

# Questionnaire for the report of LITHUANIA on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

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# Part one

## Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

### Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

(a) Yes

(b) Yes, with some differences (please provide details): Environmental impact shall mean a change envisaged to occur in the environment as a result of the proposed economic activity.

(c) No (please provide the definition):

(d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

(a) Yes

(b) Yes, with some differences (please provide details):

(c) No (please provide the definition):

(d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

Major change is not defined explicitly, but is included in the definition of proposed activity: "Proposed economic activity shall mean an envisaged economic activity covering the execution of construction works, reconstruction of structures, manufacturing, the introduction, **upgrading or changing** of technological equipment and the production process, **changes** in production technique, quantity or type of products, extraction of subsurface resources and exploitation of earth cavities, utilisation of other natural resources, the activity provided for in land management, forest management and water management projects and other economic activity likely to affect the environment".

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

(a) Based on the geographical location of the proposed project

(b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify): Law on Environmental Impact Assessment of the Proposed Economic Activity defines the public concerned as “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”.

Your comments:

## **Article 2**

### **General provisions**

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA: provisions of the Convention are transposed into the Law on Environmental Impact Assessment of the Proposed Economic Activity.

(b) EIA provisions are transposed into another law(s) (please specify) Law on Environmental Protection of the Republic of Lithuania (general provisions on EIA are transposed).

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

Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017 on the Approval of Regulations on Environmental Impact Assessment of the Proposed Economic Activity;

Order of the Minister of Environment of the Republic of Lithuania No. D1-845 of October 16, 2017 on the Approval of Regulations on Screening for Environmental Impact Assessment of the Proposed Economic Activity.

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

(e) Other (please specify): Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on the Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (May 27, 2004).

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly  (please specify): the lists of activities in Lithuanian legislation (specifically Law on EIA) are transposed from the annexes of the EU EIA Directive (codified Directive 2011/92/EU as amended by Directive 2014/52/EU). Therefore, there are minor differences between the appendix I to the Convention and the lists of

activities in national legislation. However, all activities listed in appendix I to the Convention are subject to EIA or screening for EIA.

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities: the competent EIA authority at all levels is Environmental Protection Agency, however Ministry of Environment is the coordinating institution during the transboundary EIA cases.

(d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes  (please specify): Ministry of Environment

Your comments:

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain): According to Lithuanian EIA legislation, the opportunity to the public of the affected Party is given as early as possible, starting with the screening stage of the EIA, or with the scoping stage if the proposed activity is subject to EIA without the screening procedure. If at the beginning of the a screening or scoping for EIA the proposed economic activity is identified as likely to cause significant impact on the environment of another Party, the procedure of notification is initiated and summary of information is provided, the affected Party is requested to inform its public. When (if) the transboundary EIA is started, Lithuanian authority submits relevant information to the affected Party with a request to provide this information to their public and allows for at least 30 working days for these procedures.

### Article 3 Notification

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify): as early as possible – during the screening stage of the EIA, or during the scoping stage if the proposed activity is subject to EIA without the screening procedure

Your comments:

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame): at least 25 working days should be given for the affected Party for response.
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: It is specified in the legislation that the notification time frame shall be at least 25 working days. In practice, it may be extended upon the request of the notified affected Party (there are precedents for such situations).

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of the public of the affected Party

(d) Other (please specify):

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify): if the affected Party has indicated that it intends to participate in the EIA procedure, the details for such participation are agreed on a case by case basis, however the time frame for providing comments shall be at least 30 working days.

Your comments:

## Articles 3.8 and 4.2

### Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As a Party of origin*

(a) By sending comments to the competent authority/focal point

(b) By taking part in a public hearing

(c) Other (please specify):

*As an affected Party*

(d) By sending comments to the competent authority/focal point

(e) By taking part in a public hearing

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

(f) Other (please specify):

Your comments:

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

(a) Yes

(b) No

Your comments:

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

(a) Yes

(b) No

Your comments:

#### **Article 4**

#### **Preparation of the environmental impact assessment documentation**

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II 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): Obligatory content of the EIA documentation is detailed in the legislation and checked by competent authority and the other institutions, participating in the EIA process. Additionally, there are qualification requirements for preparators of the EIA documents.

Your comments:

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify): also, requirements for the quality of EIA documents provided in the EIA Directive are transposed into national legislation and are used for determining relevant information to be included in the EIA documents.

Your comments:

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify): It is required to provide analysis of the alternatives and the reasons for their selection, taking into account best available techniques and potential environmental impacts.

(c) Other (please specify):

Your comments:

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

(a) Yes, it is obligatory

(b) No, it does not have any provision on that

(c) It is optional  (please specify): the Law on EIA stipulates, that if necessary, national institution, coordinating transboundary EIA agrees with the affected Party on transboundary consultations regarding the potential transboundary impact of the proposed economic activity.

Your comments:

## **Article 6**

### **Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

(a) Conclusions of the EIA documentation

(b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2

(c) Outcome of the consultations as referred to in article 5

(d) Outcomes of the transboundary consultations

(e) Comments received from the affected Party

(f) Mitigation measures

(g) Other (please specify): Obligatory conditions for the implementation of the planned activity

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

(a) Yes

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes  (please specify):

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?

- (a) Yes
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language: for types activities listed in appendix I (items 1-16 and 18-21) the “final decision” is made by competent EIA authority. It is called “Decision regarding the environmental impact of the proposed economic activity”, in Lithuanian – “sprendimas dėl planuojamos ūkinės veiklos poveikio aplinkai”. For types activities listed in appendix I, items 17 and 22, competent authority performs the screening and decides if EIA is obligatory. If it is decided that EIA is not obligatory, then a conclusion on screening for environmental impact assessment (in Lithuanian – “atrankos dėl poveikio aplinkai vertinimo išvada”), made by competent EIA authority is the “final decision” to authorize or undertake such an activity. However, if the competent authority decides that EIA is obligatory, then a decision regarding the environmental impact of the proposed economic activity shall be made during the EIA process.

Your comments:

## **Article 7**

### **Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No
- (b) Yes  (please specify the main steps to be taken and how the results of it are communicated): it is required to include a plan for post-project monitoring in the EIA documents, however further steps to be taken are integrated in the permitting procedures, not EIA.

Your comments:

## **Article 8**

### **Bilateral and multilateral cooperation**

#### **(a) Agreements**

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No
- (b) Yes  Please specify with which countries: Poland

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian. Text is available only in Lithuanian and Polish and is published on the UNECE website.

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

**(b) Procedural steps required by national legislation**

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments: According to Lithuanian EIA legislation, transboundary EIA procedure firstly correlates to the domestic screening procedure (or scoping if domestic EIA is started without the screening). If during this domestic EIA starting stage the proposed economic activity is identified as likely to cause significant impact on the environment of another Party, the procedure of notification is initiated. Also, transboundary EIA procedures are initiated if Lithuanian authorities receive a request from a foreign state which, in their opinion, may become a significantly affected state to perform transboundary environmental impact assessment. In order to start the notification procedures, the coordinating authority informs the competent EIA authority and the EIA consultant by requesting to prepare and submit a summary of the screening information or an EIA program, which shall include information on the proposed economic activity and its potential significant transboundary impact. Upon receiving the summary, the coordinating authority submits a notice to the affected Party, which includes a description of the proposed economic activity, the available information on the potential significant transboundary impact of the proposed economic activity on the environment, the information on the nature of possible solutions, the time period (at least 25 working days) and requests to provide a notice of the willingness to participate in the process of transboundary environmental impact assessment

and to inform the competent authorities and the public of the affected Party. If the affected Party confirms its willingness to participate in the process of transboundary EIA, Lithuanian coordinating authority informs national competent EIA authority, organizer (developer) of the proposed economic activity and the EIA consultant by requesting to prepare and submit the EIA report and a summary of the relevant information about the proposed economic activity and its potential significant transboundary environmental impact. The coordinating authority submits these documents to the affected Party together with information on the procedures of environmental impact assessment, the proposed transboundary consultations, the duration thereof and request to provide information to the public and the competent authorities of the affected Party indicating a period of at least 30 working days within which the affected Party may submit its proposals to Lithuanian coordinating authority.

The reply of the affected Party (or additional information about the potential significant transboundary environmental impact of the proposed economic activity provided by the affected Party) is then forwarded by Lithuanian coordinating authority to the EIA consultant and, if necessary, it is agreed with the affected Party on transboundary consultations regarding potential transboundary impact and the measures to reduce or eliminate such environmental impact during a bilateral or multilateral meeting. The EIA consultant is obliged to analyse the comments and proposals provided by the affected Party, amend the EIA report (if necessary), prepare an evaluation of these proposals and submit it to the competent EIA authority. Accordingly, the competent EIA authority shall take into account the results of transboundary consultations when making decision regarding the environmental impact of the proposed economic activity, which is the final decision to authorize or undertake such an activity. This decision together with a description of the reasoning behind the decision and an explanation of how the results of transboundary consultations were taken into account are submitted to the affected Party therewith informing about the end of the transboundary EIA process and requesting the affected Party to inform its public.

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

(a) No

(b) Yes  (please specify): Joint Declaration between the Minister of Transport of the Republic of Finland, the Minister of Economic Affairs and Infrastructure of the Republic of Estonia, the Minister of Transport of the Republic of Latvia, the Minister of Transport and Communications of the Republic of Lithuania, the Minister of Infrastructure and Development of the Republic of Poland on the Enhanced Cooperation for the Implementation of the Rail Baltic/Rail Baltica Project, signed in Riga, June 22<sup>nd</sup>, 2015.

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

(a) No

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As a Party of origin

| Project name                           | Starting date (date notification sent)   | Affected Party/ Parties | Timing of the notification (screening, scoping or preparation of the EIA documentation) | Length of the main steps in months  |  |  | Final decision (date of issuing, if information is available) |
|--|--|-------------------------|---|---|--|--|---|
|  |  |                         |   | Submission of the environmental report  | Transboundary consultations (expert), if any   | Public participation, including public hearing, if any                                     |   |
| I. Planned extraction Juodymas deposit | peat in April 14, 2015 and Nov. 26, 2015 – second developer planning peat extraction in the same deposit | The Republic of Latvia  | Scoping   | Feb. 19, 2016 (original report), May 02, 2016 (report, amended according to the comments of Environment State Bureau of Latvia) | EIA report was amended according to the comments of Environment State Bureau of Latvia and experts of Daugavpils University (Latvia) | Republic of Latvia has not provided details about the duration of the public consultations | Jan. 25, 2017   |

| Project name   | Starting date<br>(date<br>notification<br>sent) | Affected<br>Party/<br>Parties | Timing of the<br>notification<br>(screening,<br>scoping or<br>preparation of<br>the EIA<br>documentation) | Length of the main steps in months              |  |   |  | Final decision (date of<br>issuing, if information is<br>available)  |
|--|---|-------------------------------|---|---|--|---|--|--|
|  |   |                               |   | Submission of<br>the<br>environmental<br>report | Transboundary<br>consultations<br>(expert), if any | Public participation,<br>including public<br>hearing, if any  |  |  |
| Latvia   |   |                               |   |   |  |   |  |  |
| 2. Construction of European gauge railway line between Kaunas and Lithuanian – Latvian border              | October 4, 2016                                 | Republic of Latvia            | EIA report preparation  | October 2016                                    | 4,   | On November 24, 2016 Environment State Bureau of Latvia concluded that the EIA report is sufficient | Public meeting took place on October 27, 2016 in Latvia                                      | February 01, 2017  |
| 3. Construction and operation of 9 wind power plants (Telsiai County, Juodeikėliai and Griežė villages)    | May 9, 2018                                     | Republic of Latvia            | Screening   | -   | -  | Republic of Latvia did not express an intent to take part in the transboundary consultation process | Information was made publicly available on the website of Environment State Bureau of Latvia | -  |
| 4. Proposed installations for the intensive rearing of poultry (two separate proposed economic activities) | June 20, 2018                                   | Republic of Latvia            | Screening   | Ongoing project                                 | Ongoing project                                    | Ongoing project   | Ongoing project  | Republic of Latvia was informed about the screening decision (it was concluded that EIA is <b>obligatory</b> ) on August 9, 2018 |
| 5. Proposed expansion of pig rearing   | September 7, 2018                               | Republic of Latvia            | Screening   | -   | -  | Republic of Latvia did not express an intent to take part in the transboundary consultation process | No information available   | -  |

Your comments:

Table II.2 (b)

**Transboundary EIA procedures: As an affected Party**

| Project name   | Starting date<br>(date<br>notification<br>sent) | Party of<br>origin | Timing of the<br>notification<br>(screening,<br>scoping or<br>preparation of<br>the EIA<br>documentation | Length of the main steps in months              |   |  | Final decision (date of<br>issuing, if information is<br>available) |
|--|---|--------------------|--|---|---|--|---|
|  |   |                    |  | Submission of<br>the<br>environmental<br>report | Transboundary<br>consultations<br>(expert), if any  | Public participation,<br>including public<br>hearing, if any   |   |
| 1. Construction of European gauge public railway line "Rail Baltica" infrastructure in Latvia  | December 14, 2015                               | Republic of Latvia | EIA report preparation   | December 14, 2015                               | Comments were provided by Lithuanian institutions on Feb. 10, 2016. Reply from Environment State Bureau of Latvia was received on April 28, 2016. Lithuanian Ministry of Environment stated on June 10, 2016 that there are no more comments or proposals and there is no need for additional consultations. Issues of concern can be discussed at the "Rail Baltica" working group, established by Estonian, Latvian and Lithuanian Ministers of Transport | Meeting of Lithuanian public was held on Jan. 9, 2016  | August 24, 2016   |
| 2. Construction and operation of the first nuclear power plant in Poland with a capacity of up to 3,750 MWe in the area of municipalities: Choczewo or Gniewno and | December 2, 2015                                | Republic of Poland | Scoping  | -   | Comments were provided by Lithuanian Ministry of Environment on January 14, 2016  | Information for the public was published on the Internet (homepage of Lithuanian Ministry of Environment) on December 17, 2015 |   |

| Project name   | Starting date (date notification sent)                                  | Party of origin    | Timing of the notification (screening, scoping or preparation of the EIA documentation) | Length of the main steps in months                              |  |  | Final decision (date of issuing, if information is available) |
|--|---|--------------------|---|---|--|--|---|
|  |   |                    |   | Submission of the environmental report                          | Transboundary consultations (expert), if any   | Public participation, including public hearing, if any                               |   |
| Krokowa in Pomorskie Voivodeship (Poland)  |   |                    |   |   |  |  |   |
| 3. Gas pipeline link between Poland and Lithuania including complementary infrastructure (Rembelszczyzna gas pipeline)                   | February 23, 2016   | Republic of Poland | Scoping   | Republic of Poland provided EIA documentation on March 19, 2018 | Lithuanian Ministry of Environment stated on March 25, 2016 that the Republic of Lithuania does not intend to participate in transboundary EIA   |  |   |
| 4. Interim storage, encapsulation and final disposal of spent nuclear fuel (Sweden)  | February, 2008 (first notification); and February 05, 2016 (EIA report) | Kingdom of Sweden  | Scoping and EIA report preparation  | February 05, 2016   | Lithuanian Ministry of Environment stated on April 6, 2016 that EIA documentation was disseminated to the interested Lithuanian authorities and the public no further comments were received | Information was published on the website of the Ministry of Environment of Lithuania |   |
| 5. Proposed nuclear power station at the Moorside Site, Cumbria, and railway works and associated development in Cumbria, United Kingdom | June 28, 2016   | United Kingdom     | Scoping   |   | Lithuania did not express an intent to participate in transboundary EIA  |  |   |
| 6. Fixed link across the Fehrmanbelt, German approval section  | July 2016; May 2017   | 08, Germany        | Renewed consultations / EIA report  |   | Lithuanian Ministry of Environment stated that the Republic of   |  |   |

| Project name  | Starting date<br>(date<br>notification<br>sent) | Party of<br>origin                   | Timing of the<br>notification<br>(screening,<br>scoping or<br>preparation of<br>the EIA<br>documentation) | Length of the main steps in months              |   |   | Final decision (date of<br>issuing, if information is<br>available)             |
|---|---|--------------------------------------|---|---|---|---|---|
|   |   |                                      |   | Submission of<br>the<br>environmental<br>report | Transboundary<br>consultations<br>(expert), if any  | Public participation,<br>including public<br>hearing, if any                                |   |
|   | (additional<br>information)                     |                                      |   |   | Lithuania does<br>not intend to<br>participate in<br>transboundary<br>EIA   |   |   |
| 7. Final disposal of spent nuclear fuel in Finland  | June 22, 2016                                   | Finland                              | Scoping   |   | Lithuanian Ministry of Environment stated on November 23, 2016 that the Republic of Lithuania does not intend to participate in transboundary EIA     | Scoping - 2 months (in Finland)   |   |
| 8. Decommissioning of two boiling water reactors and common waste handling building at the Oskarshamn Nuclear power plant | September 1, 2017                               | Kingdom of Sweden                    | Draft EIA report  |   | Lithuanian Ministry of Environment approved (on September 18, 2017) the decision of Sweden that the project shall not be subject to transboundary EIA |   |   |
| 9. Proposed Newydd nuclear power plant in north Wales, Anglesey   | July 6, 2018                                    | United Kingdom                       | Screening   |   | Lithuanian Ministry of Environment stated on August 09, 2018 that the Republic of Lithuania does not intend to participate in transboundary EIA       |   |   |
| 10. Nordstream 2 gas pipeline through the Baltic Sea  | June 2013                                       | Germany, Denmark, Sweden and Finland | Scoping   | April 6, 2017                                   | Lithuanian Ministry of Environment stated in June, 2013 that the Republic of  | Information disseminated to public by Ministry of Environment. Public meeting took place on | Final position of the Republic of Lithuania was submitted on December 18, 2018. |

| <i>Project name</i> | <i>Starting date (date notification sent)</i> | <i>Party of origin</i> | <i>Timing of the notification (screening, scoping or preparation of the EIA documentation)</i> | <i>Length of the main steps in months</i>   |   |  | <i>Final decision (date of issuing, if information is available)</i> |
|---------------------|---|------------------------|--|---|---|--|--|
|                     |   |                        |  | <i>Submission of the environmental report</i>   | <i>Transboundary consultations (expert), if any</i> | <i>Public participation, including public hearing, if any</i>  |  |
|                     |   |                        |  | Lithuania wishes to participate in the transboundary EIA. Report received in April, 2017. There were multiple meetings and correspondence between the Affected Parties and Parties of Origin. |   | June 8, 2017 in Vilnius, Lithuania; representatives of the developer were also participating in the meeting. |  |

Your comments:

Please share with other Parties your country's experience of using the Convention in practice. 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.

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? Developer is obliged to cover the translation/interpretation costs.

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? No serious problems.

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin: Party of origin

(ii) As an affected Party: Party of origin

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin: summary of the screening document, non-technical summary of the EIA report, if needed – full EIA report or additional information

(ii) As an affected Party:

translated documentation from the Party of Origin. Usually non-technical summary and in some cases full EIA report.

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

- (i) English
- (ii) The affected Party's language
- (iii) Other (please, specify) Russian, when it's more acceptable to the other Party

(g) As an affected Party, from which language do you usually translate?

- (i) English
- (ii) Language of the Party of origin
- (iii) Other (please, specify) Russian

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

|  |
|--|
| Experience with public participation<br>No serious difficulties encountered.<br><br>Experience with consultations under article 5<br>Usually no difficulties |
|--|

(ii) As an affected Party:

|  |
|--|
| Experience with public participation<br>No reaction on the announced information related to transboundary EIA on the website. Public is quite passive if the project is not planned in a very close vicinity to their residence place, except of some representatives. |
|--|

|   |
|---|
| Experience with consultations under article 5 |
|---|

Usually no difficulties, except some specific projects. Some difficulties encountered in organising of the meetings, delayed response time, quality of provided answers.

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin: Developer of the economic activity is obliged to cover the costs
- (iii) By the affected Party: the costs are covered by the Party of Origin
- (iv) Shared by both Parties concerned:
- (v) Developer: x
- (vi) Other, please specify

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: No serious difficulties encountered.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No  (During the reporting period)

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

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

II.9. Has your country carried out post-project analyses in the period 2016–2018:

- (a) No

(b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned): Post-project analysis programme for the new nuclear installations at Ignalina NPP:

- Dry Type Interim Spent Nuclear Fuel Storage Facility (ISFSF, B1 Project);
- Solid Waste Management and Storage Facility (SWMSF, B2/3/4 Project);
- Landfill Disposal Facility for Short-Lived Very Low-Level Waste (Landfill Repository, B19 Project);
- Near Surface Repository for Short-Lived Low and Intermediate Level Waste (NSR, B25 Project).

## 2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

## 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes  (please indicate which provisions and how they are unclear):

#### **4. Suggested improvements to the report**

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.

Table II.2 (transboundary EIA procedures) should be improved – e.g. it is not possible to provide a requested “length in months” for “submission of environmental report”. In addition, there usually is no available information about the length of procedures, especially of those organized by the other Party. In addition, information about the “length of consultations, in months” cannot be provided, especially when there is only correspondence between the Parties or the consultations occur during one specific meeting.