lithuania's ongoing willingness to discuss in a constructive manner the compliance issues in question with the Committee;

1. *Endorses* the following findings of the Committee:

(a) By failing to inform the public in an adequate, timely and effective manner about the possibility to participate in the decisions in the environmental impact assessment for the proposed landfill, and by providing too short a time to inspect the documentation and to submit comments in relation to the above decisions regarding the landfill in question, Lithuania failed to comply with the requirements of article 6, paragraphs 2 and 3, of the Convention;

(b) The following general features of the Lithuanian legal framework are not in compliance with article 6 of the Convention:

(i) Lack of a clear requirement for the public to be informed in an adequate, timely and effective manner (article 6, para. 2);

(ii) Setting a fixed period of ten working days for inspecting the documentation and for submitting the comments (article 6, para. 3);

(iii) Making developers (project proponents) rather than the relevant public authorities responsible for organizing public participation, including for making available the relevant information and for collecting the comments (article 6, para. 2 (d) (iv) and (v), and para. 6);

(iv) Requiring that comments submitted should be "motivated" and restricting those entitled to submit comments to the "public concerned" (article 6, para. 7);

2. *Recommends* to the Government of Lithuania to take the necessary legislative, regulatory, administrative and other measures to ensure that:

(a) There is a clear requirement for the public to be informed of decision-making processes that are subject to article 6 in an adequate, timely and effective manner;

(b) There are reasonable time-frames for different phases of public participation taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;

(c) There is a clear responsibility on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and for collecting the comments;

(d) Provision is clearly made for any comments to be submitted by any member of the public, even if the comments are not “motivated”;

(e) There is a clear correlation between the time period(s) for informing the public about the decision and making available the text of the decision together with the reasons and considerations on which it is based with the time-frame within which review procedures may be initiated under article 9, paragraph 2, of the Convention;

(f) For each decision-making procedure covered by article 6 a public authority from which relevant information can be obtained by the public and to which comments or questions can be submitted is designated;

(g) All plans and programmes relating to the environment are subject to appropriate public participation;

3. *Requests* the Government of Lithuania to draw up an action plan for implementing the above recommendations, with the involvement of the public concerned, and to submit it to the Committee by 31 December 2008;

4. *Invites* the Government of Lithuania to provide information to the Committee at the latest six months in advance of the fourth meeting of the Parties on the measures taken and the results achieved in implementation of the above recommendations.
