

Questionnaire for the report of LITHUANIA on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

Information on the focal point for the Protocol

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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 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name): -
- (b) SEA provisions are transposed into another law(s) (please specify):
Law on Environmental Protection (article 27).
- (c) Regulation (please indicate number/year/name):

Resolution No 967 of the Government of the Republic of Lithuania of 18 August 2004 On Approval of the Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment (last amended December 23, 2014).

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

1. Order No D1-456 of the Minister of Environment of Lithuania of 27 August 2004 On Approval of the Order on Screening for Strategic Environmental Assessment.

2. Order No D1-455 of the Minister of Environment of Lithuania of 27 August 2004 On Approval of the Order on 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 (last amended March 9, 2015).

- (e) Other (please specify):

Resolution No 1079 of the Government of the Republic of Lithuania of 18 September 1996 On Approval of the Order on Public Information, Consultation and Participation in the Decision-Making Process of Territorial Planning (last amended November 7, 2018).

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation.

The assessment shall be performed in the cases of preparation of a plan or programme intended for the development of industry (e. g. raw material handling, production of fertilizers), energy (e. g. wind farm development programme), transport (e. g. "Rail Baltica" railway development special plan), telecommunications, tourism, agriculture, forestry, fishery, water management, waste management, preparation of a special territorial planning document, comprehensive plan (e. g. Comprehensive plan of the territory of Lithuania, comprehensive plan of the territory of municipality), detailed plan or land management project which sets the framework for the development of the economic activities listed in Annexes 1 and 2 of the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity; implementation of a plan or programme related to the Natura 2000 sites or the areas surrounding the Natura 2000 sites and the State Service for Protected Areas under the Ministry of Environment determines, according to the procedure established by the Minister of Environment, that implementation of such a plan or programme (separately or together with other plans or programmes) may have significant consequences on the Natura 2000 sites.

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

If the solutions of the plan or programme are compulsory for the following plan, programme or project of the economic activity listed in the Annexes 1 and 2 of the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity or for direct performance of the activity itself in this case such plan or programme set the framework for future development consent.

I.4. 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:

According to the scale and the planning system in Lithuania the Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment determines areas less than 10 square kilometres as a small area at local level;

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

A “minor modification” is not explicitly defined. In the legislation in Lithuania “minor modification” is treated as “non-substantial change”.

The Territorial Planning Law of Lithuania provides that if the planning objectives are changed, such a change is essential; if the planning goals are not changed, such a change is minor – in Lithuanian territorial planning legislation is called “correction”. The organizer of the plan or programme decides whether modification is substantial or non-substantial.

When deciding whether the change of a plan or programme is substantial or non-substantial, the organizer may consult with the assessing entities.

The Order on Screening for Strategic Environmental Assessment has to be applied in order to define whether a plan or a programme modification is significant.

Article 5

Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 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 Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment requires screening for other plan or programme, setting the framework for the development of the economic activity which implementing projects will have to be approved by an institution responsible for environmental protection, in accordance with the procedure prescribed by legislation.

I.7. 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)?

No

Yes (please specify (more than one option may apply)):

- (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) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes

(f) Other (please specify):

Your comments: There are two orders for the public participation procedures: 1) for the assessment processes of territorial planning documents and 2) for others - non territorial planning documents assessment processes.

The public shall be informed about the process of assessment of the potential effects on the environment of implementation of the territorial planning document and shall participate in this process in accordance with the Order established by the Law on Territorial Planning and by the Government of the Republic of Lithuania; the public shall be

informed about the process of the assessment of the potential effects on the environment of implementation of other plan or programme and shall participate in this process according to the procedure established by the Minister of Environment.

Article 6

Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

The Appendix 2 of the Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment determines what information to be included in the environmental report.

Article 7

Environmental report

I.9. 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):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. 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 checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: The Appendix 2 of the Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment determines what information has to be included in the environmental report. During the consultation with the assessing entities and public phase report has to be supplemented and revised according to the motivated comments and suggestions received.

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

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

Your comments: Information on the plan or programme prepared and its evaluation report is available for public in relevant webpage of organizer, webpage of municipality, in national or regional newspapers and local eldership bulletin board. The plans and relevant documents are available be viewed by the public and comments can be submitted to the planning authority - organizer and the report drafter.

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify):

Your comments: Public concerned shall mean the public affected or likely to be affected by the taking of decisions, acts or omissions in the area of environmental impact assessment or having an interest in the process of screening for environmental impact assessment and/or environmental impact assessment. For the purposes of this definition, the public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) promoting environmental protection shall in any case be deemed the public concerned.

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (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:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):
- (d) Other (please specify): time frame is defined according to the level and type of the plan or programme.

Your comments: At least 20 working days are given for public to evaluate the environmental report. During territorial planning - depending on the territorial planning document type and level, the evaluation period of environmental report can be from 10 working days up to 2 months.

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

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

Your comments:

The environmental and health authorities of SEA identified as assessing entities in the Lithuanian legislation are following:

for the assessment of the state level plan or programme:

1. Ministry of Environment;
2. Ministry of Health;
3. State Service for Protected Areas;
4. Ministry of Culture;

for assessment of the municipality or local level plan or programme:

1. Environmental Protection Agency;
2. institution authorized by the Ministry of Health;
3. State Service for Protected Areas;
4. territorial division of the Department of Cultural Heritage under the Ministry of Culture.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

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

Your comments:

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments: The environmental and health authorities - as assessing entities shall, within their competence, examine the assessment report and the draft plan, programme or the solutions of a territorial planning document and present to the organizer in writing the conclusions regarding the draft plan, programme or the solutions of a territorial planning document and the assessment report. If necessary, meetings are organised.

Article 10

Transboundary consultations

I.19. 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: If in the beginning of the preparation of a plan or programme or in the course of its assessment, it becomes clear to the organizer that the plan or programme prepared in the Republic of Lithuania may have significant effects on the environment of another European Union Member State or a non-European Union Member State, which has joined the Protocol on SEA, the Party of origin shall notify the affected Party by supplying information about the plan or programme under preparation and the potential significant effects on environment of its implementation.

I.20. 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: The Ministry of Environment, after decision to initiate a transboundary consultation process, shall notify the country that is likely to be significantly affected about the plan or programme under preparation, the potential significant environmental effects of its implementation, provide information on the nature of the decision planned to be adopted, specify the period within which the country that is likely to be significantly affected may notify of its willingness to participate in the assessment process.

I.21. 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) No

(b) Yes (please indicate how long):

Your comments: In accordance with the legislation the Party of origin defines the time frame for the transmission of comments. Usually the part of Origin consults with the affected Party on the reasonable time frame for the transmission of comments.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify): Not defined

Your comments: If the affected Party has indicated that it wishes to enter into consultation, both parties agree upon a time frame needed to run an effective consultation process.

Article 11

Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments: When preparing a final version of a plan or programme, the organizer, before taking a decision on approval of the plan or programme or before submitting the plan or programme for approval according to the order established by legislation, shall take into account the information provided in the assessment report, conclusions of the assessing entities and proposals from the public and, also, the results of transboundary consultations, if any. When implementation of a plan or programme may have significant effects on the Natura 2000 sites, the organizer must act pursuant to the conclusion of the State Service for Protected Areas concerning the possibility to adopt or approve the plan or programme.

When in the course of assessment of a plan or programme transboundary consultations were held, the organizer shall take a decision on approval of the plan or programme only after completion of the transboundary consultations.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? The authorities concerned have to be provided with the relevant information: i) list what instruments are used in monitoring of SEA; ii) present plan or programme; iii) short description of how the environmental concerns are integrated in the plan or programme, how the decision was made based on the comments received, list (if any) transboundary concerns, how and why a particular plan or programme alternative was selected.

Following the approval of a plan or programme, the organizer shall inform the public, the assessing entities and other countries involved in transboundary consultations about its approval and shall indicate where they may access:

1. the approved plan or programme;

2. the envisaged measures for monitoring the consequences of implementation of a plan or programme;

3. the description which shall briefly state:

3.1. how the plan or programme addresses environmental protection issues;

3.2. how the information presented in the assessment report, the conclusions of the assessing entities and the proposals of the public have been taken into account when taking a decision;

- 3.3. how the results of transboundary consultations, if such took place, have been taken into account when taking a decision;
- 3.4. reasons why with regard to other alternatives the adopted alternative of a plan, programme, was selected;
4. the prepared report on evaluation of the conclusions of the assessing entities and the report on evaluation of the proposals from the public.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

- (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: on information provided see para I.24.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments:

Resolution No 967 of the Government of the Republic of Lithuania of 18 August 2004 “On Approval of the Order on Strategic Assessment of the Effects of Plans and Programmes on the Environment“,

Order No D1-455 of the Minister of Environment of Lithuania of 27 August 2004 “On Approval of the Order on 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”

and Resolution No 1079 of the Government of the Republic of Lithuania of 18 September 1996 “On Approval of the Order on Public Information, Consultation and Participation in the Decision-Making Process of Territorial Planning set the requirement for informing and consultation procedures and timeframes.

Before approving the territorial planning document State Territorial Planning and Construction Inspectorate under the Ministry of Environment verifies that all procedures have been carried out in accordance with legal requirements.

There are no other legislative measures set for insurance of procedures taken.

Article 12

Monitoring

I.27. 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, paras. 1 and 2):

Monitoring of effects on the environment of implementation of plans and programmes shall be performed on a national, municipality level and the economic entity level in accordance with the procedure established in the Law of the Republic of Lithuania on Environmental Monitoring (No. VIII-529, November 20th, 1997). The aim of monitoring is to identify the unforeseen adverse effects on the environment and to take appropriate action to undertake appropriate remedial actions in a timely manner.

When the unforeseen adverse effects on the environment are related to implementation of the solutions of a specific plan or programme, the institution responsible for the implementation of monitoring shall inform the organizer and to provide him the necessary data. Based on these data, the organizer shall specify actions to undertake appropriate remedial actions.

Part two

Practical application during the period 2016–2018

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.

II.1. 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

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

Information on health effects is a mandatory part of environmental report.

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

(b) No, only when potential transboundary effects are identified

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2016–2018 and list them, grouped by the sectors listed in article 4, paragraph 2:

During period 2016-2018 approximately 6 cases of SEA were initiated. Four of them were initiated by Lithuania as Party of origin in ESPO consultation process. All initiated Lithuanian SEA cases were related to territorial planning documents.

Transboundary SEAs:

2016, Maritime Spatial Plan for Polish sea areas (Party of origin – Poland)

2016, SEA of the Zoning plan, planning purpose – to build a nuclear reactor near Petten village, Schagen municipality (Party of origin – The Netherlands).

2018, SEA regarding the Site Development Plan according to section 4ff, Offshore Wind Energy Act and conduction of a Strategic Environmental Assessment (SEA) (Party of origin – Germany).

2018, National Swedish Marine Spatial Plans for the Gul of Bothnia, the Baltic Sea and the Skagerrak/Kattegat (Party of Origin – Sweden)

2018, Maritime Spatial Plan (MSP) of the Republic of Latvia (Party of origin – Latvia)

2018, National Policy Statement for nuclear power (Party of Origin – United Kingdom)

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) No
(b) Yes (please indicate which ones):

We could notice not substantial, but controversial term.

Article 10, para. 1 of the Protocol states “where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects <...> the Party of origin shall as early as possible

before the adoption of the plan or programme notify the affected Party” providing the information contained “(a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects;”

Seeking to inform the affected Party as early as possible, the Party of origin intend to inform affected Party immediately after the starting the plan, however, the environmental report is not ready at that time.

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

a Party of origin – Lithuania respects consultation time schedule provided by the affected Party. In case if problems emerge, additional meetings on national or municipality level or experts discussions are organized depending on the level and extent of the problems.

II.7. With regard your country’s experience with domestic procedures, 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) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

Special, separate monitoring has not been carried out for such plans and programmes. Monitoring of effects on the environment of implementation of plans and programmes is performed on a national, municipality and the economic entity level in accordance with the common procedure established in the Law of the Republic of Lithuania on Environmental Monitoring.

(b) 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”?

- (i) No No special case was carried out during the period asked by the questionnaire.
(ii) Yes (please indicate which ones):

II.8. With regard your country’s experience with transboundary procedures, 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) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation.

There were no problems. The language used for consultations and communication is English.

(ii) Other issues

(b) What does your country usually translate as a Party of origin?

Usually a summary of environmental report is translated into English.

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how): the Ministry of Environment of Lithuania as the focal point for the Protocol informed Lithuanian assessing entities by distributing the received information. The Ministry of Environment of Lithuania as the focal point for the Protocol and an affected Party on its website has a special part for the announcements of transboundary cases of SEA and ongoing consultations. Detailed information is provided there about ongoing cases.

(d) What has been your country's experience of the effectiveness of public participation? There were organized public hearings in the Ministry of Environment of Lithuania, during which representatives of society had the opportunity directly to discuss with plan developers.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

Lithuania intends to prepare the requirements and recommendations on the form and content of the notification.

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

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