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**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 (a) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY LITHUANIA¹

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

¹ This document was submitted after the third meeting of the Parties in accordance with Decision III/5 of the Meeting of the Parties (ECE/MP.PP/2008/2/Add.7) which called upon all Parties that had been parties at the time of the deadline for submission of the implementation reports and that had failed to submit such reports to the secretariat to do so by 15 September 2008. The document will be considered, inter alia, by the Compliance Committee and the Working Group of the Parties.

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

1. The main part of the Report was prepared by specialists of the Ministry of Environment (MoE) of the Republic of Lithuania and of its subordinate body, the Environmental Protection Agency (EPA), responsible for the implementation of the Convention. In preparing this Report, laws of the Republic of Lithuania, international agreements, websites of public and municipal authorities and other information available to or provided by them were used. The Report also drew on comments on the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from a coalition of Lithuanian environmental non-governmental organizations (NGOs) that comprises the Baltic Environmental Forum – the presiding organization, the association Atgaja, the Lithuanian Society of Ornithologists, the Lithuanian Fund for Nature, the Environmental Information Centre, the Public Establishment Water House, the Environmental Centre for Administration and Technology (ECAT – Lithuania), and the Initiative for Sustainable Development. The comments and proposals presented in the NGOs' review were taken into account and used in drawing up the final version of the Report. In 2005, the Environmental Centre for Administration and Technology, in cooperation with other Lithuanian NGOs, carried out a study on the opportunity to receive information on environmental issues, to participate in decision-making and to obtain access to justice in environmental matters under the methods of the Access Initiative (TAI). The Access Initiative is a global coalition of groups that represent public interests. These groups cooperate in seeking to ensure public access to information, participation in decision-making and access to justice in environmental matters. The coalition is headed by the NGOs of the Global Resources Institute (United States of America), the Environmental Management and Law Association (Hungary) and other countries, public authorities and regional and intergovernmental organisations. Based on these methods, 2006 also saw an assessment of environmental democracy in Europe. On the basis of a study, the National Cultural Heritage Commission at the meeting of 23 05 2008 estimated Aarhus Convention realisation in Lithuania.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

2. In analysing the main definitions of the Aarhus Convention, account has been taken of the fact that recently a number of errors of the Convention's translation have been identified officially, and the conformity of the Lithuanian translation to the text of the Convention in the Convention's official languages (English and French, as the Convention is a part of European Union law) and in other languages of the European Union (EU) Member States has been reviewed in the European Commission and in Lithuania (in accordance with an assignment of the Government Office to the Ministry of Environment). Also, the practice of the Court of Justice of the European Communities has been taken into consideration, which has repeatedly stressed that provisions of Community law are drawn up in many languages, and different linguistic versions are equally binding. Thus, the interpretation of provisions of Community law means a comparison of texts in different languages. Where a difference exists in wordings, the

ambiguous provision should be interpreted in accordance with the taxonomy and purpose of a law. An interdisciplinary task force has been set up as well, which includes professionals from different disciplines and public representatives and has the purpose of drawing up draft amendments to laws and other regulations.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

Article 3, paragraph 2

3. The year 2000 witnessed the passing of *the Law on the Right to Receive Information from State and Municipal Authorities* (No VIII-1524). In 2005, an amended version of the *Law on the Right to Receive Information from State and Municipal Authorities of the Republic of Lithuania* (No X-383) came into force under a new title of the *Law on the Right to Receive Information from State and Municipal Authorities and Bodies*. Pursuant to this Law, the representative for information shall provide full assistance to individuals and provide guidance in exercising their rights. The procedure for servicing individuals is also regulated by the Description of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions, No 463, approved by a resolution of the Government of the Republic of Lithuania in 2006. The first version of this description was issued in 2002 by Resolution of the Republic of Lithuania No 1491 On Approval of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions.

4. An amendment to Resolution of the Government of the Republic of Lithuania No 198 of 2005 On Resolution of the Government of the Republic of Lithuania No 1175 On the Procedure for Public Access to Environmental Information in the Republic of Lithuania of 22 October 1999 presented a new wording of this Resolution under the title "Procedure for Public Access to Environmental Information in the Republic of Lithuania" (hereinafter, the Procedure). Under the provisions thereof, public and municipal authorities shall appoint a unit or an employee responsible for access to information.

5. Resolution of the Government of the Republic of Lithuania No 1079 of 18 09 1996 approved the Regulation on Public Hearings on Draft Land-Use Planning Documentation, while Resolution of the Government of the Republic of Lithuania No 904 of 16 07 2004 On the Amendment to Resolution of the Government of the Republic of Lithuania No 1079 of 18 September 1996 On the Approval of the Regulation on Public Hearings on Draft Land-Use Planning Documentation presented an amended version of the Regulation under the new title "The Regulation on Public Participation in the Land-Use Planning Procedure". The Regulation on Public Participation was amended in accordance with the requirements of the *Law on the Amendment to the Law on Land-Use Planning* and, after assessing the practice of application of these requirements, was approved by Resolution of the Government of the Republic of Lithuania No 247 of 14 March 2007. This Regulation is compulsory for state and municipal authorities and bodies and for legal and natural persons involved in drawing up land-use planning documentation. The document regulates the procedure for public participation in the land-use planning procedure and defines procedures that ensure the publicity of drawing up documentation of general, special and detailed land-use planning.

Article 3, paragraph 3

6. Resolution of the Government of the Republic of Lithuania No 1062 of 2007 approved The National Programme of Education for Sustainable Development in 2007–2015 (Official Gazette *Valstybės Žinios* 2007, No 106-4348). The purpose of the National Programme of Education for Sustainable Development in 2007–2015 (hereinafter the Programme) is to provide conditions for education for sustainable development, to improve quality of formal and non-formal education, self-education and public awareness, so that every human were capable of contributing to sustainable development in person, through his/her professional career and participation in public life, on a local and global scale. The goal of the Programme is to improve education activities of different public authorities and bodies for the purpose of increasing awareness of sustainable development and its importance among residents, organisations, companies, communities and society; to build the capacity, values and incentives of all members of society for democratic and responsible action – to contribute to the implementation of the sustainable development targets, and to build institutional capacity for active participation in sustainable development procedures. The National Programme of Education for Sustainable Development in 2007–2015 has been drafted by taking into account the National Sustainable Development Strategy approved by Resolution of the Government of the Republic of Lithuania No 1160 of 11 September 2003 (Official Gazette *Valstybės Žinios*, 2003, No 89-4029), and the provisions of the National Education Strategy for 2003–2012 approved by Resolution of the Parliament of the Republic of Lithuania No IX-1700 of 4 July 2003 (Official Gazette *Valstybės Žinios*, 2003, No 71-3216). The Programme is an integral part of the action plan of the United Nations Decade of Education for Sustainable Development. The measures of the Programme are designed by taking into consideration the sustainable development priorities indicated in the National Sustainable Development Strategy, as well as the strategic provisions of sustainable development of the EU and the Baltic Sea region and other relevant documents on sustainable development. For the purposes of the Programme, the definition “sustainable development” is a compromise among environmental, economic and social goals of society that gives opportunities to attain general well-being of present and future generations without increasing the permissible environmental impact.

Article 3, paragraph 4

7. The establishment and activities of associations and other public organisations are regulated by the Law on Associations of the Republic of Lithuania. Article 7 of the *Law on Environmental Protection of the Republic of Lithuania* defines the rights of individuals, public organizations and other legal and natural persons consistent with all the rights described in the Convention. Cooperation with environmental NGOs is also provided for in a number of laws regulating environmental protection, construction, land-use planning and other areas of activity, in the MoE plans and strategies and in other documents of public and municipal authorities. Funds for environmental education and information of the public are usually allocated from the Environmental Protection Support Programme of the Republic of Lithuania. The MoE closely cooperates with NGOs. Representatives of environmental NGOs sit on the Panel of the MoE as equals with environmental experts and representatives of research and educational organisations. The Panel is an advisory body which reviews key issues in the activities of the Ministry, discusses priority policy issues and objectives of the Ministry and hears reports and presentations

of heads of subordinate agencies, and other issues. The MoE Advisory Council is another body that acts in the advisory capacity. The Council is comprised of representatives of research and educational institutions and NGOs who discuss the key issues on the use of natural resources, land-use planning, construction and other issues within the competence of the MoE. The Council reviews strategies, action programmes, drafts of major laws, in particular those which may affect public interests. The Council provides guidelines to the Minister on decisions to be adopted.

8. Projects of NGOs may also be funded from special municipal support programmes for environmental protection defined in *Law of the Republic of Lithuania No IX-1607 on the Special Programme for Municipal Support to Environmental Protection*, which defines the sources of funding for the programme and the procedure of their use. The sources for funding of both general and special municipal programmes are the taxes on air pollution, a percentage of the fee paid by users of hunting areas for the use of game resources, voluntary contributions and other legally obtained funds. Pursuant to Order No. 533 of the Minister of Environment of 2003 On the Approval of the Form of the Report on the Implementation of Measures under the Special Programme for Municipal Support to Environmental Protection, the Instructions for Completion and the List on Environmental Measures, each municipality has to report on the use of these funds.

Article 3, paragraph 7

9. The principles of the Convention have not only been applied domestically but have also influenced international activities and decisions made on this level. The provisions of the Convention are applied on the EU level, an Agenda 21 for the Baltic Sea Region – Baltic 21, aimed at sustainable development.

10. Agreement on the procedure of information of authorities and the public of an EU Member State liable to experience significant environmental impacts is reached during transboundary consultations. This procedure should ensure that authorities and the public of EU Member States liable to experience significant environmental impacts receive information on the opportunities to provide their opinion on the decision to be taken and on where one could have access to the approved document on land-use planning, to the motives that determined the choice of alternative solutions and to the measures of monitoring the impact of implementation of the land-use planning document, as well as to information on how the environmental issues were integrated in the land-use planning document and on how account was taken of information provided in the Strategic Environmental Impact Assessment Report, conclusions of strategic environmental impact assessment subjects, proposals from the public and the results of transboundary consultations, if any.

Article 3, paragraph 8

11. The Constitution of the Republic of Lithuania states that everyone will have the right to hold opinions and freely express them. No one may be prevented from seeking, receiving and imparting information and ideas. Freedom of expression, freedom to receive and impart information may not be restricted in any way other than by law and when it is necessary for the protection of health, dignity, private life, and morals, or for the defence of the constitutional

order. Freedom of expression and freedom to impart information shall be incompatible with criminal actions – incitement of national, racial, religious, or social hatred, violence or discrimination, slander or disinformation.

12. In Lithuania, the Aarhus Convention was ratified by *Law of the Republic of Lithuania No IX-449 on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (Official Gazette *Valstybės Žinios*, 2001, No 73-2565).

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

13. The requirements of the laws and other regulations are being implemented. On the other hand, efficient application of these provisions remains a target that requires considerable time input and human, financial and other resources.

14. According to representatives of the NGOs, the following obstacles have been encountered:

(a) Under the Lithuanian legal framework, publication of draft documents is obligatory, so that the public could have access to them and express its comments. However, in most cases the public does not have effective access to information on the possibility to provide comments on such documents and is not encouraged to do so. Most often there is a lack of feedback (there is no mechanism in place), and the authority involved in decision-making fails to explain whether comments and proposals from the public were taken into account. Submittal of a draft document for public consideration in most cases depends on the authority involved in decision-making. Quite often the authority involved in decision-making fails to provide for public participation in the procedures of monitoring the implementation of decisions taken and of review of decisions;

(b) Planners, especially in case of a potential conflict of interests, fulfil the requirements of the laws, but they have no interest whatsoever in public participation in hearings. The major part of information (articles, meetings and campaigns) is provided by active local communities and environmental groups, scientists and reporters. Experience shows that public involvement in hearings of projects may be very important in implementing the proposed activities. On the other hand, in most cases the public is not ready to hear the arguments and is negatively predisposed. Without environmental awareness, the public is not capable of formulating constructive and justified proposals. Regrettably, the public is often manipulated when seeking private interests. Due to the low awareness of civil society, participation often begins after decisions and investments have already been made, as participation in the planning phase is nonexistent or formal because of both the passiveness and reluctance or indifference of organisers of planning.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

15. Assistance to individuals wishing to exercise their rights is, first of all, provided by contacting the representative for information of a public or municipal authority (for example, the Public Information Division acts as the representative for information in the MoE), whereby information is provided by phone, during visits to the authority and via e-mail replies. If specific information is necessary, citizens are advised by specialists of a relevant area. For example, the monthly schedule of appointments with the MoE specialists is published on the Ministry's website and the representative for information publishes contact information of the Ministry on its website, provides it to all news agencies by phone and includes it in the information publications. On a local basis, the functions of environmental information centres are carried out by Regional Environmental Protection Departments (REPDs) and agencies of cities and regions in the immediate proximity to the residents of each territorial unit in Lithuania. They also provide different information by phone, e-mail, direct consultations or in writing. The bulletin boards or websites of most municipal and other authorities feature the procedure for service provision and contact numbers. For example, the website of the Vilnius Municipality has a toll-free phone number for information on environmental issues. The websites of other municipalities indicate which specialist should be contacted for particular information, while others have a separate section with the list of information with relevant links.

16. The Panevėžys Municipality administration is completing successful implementation of the project Environmental Education of Society (BPD2004-ERPF-1.3.0-05-06/0021), which is co-financed by the European Union and supported by the Republic of Lithuania.

17. The start date of the project was 1 January 2007, while its end date was 30 June 2008. The main objective of the project is to increase access to environmental information in the city of Panevėžys and to promote an environmentally-friendly way of life and environmental self-awareness of Panevėžys residents in the spheres of waste management, drinking water supply, air pollution and noise prevention.

18. The Panevėžys Nature School has set up an environmental information centre (EKOINFO), which contains visual aids and carries out environmental education activities. Visitors have an opportunity to get familiar with the principles of waste management and the water-to-user supply scheme and to receive information handouts on environmental issues.

19. Environmental information is provided to the public not only by the representative for information of an authority or the press office. Provision of information is also initiated through environmental education projects and the media. The MoE publishes annual reviews of the state of the environment and information publications, handouts and posters. Theme and information campaigns according to the approved priorities are conducted. Environmental information is disseminated via the Internet, the press, conferences, seminars and other information channels. Promotion of awareness is focused on the aspects of behaviour with the immediate environment. The MoE and its subordinate bodies also take part in educational projects of other organisations or institutions (e.g. environmental schools, the Green Key, etc.). In 2003, 41 measures of public information and environmental education were implemented with the funds of the Environmental Protection Support Programme. The website of the Ministry publishes information on the activities of its units and reports.

20. In 2004, the Minister of Environment A. Kundrotas signed agreements of the MoE on cooperation in the field of environmental quality management with dozens of national research and educational institutions. These agreements are aimed at increasing the importance of applied science, facilitating the efficient use of information available in the fields of the state of the environment and environmental protection, and promoting more active involvement of research and educational institutions in the activities of international environmental information networks. The agreements specify the commitments of the parties in the fields of collection, analysis, scientific evaluation of environmental data and information, as well as exchange of information and expertise. The parties also collaborated prior to the agreements, but these agreements will serve as a legal basis for cooperation.

21. Public and municipal authorities also organise and participate in environmental education projects according to their approved priorities. These projects are funded by special municipal environmental support programmes and other sources. The level of activity in this area varies considerably from one municipality to another.

22. The following manuals have been issued: the *Manual of Environmental Impact Assessment and the Manual of Strategic Environmental Impact Assessment of Plans and Programmes*. The purpose of these manuals is to disseminate information on the transposition of the provisions of directives on environmental impact assessment and strategic environmental impact assessment into the national law. The manuals contain graphic charts that show individual stages of the assessment course and procedures, and give a comprehensive description of methods of environmental impact assessment and strategic environmental impact assessment. Both manuals have been published on the MoE website. Copies of the manuals have been forwarded to the Martynas Mažvydas National Library, the Lithuanian Technical Library and libraries of scientific institutions, and distributed at workshops to design institutions, organisers of environmental impact documents, state authorities, municipalities and NGOs.

23. The MoE and its subordinate bodies are involved in active cooperation with environmental NGOs, implementing joint projects and providing methodological and other assistance. In 2003, the Public Information Division of the MoE took part in 20 joint projects (15 in 2002) with NGOs. These projects were funded by the Environmental Protection Support Programme. They can also be funded by the Structural Funds, foreign assistance programmes administered by the Government and other sources. The Programme for Environmental Information and Promotion of Environmental Education for the Lithuanian Public and the Action Plan 2004-2006, as approved by the order of the Minister of Environment in 2004, were also developed with a view of ensuring the successful use of the EU Structural Funds under Measure 1.3 Improvement of Environmental Quality and Prevention of Environmental Damage of the Lithuanian Single Programming Document (SPD) 2004–2006. Under the measures for public information and ecological education provided for in the action plan of this programme, public authorities, administrations of municipalities and counties, as well as NGOs will be able to submit applications for funding.

24. In cooperation with environmental NGOs, the EPA, supports their activities in environmental education projects, by publishing information on the contents of such projects and events organised on the EPA website, appointing its specialists to participate in events of NGOs that present relevant information on the state of the environment and measures for its management to the public, as well as providing technical and laboratory assistance in demonstrating the means and the importance of environmental research.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

25. Addresses of the websites of the Ministry's subordinate bodies and NGOs are available on the website of the MoE at: www.am.lt.

26. Addresses of the websites of municipalities are available on the website of the Association of Local Authorities in Lithuania at: www.lsa.lt.

27. Information on land-use planning is published on the websites of municipalities and in the local press.

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

Relevant definitions

Public authority

28. Public and municipal authorities and bodies are defined in the *Law on Public Service of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 2002, No 45-1708). "Public and municipal authorities and bodies" mean elective authorities, authorities of the head of the State and executive and judiciary authorities, law enforcement authorities and offices, authorities and offices concerned with audit and control (supervision), and other public and municipal authorities and offices that are funded from the national budget or local budgets and State monetary funds and that are granted the powers of public administration by the law.

Environmental information

29. The term "environmental information", as used in the national legislation, is consistent with that used in the Convention. In Lithuania, this term is defined in the *Law on Environmental Protection and the Procedure for Public Access to Environmental Information in the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 2005, No 26-831).

The public

30. The term “the public” used in the documents that regulate access to information is consistent with that used in the Convention. The public means one or more natural or legal persons, and their associations, organizations or groups.

Article 3, paragraph 9

31. The amended version of the *Law on the Right to Receive Information from State and Municipal Authorities of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 2005, No 139-5008) defines the term “applicant” as a national of the Republic of Lithuania, a national of a state that is a signatory of the Agreement on the European Economic Area, a foreign national who holds permit for residence in the Republic of Lithuania or a group of these persons, a legal person of the Republic of Lithuania, legal persons or other organisations registered in a state that is a signatory of the Agreement on the European Economic Area, or their representative offices and subsidiaries set up in the Republic of Lithuania.

Article 4, paragraph 1

32. Under article 17(1) of the *Law on the Right to Receive Information from State and Municipal Authorities of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 2005, No 139-5008), information may be made available to the applicant, taking into account his/her request, in verbal form, by allowing him/her to have access to the document, by providing a statement, an extract from the document or a hard copy thereof, an electronic medium, a video or audio recording or access to an information file. If the form in which information is to be made available is not indicated in the request, an authority shall make the information available in the form of the request received.

Article 4, paragraph 1 (a)

33. Pursuant to section 7 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), access to information is given to the applicants without an interest having to be stated.

Article 4, paragraph 1 (b)

34. According to sections 8 and 9 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), information is made available to the applicant in the form he/she desires. If the applicant does not state how the information should be made available or if technical reasons prevent the authority from making the information available in the desired form, or if this information has already been made public in any other form or the public authority thinks that it would be reasonable to make this information available in another form, such information shall be made available in the form chosen by the public authority (by stating the reasons).

Article 4, paragraph 2

35. According to sections 11 and 13 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), information shall be made available to the applicant no later than within 14 calendar days from the date of receipt of the request. If any additional material or verification is required for drawing up the reply, the applicant shall receive the reply within 14 calendar days from the date of receipt of a reply from another authority. If due to the scope and complexity of information requested the authority is not capable of responding to the applicant within 14 calendar days, the head of such authority may extend the deadline for the reply for up to 14 calendar days, but the whole period may not be longer than one month from receipt of the request.

Article 4, paragraph 3 and 4

36. Chapter III of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831) gives a list of cases when public authorities may exempt environmental information from disclosure. This list is almost identical to the list given in the Convention. A request for environmental information may be refused if: the public authority to which the request is addressed does not hold the environmental information requested and is not obliged to have it under any laws; the request is formulated in too general a manner or is manifestly unreasonable and the applicant, when asked in writing, fails to make it more specific; the request concerns information and data in the course of collection or preparation or which are not yet processed.

37. Section 18 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831) stipulates that public authorities also refuse to make available information if such availability: disclosed information that under the law constitutes a state or an official secret; infringed upon the state security and defence interests protected by the law; infringed upon the lawful right of a person to receive a fair trial or, in accordance with the law, were considered an obstruction for judiciary or public authorities to conduct an enquiry into or a hearing of a criminal, civil or administrative case (procedure); disclosed information that under the national or EU law constitutes a commercial (industrial) secret, or constituted a violation of the confidentiality of statistical data and information on tax payers protected by the law; constituted a violation of copyrights or neighbouring or *sui generis* rights protected by the law; constituted a violation of the legal protection of personal data, except for cases laid down in the *Law on Legal Protection of Personal Data of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 1996, No 63-1479; 2003, No 15-597), the *Law on Public Information of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 1996, No 71-1706; 2000, No 75-2272) and the *Law on Documents and Archives of the Republic of Lithuania* (Official Gazette *Valstybės Žinios*, 1995, No 107-2389; 2004, No 57-1982), or adversely affected protected rare species and communities or their habitats and breeding sites.

38. Confidentiality of commercial and industrial information is regulated by the *Law on Competition of the Republic of Lithuania* which contains the definition of the commercial secret. The *Regulations on the Issuance, Renewal and Cancellation of Permits for Integrated Pollution Prevention and Control (IPPC)*, approved by Order of the Minister of Environment No D1-330

of 29 June 2005, define which information (commercial/industrial secret) may not be disclosed to the public.

39. Section 19 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831) states that in all cases of refusal of information it is necessary to make sure that protection of the interests specified in section 18 therein is more important than ensuring the applicant's access to information. Section 20 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831) also stresses that it is necessary to ensure the publicity of information related to gas emissions or pollutants.

Article 4, paragraph 5

40. According to section 10 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), if a written request is received by the authority which does not have the requested information, the authority has to forward the request to the competent authority within three working days after the date of receipt of the request and notify the applicant thereof. If a part of the requested information is held by another authority, the authority that has received the request shall apply to the authority that holds such information, requesting such information and notifying the applicant thereof.

Article 4, paragraph 6

41. According to Section 20 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), if a part of information may be separated out from information exempted from disclosure, as specified in Section 18 therein, the authority shall make available the relevant part of the requested information without prejudice to the requirements of confidentiality of the exempted information and upon notice thereof to the applicant. The provisions of sections 18.1, 18.4, 18.5 and 18.7 of the Procedure are not applicable where the requested information is related to gas emissions or pollutants.

Article 4, paragraph 7

42. Under section 19 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), the applicant must be notified of the refusal of access to information related to the exemptions within 14 working days after the date of receipt of the request; such notice must indicate the reasons for the refusal and the procedure of appealing against the decision. In all cases where information is exempted from disclosure, the authority must make sure that protection of the interests specified in Section 18 therein is more important than ensuring the applicant's access to information.

Article 4, paragraph 8

43. Article 6(6) of the *Law (No X-752) on Public Access to Information in the Republic of Lithuania*, sections 11 and 12 of Government Resolution No 1391 On the Approval of the

Procedure for Registration of Official Information of Public Authorities and Other Budget Organizations and Provision Thereof to the Public or Providers of Public Information and section 26 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831) state that information held by or intended for authorities is free of charge. The applicant must only cover the costs related to the provision of information (such as copying, publishing, etc.). According to article 11(2) of the *Law on the Right to Receive Information from State and Municipal Authorities* (No VIII-1524), the applicant shall cover the costs of reproduction of documents according to the procedure laid down by the Government. Pursuant to section 27 of the Procedure for Public Access to Environmental Information in the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 2005, No 26-831), the applicant shall only cover the costs related to the provision of information (such as copying, publishing, etc.). Government Resolution No 1039 On the Approval of the Procedure for Payment for the Reproduction of Documents prescribes the procedure for payment for the reproduction, which is consistent with the provisions of the Convention.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

44. No obstacles have been encountered.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

45. No information was provided under this heading.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

46. No information was provided under this heading.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

47. For paragraph 9 of article 3 see article 4. For definitions of article 2, see article 4.

Article 5, paragraph 1

48. The duty of public, administrative and control authorities (within their competence) to collect and disseminate environmental information is laid down in the Law on Environmental Protection. Article 8 thereof states that these authorities must monitor changes in the quality of the environmental and inform the public thereof, set ecologically reasonable and technologically

feasible norms and standards for the quality of the environmental; publicly announce projects of economic activities which are likely to have a hazardous impact on the environment. A comprehensive list of information to be collected, disseminated and updated will be included into the amended version of the Procedure that currently is in the process of drafting. Information disseminated to date is regulated by various laws of different areas: Order of the Minister of Environment No 408 of 1999 On the Approval of the Procedure for Accounting of Emissions, and Order of the Minister of Environment No 217 of 1999 On the Approval of the Waste Management Regulations.

49. The *Law on Environmental Monitoring of the Republic of Lithuania* establishes the organisational structure of monitoring. An amended version of this Law was passed in 2006, with a view of upgrading the procedure of environmental monitoring and increasing the effectiveness of collection and analysis of data on the state of the environment, by reviewing the definitions used after taking into account the practical application of the Law and by reviewing the provisions related to the environmental monitoring of the state, municipalities and economic entities and to the requirements of the environmental monitoring control procedure and the guarantee of the quality of analyses and data. Pursuant to this Law, the environmental monitoring system comprises the environmental monitoring of the State, municipalities and economic entities. In accordance with this Law and the Regulations for State Environmental Monitoring, approved by Order of the Minister of Environment No 160 of 2002 (an amended version was passed in 2007), the State Environmental Monitoring Programme is being developed under which a number of different public authorities and research institutions collect data and information throughout Lithuania on the state of different environmental elements, analyse this information and submit the data to relevant public authorities. By its Resolution No 130 of 7 February 2005, the Government of the Republic of Lithuania approved the State Environmental Monitoring Programme for 2005–2010.

50. According to the General Regulations for Municipal Environmental Monitoring, approved by Order of the Minister of Environment No D1-436 of 2004 (an amended version was passed in 2007), municipal authorities organize and carry out environmental monitoring and collect data within the boundaries of their territories. The specific procedures of environmental monitoring carried out by municipalities (monitoring sites, facilities, parameters, intervals, monitoring methods, etc.) are laid down in municipal environmental monitoring programmes drawn up by municipal executive authorities, agreed upon and approved in accordance with the procedure laid down in legislation. The 2007 version of the Regulations stipulates that data of the municipal environmental monitoring that comply with the requirements for data of the state environmental monitoring may be used for the purposes of the state environmental monitoring.

51. According to the Procedure for Environmental Monitoring by Economic Operators, approved by Order of the Minister of Environment No 230 of 2003, and other laws, economic operators monitor sources of pollution and environmental impact and submit the monitoring data to relevant public authorities.

52. The existing legal framework thus enables public authorities to regularly collect, disseminate and update environmental information.

53. Dissemination of information in environmental emergencies is regulated by the Law on Civil Protection of the Republic of Lithuania. Order of the Minister of Environment No 248 of 2003 On the Management of Actions in Cases of Environmental and Other Emergencies and Emergency Response must also be complied with. In case of an environmental emergency, a brief report on the environmental situation and its environmental impact is drawn up. Relevant and operative information is published on the websites of the MoE and the EPA.

Article 5, paragraph 2

54. The manner, extent and main terms of accessibility of information are regulated by the *Law on the Right to Receive Information from State and Municipal Authorities* (Official Gazette *Valstybės Žinios*, No 139-5008) and the Description of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions, approved by Resolution of the Government of the Republic of Lithuania No 463 of 2006. The public must have access to the procedures adopted for the provision of information. As mentioned before, in order to facilitate access to information, the authorities have set up offices of the representative for information, i.e. a unit or an employee responsible for access to information. Pursuant to the provisions of the Description of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions (Official Gazette *Valstybės Žinios*, 2006, No 60-2134), the authorities must specify the directory of environmental information available, the form of recording information, the time limits for making information available to the applicant, the fees for the services, the procedure of payment and other requirements.

55. Each authority which possesses environmental information or the website of the MoE has a directory of environmental information that lists the nature of information, the name of the authority and the form in which environmental information is available.

56. Under the provisions of the Description of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions (Official Gazette *Valstybės Žinios*, 2006, No 60-2134), environmental information must be easily accessible through public telecommunications networks (if such information is in the electronic media and the necessary hardware is available). Information may also reach parties concerned by phone, e-mail, direct consultation or in writing.

57. The *Law on the Right to Receive Information from State and Municipal Authorities* also provides for the possibility to have access to the original copy of a document, where applicable.

58. Extensive environmental information is available at the MoE and its subordinate institutions and on their websites. Environmental information available in written, electronic or other form is published or provided, upon request, also by other public authorities. Information is easy to find on the websites within the MoE system using the search function or the theme index.

Article 5, paragraph 3

59. With a view of increasing the volume and accessibility of information by using the latest technologies and the Internet, 1999 saw the adoption of Government Resolution No 118 On the Publication of Draft Laws and Other Regulations on the Internet. In 2005, this Resolution was amended by Resolution of the Government of the Republic of Lithuania On Resolution No 118 of 4 February 1999 On the Publication of Draft Laws and Other Regulations on the Internet. Government Resolution No 480 of 18 04 2003 On the Approval of the General Requirements for Websites of Public Authorities ensures public access via the Internet to all public information on the functions of public authorities for regular updating, efficiency, relevance and reliability of information. In 2006, the Government of the Republic of Lithuania passed Resolution No 1504 On the Amendment to Resolution of the Government of the Republic of Lithuania No 480 of 18 April 2003 On the Approval of the General Requirements for Websites of Public Authorities, whereby the title was changed to “the Procedure of the General Requirements for Websites of Public and Municipal Authorities and Bodies” and a new wording was presented. The Resolution also states that information provided must be arranged in a systematic manner and updated regularly, i.e. depending on intervals of updating.

60. The Description of the Standard Procedure for Servicing Citizens and Other Persons in Public Administration and Other Institutions (Official Gazette *Valstybės Žinios*, 2006, No 60-2134) stipulates that public and municipal authorities shall ensure that environmental information is easily accessible to the public through public telecommunications networks (if such information is in the electronic media and the necessary hardware is available). This condition has been complied with as all public and municipal authorities have their own websites.

61. All REPDs and agencies under the MoE have their own websites that publish all information relating to their activities. All information collected by the EPA in accordance with the procedure laid down by the law (information on river basins, quality of water bodies, reports of different international projects, conference reviews, reports on research in the sphere of environmental monitoring, data of the state air monitoring measurements, material related to integrated pollution prevention and control, maps, various charts, etc.) is regularly published and updated on the Agency’s website at <http://aaa.am.lt>.

62. In 2008, 10 leading public authorities, including the EPA and the State Service for Protected Areas under the MoE that manage spatial data on the environment, are implementing the Lithuanian Geographic Information Infrastructure (LGII) Development Project. The project is aimed at developing an open warehouse of adjusted state geographic data and electronic services that would allow citizens, companies and public authorities to have effective access to the latest geographic information from initial sources. The purpose of the national geographic information infrastructure is to link data and electronic services of different providers and to make them accessible simultaneously to the broadest possible circle of users. Implementation of this project will develop a long-term Lithuanian geographic information management strategy and methodological grounds for storing and managing state geographic data and providing them to all users via the Internet. Implementation of this strategy will set up a single Lithuanian geographic information infrastructure that will gradually expand the information structure covering the whole state which unites managers of various geographic data collections.

63. To speed up the launch of the Environmental Sector Information Technology Project, by its Order No D1-276 of 27 May 2008, the MoE approved the Programme of Installation and Development of Registers, Inventories and Information Systems in the Environmental Sector by Using Information Technologies. The aim of the Programme, with a view of ensuring the implementation of the objectives of Measures “E-Government Services” and “Intellectual Management Systems” under the priority “Information Society for All” of the Economic Growth Action Programme, is to provide favourable conditions for the provision of public e-services in the land-use planning, urban planning, housing construction, forestry and environmental protection sectors, and to increase their accessibility through the development of spatial information systems. The Programme provides for the development of the functionality of the Environmental Information Management Integrated Computer System, the implementation of which would allow economic operators to provide information on environmental pollution to REPDs in a remote way, thereby ensuring prompt public information on the state of the environment, its change forecasts and environmental emergencies and their management.

Article 5, paragraph 4

64. Every year, the MoE prepares a publication on the state of the environment in Lithuania (*The State of the Environment*) which provides information both on the state of the environment and the main environmental challenges. The publication is disseminated among the public, public authorities and research institutions. An electronic version of the publication (in Lithuanian and English) is also issued and made available on the MoE website.

65. In 2006, the EPA issued the publication, *The Monitoring of Relatively Natural Ecosystems. Results of the Decade*, which summarizes the results of 10-year studies of relatively natural ecosystems and familiarises the public, environmental public administration authorities and research and study institutions with background air pollution with sulphur and nitric compounds and other emissions, trends of its change, natural factors of change of the state of the environment and their impact on natural forest ecosystems.

66. In 2007, utilizing the assistance of the EU Structural Funds, the EPA organized the preparation of the publication, *The Natural Environment of Lithuania, Its State, Processes and Development*, designed for assessing changes in the state of Lithuania’s environment from the Soviet times to membership in the EU. The main goals of this integrated publication issued in 2008 are not only to provide the public and public authorities with reliable information on the state of the environment and changes of the state of the environment resulting from economic activities but also to explore the trends of the development of the state of the country's environment in the last two decades, to specify the reasons that determined change of the environment and to analyse the most relevant environmental protection measures applied and their effectiveness. The publication also contains the potential scenarios of the development of the state of the environment in the immediate future.

Article 5, paragraph 5

67. To disseminate the information referred to in paragraph 5 of article 5 of the Convention, the measures indicated in paragraph (c) above have been used. Information specified in the list can be found on the websites of the MoE and its subordinate institutions and the Parliament of the Republic of Lithuania. According to the procedure prescribed by the law, laws and other regulations are also published in the Official Gazette *Valstybės Žinios* and its supplement *Informaciniai Pranešimai*, which are available to the public in printed form as well.

68. All information about international agreements signed (in accordance with the competence) is published on the websites of the MoE, the EPA and other authorities.

Article 5, paragraph 6

69. Participation of organisations in the EC Eco-Management and Audit Scheme (EMAS) is regulated by Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organizations in a Community eco-management and audit scheme (EMAS). Lithuania has adopted a Government resolution on the application of this Regulation and approved a programme for implementation of this scheme. Companies that have implemented the EMAS notify the public of their achievements on an annual basis. These companies and companies using the eco-label for their products get the opportunity to inform the public by publishing information on the website of the EPA.

70. In 2006, the EMAS Implementation Programme was expanded with information for companies participating in the EMAS and the approved methodology for determining registration fees in the EMAS. An economic entity that monitors its activities, implements advanced technologies and engages in voluntary participation in the Community eco-management and audit scheme receives certificates of commendation as an incentive.

Article 5, paragraph 7

71. The MoE and its subordinate institutions issue different factual and analytical thematic information on the environment and international agreements, the list of which is available in the International Relations and Agreements section at www.am.lt. The MoE has decided to stop publishing periodical information handouts (e.g. the information publication *The Ministry of Environment for the Public*, as other dissemination channels with a better reach such as the media and the Internet have been chosen.

Article 5, paragraph 8

72. The main document regulating the terms for the award of the EU eco-label is Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme. On 17 July 2000, this document was amended by Regulation No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme. The following has been approved by Lithuanian legislation: The Procedure for Awarding the Eco-Label to Products, the Procedure for Establishing a Consultation Forum and Its Rules of Procedure, a specimen of the licence and the notification on the award or refusal to award the eco-label. The Lithuanian public has been informed of eco-labels awarded to appropriate product

groups and the implemented eco-management and audit schemes (EMAS) by publishing the information on the website of the EPA. The European Commission, which has also published this information on relevant websites, has been notified accordingly as well.

73. The Programme for the Implementation of the Community Schemes of Eco-Label Award for Product Groups and Eco-Management and Audit (EMAS) in the Republic of Lithuania in 2006-2008 was drawn up and approved by joint Order of the Ministers of Environment, the Economy and Agriculture No D1-439/4-361/3D-380 of 2 October 2006. The Programme will help to apply the environmental criteria of the eco-label award to a product group in the green procurement procedure. Lithuania has drawn up the Procedure for the Establishment of the Annual Fee for the Application for the Community Eco-Label Award for a Product Group and for the Use of the Community Eco-Label.

Article 5, paragraph 9

74. On 21 May 2003, the European Community and other countries, including Lithuania, signed the Protocol on Pollutant Release and Transfer Registers (hereinafter, the Protocol). Under the provisions of the Protocol, each Party shall establish a national pollutant release and transfer register. February 2004 saw the launching of the European Pollutant Emission Register that partially covers the requirements of the Protocol. In Lithuania, pursuant to the provisions of Order of the Minister of Environment No 136 of 2002, all enterprises engaged in appropriate activities and exceeding the established thresholds have to submit reports to relevant public authorities. Thus, from 2004 Lithuania began to collect data in accordance with the requirements of the European Pollutant Emission Register.

75. To ensure public access to information on pollutant emissions, in January 2006 a new European Pollutant Release and Transfer Register (E-PRTR) was adopted. Order of the Minister of Environment No D1-631 of 29 December 2006 established the procedure for the provision of information on pollutant release and transfer and designated the REPDs to be the competent authorities to which enterprises have to report data and information on pollutant emissions and the public may submit requests. Pursuant to this Order, 2007 was established as the first reporting year.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

76. On the basis of the opinion of the specialists who worked on the report and the opinion expressed in the letter of the NGO(s), the following obstacles have been identified:

(a) Significant funds are necessary for implementation or support of various environmental education projects, publishing and other campaigns. The lack of funds often becomes a factor impeding the education and information procedures;

(b) According to the representatives of the NGOs, reports on the state of the environment submitted by the REPDs and municipalities are not organised in a systematic

manner and in most cases contain little visual material that illustrates the information provided and makes it comprehensible;

(c) According to the NGOs, public information on accidents is more focused on the accident itself but there is little information on post-accident analysis carried out and the accident's impact on human health and the environment, as well as the long-term prevention of accidents;

(d) The laws require enterprises to conduct environmental quality monitoring and inform the public accordingly. However, they do not provide for the form and intervals of reporting. Under the law, enterprises also have to draw up reports on the use of natural resources and on pollutant release into air and water, but they are not required to give public information on such reports. Enterprises submit these reports to the REPDs but at times fail to provide public information on whether the enterprise has complied with the environmental requirements and has not released any pollutants into air and water. In all cases, management's consent is required where an ordinary citizen wishes to obtain information about the enterprise. This information has been published on the Internet. However, the information is of a very general nature and is not updated regularly.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

77. As on 1 May 2004, the Republic of Lithuania became a member of the EU, Lithuania has two schemes of the eco-label award to products (manufactured products and services): the eco-friendly product label award scheme and the Community eco-label award scheme. The White Lily eco-friendly label is awarded in accordance with the Procedure for the Eco-Friendly Product Label Award. The Community eco-label, the Flower, is awarded pursuant to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme. Information about each manufacturer or service provider whose products or services have been awarded the eco-label the Flower is published in the EU quarterly publication, *The European Eco-Label*. In their efforts to enter Western European markets, Lithuanian manufacturers are forced to ensure eco-friendly qualities of their products also. Therefore, the textile makers Utenos Trikotažas, Drobė and Dirbtinis Pluoštas have been awarded the eco-label of the European Association of Textile Industries, and knitwear products of Utenos Trikotažas AB made from cotton and cotton with elastane for babies, children and adults were awarded the Community eco-label, the Flower. This indicates that Lithuanian enterprises are ready to implement the requirements of the Community eco-label.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

78. Information listed in paragraph 3 of this article that must be made available to the public is published on the websites of the MoE and its subordinate agencies and the Parliament of the Republic of Lithuania.

79. The website addresses of Lithuanian municipalities are available on the website of the Association of Local Authorities in Lithuania, www.lsa.lt.

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

80. Public participation in and information on decision-making on proposed activities are regulated by the following laws and regulations of the Republic of Lithuania:

(a) The *Law on Environmental Impact Assessment of Proposed Activities of the Republic of Lithuania*;

(b) The Procedure for Public Information and Participation in the Procedure of Environmental Impact Assessment of Proposed Activities, approved by an order of the MoE of the Republic of Lithuania;

(c) The Procedure for Public Access to Environmental Information in the Republic of Lithuania, approved by the Government, and the Regulation on Document Storage, Provision of Information at Request of the Public and Servicing of Applicants of the MoE, approved by the MoE;

(d) The Regulation on the Granting, Renewal and Cancellation of Integrated Pollution Prevention and Control (IPPC) Permits;

(e) The *Law on Construction of the Republic of Lithuania*;

(f) The Technical Regulation for Construction STR 1.05.06:2002, Design of Works;

(g) In cases when a proposed activity in the territory of the Republic of Lithuania is likely to have a significant adverse environmental impact on a foreign state that is a Party to the United Nations 1991 Convention on Environmental Impact Assessment in a Transboundary Context or when such a state demands environmental impact assessment (EIA), the public participates in the EIA procedure in accordance with this Convention, the *Law on Environmental Impact Assessment of Proposed Activities of the Republic of Lithuania*, international agreements between the Republic of Lithuania and appropriate states and other laws and regulations.

81. The *Law on Environmental Protection of the Republic of Lithuania* ensures to have access to environmental information; to participate in the procedure of EIA of the proposed activity; to submit justified proposals for obligatory EIA, and to carry out public EIA. Under the Law, public, administration and control authorities, within their competence, must comply with or justifiably decline proposals from citizens, NGOs and other legal and natural persons regarding environmental issues; publish projects of proposed activities that are likely to have an adverse environmental impact; take into consideration justified proposals from the public with respect to obligatory EIA of the proposed activity; evaluate justified proposals from the public with respect

to EIA of the proposed activity and the likely environmental impact of the proposed activity, and encourage the public, NGOs and other legal and natural persons to participate in decision-making and implementation of decisions in the field of environmental protection.

82. The detailed procedures of public participation are laid down in a regulation. *The Procedure for Public Information and Participation in the Procedure of Environmental Impact Assessment of Proposed Activities, approved by an order of the Minister of Environment of the Republic of Lithuania*, regulates public participation in the EIA procedure. Under this Procedure, public information and participation procedures include:

- a) Notifications on EIA of the proposed activity (notifications of the screening conclusion on whether the proposed activity should be made subject to obligatory EIA, and the notification of the drawing up of the environmental impact assessment programme);
- b) Public hearings on the report of EIA of the proposed activity;
- c) Information on the decision taken with respect to the proposed activity.

Article 6, paragraph 1

83. The *Law on Environmental Impact Assessment of Proposed Activities of the Republic of Lithuania* has approved 2 lists that include:

- (a) The list of types of proposed activities that are made subject to EIA (annex 1).
- (b) The list of types of proposed activities that are made subject to the screening for obligatory EIA (appendix 2).

84. The EIA procedures are applied to the activities of both lists. The lists include activities listed in annex II to the Convention.

85. The EIA procedure is also applied when the implementation of the proposed activity is likely to have an impact on the areas of the European network of protected areas Natura 2000 and when the authority responsible for organising the protection and management of protected areas establishes that this impact may be significant.

86. The EIA procedures are applied where the participants of the procedure of EIA of the proposed activity demand and the competent authority decides that the proposed activity not included in the above lists must also be made subject to the screening for obligatory EIA.

87. In cases when under the procedure prescribed by legislation of the Republic of Lithuania the proposed activity has been granted the status of the State border or a national protected facility, and the application of the provisions of the *Law on Environmental Impact Assessment of Proposed Activities* to the proposed activities is likely to have an adverse impact on the national defence goals, the competent authority decides on a case-by-case basis whether the requirements of this Law should be applied to such activity. No such cases have occurred in practice.

Article 6, paragraph 2

Environmental Impact Assessment

88. The *Law on Environmental Impact Assessment of Proposed Activities of the Republic of Lithuania* gives the definitions of “the public” and “the public concerned”, including “a non-governmental organisation”. The Law lays down the provision that the public is a participant in the environmental impact assessment procedure, which participates in the earliest phase of the environmental impact assessment procedures from the publication of the environmental impact assessment programme drawn up for the proposed activity or from the publication of the screening conclusion.

89. The *Law on Environmental Impact Assessment of Proposed Activities* gives the definitions of “the public” and “the public concerned”:

(a) “The public concerned” means the public affected or likely to be affected by, or having an interest in, the proposed activity. Under this definition, NGOs that participate in environmental decision-making and acting in accordance with the requirements of the laws of the Republic of Lithuania are considered the public concerned;

(b) “The public” means one or more natural or legal persons and their organizations, associations or groups.

90. Upon receipt of the screening conclusion from the competent authority on whether the proposed activity should be made subject to obligatory environmental impact assessment, the developer has to inform the public thereof, by making the following information available to the public at venues of public rallies, in the national press or the press of a city(ies) or region(s) of the proposed activity, on a municipal billboard and, where appropriate, on radio and television: name, address and telephone number of the developer of the proposed activity; the type of the proposed activity; the site of the proposed activity (county, city, region, village and street); the competent authority (the MoE, the EPA or the REPD) that made the screening conclusion on whether the proposed activity should be made subject to obligatory environmental impact assessment; the venue where and the time when detailed information on the proposed activity is deposited for examination by the public (with an indication of the developer’s address and phone number); the authority to which and the time when justified proposals for a review of the screening conclusion can be made (with an indication of the address and telephone number of the competent authority, the developer or the organiser of the environmental impact assessment documents, and the term of 10 working days from the date of this notification); the venue where the screening conclusion and documents are deposited for more detailed examination by the public (with an indication of the address and telephone number of the competent authority, the developer or the organiser of the EIA documents, and the term of 10 working days from the date of this notification).

91. The public has the right to make justified proposals to the competent authority, within 10 working days from the date of publication of the screening conclusion, for a review of the screening conclusion.

92. Prior to any submittal of the programme for approval by the competent authority, the developer must provide the following information in the above-mentioned public information media and in writing (by registered mail) to the owners or users of land adjacent to the territory of the proposed activity and to representatives of the public concerned that have made justified proposals: name, address and telephone and fax numbers of the developer of the proposed activity; name, address and telephone and fax numbers of the organizer of the environmental impact assessment documents of the proposed activity; the site of the proposed activity (county, city, district, elderate, village and street); EIA bodies that will evaluate the EIA documents and present conclusions within their competence; the competent authority that will take the decision on whether to permit the proposed activity on the selected site; the venue where and the time when the programme for environmental impact assessment of the proposed activity is deposited for examination by the public (with an indication of the address and time and the recommended period of 10 working days for the availability of the EIA programme).

93. The Procedure grants the developer and the organiser of the environmental impact assessment documents the right for additional public information on their own initiative by giving notices at other venues of public rally as well (e.g. on billboards of NGOs, shops and homeowners' associations) and for the provision of information by other means (e.g. to carry out surveys, attract the media, distribute notifications to households or send them by mail or e-mail).

94. Upon drawing up the report on EIA of the proposed activity, the developer, at least 10 working days prior to the scheduled public hearing, must publish the following information in the (above-mentioned) appropriate public information media: name, address and telephone and fax numbers of the developer of the proposed activity; name, address and telephone and fax numbers of the organizer of the EIA documents of the proposed activity; the name of the proposed activity; the site of the proposed activity (county, city, district, elderate, village and street); EIA bodies that will evaluate the EIA documents and present conclusions within their competence; the competent authority that will take the decision on whether to permit the proposed activity on the selected site; the venue where and the time when the report on EIA of the proposed activity is deposited for examination by the public (with an indication of the address, time, telephone number, hours and timetable). The public must have the possibility to examine the EIA report no later than 10 working days prior to the scheduled public hearing; where and when the public hearing will take place (venue, address and time); to whom (with an indication of the address of the developer or the organizer of the EIA documents) and how, prior to the public hearing, justified proposals on the questions regarding the report on EIA of the proposed activity can be made (e.g. in writing, by e-mail).

95. A public hearing on an EIA report must take place and the EIA report must be deposited for examination by the public at the administrative premises of a municipality (elderate) or at any other chosen venue agreed upon with the municipality (elderate) where the proposed activity is to be carried out, after business hours for convenience of the public (days-off are recommended). The developer or the organiser of the EIA documents must also provide conditions for the report to be made available for examination by the public at his registered office.

96. The competent authority, upon receipt of the EIA report, the conclusions of the EIA bodies on the report and on whether to permit the proposed activity and a reasonable evaluation of the justified proposals from the public concerned by the organizer of the EIA documents, shall arrange immediate publication of the notice on the website of the MoE. The notice shall contain the following information: name, address and telephone and fax numbers of the developer of the proposed activity; name, address and telephone and fax numbers of the organiser of the EIA documents of the proposed activity; the name of the proposed activity; the site of the proposed activity (county, city, district, elderate, village and street); the date by which the public concerned has the right to submit justified applications in writing to the competent authority on the issues of EIA of the proposed activity and to the EIA bodies on issues within their competence. The period for submitting the application is 10 working days from the publication of this notice. Public authorities reply to applications from the public in writing. Prior to taking any decision, the competent authority invites the EIA bodies, the developer, the organizer of the EIA documents and representatives of the public that have submitted justified proposals for a discussion.

Integrated Pollution Prevention and Control

97. The Regulation on the Granting, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits provides for the following means of information: the press of a city or district or the national press, municipality billboards and, where appropriate, radio and television. Public information and participation in the IPPC authorization procedure is organised by the REPDs.

Construction permits

98. *The Law on Construction of the Republic of Lithuania* ensures public information about the commencement of construction of works significant to the public interest and about its consequences. The builder (developer) must inform the public about the commencement of design of works significant to the public. The lists of these works (with an indication of their purpose) and the information procedure are laid down in a technical regulation for construction approved by an order of the MoE. If the design solutions of the works do not meet the approved land-use planning documentation, natural and legal persons are entitled to apply to the county governor for suspension of the design of such works and for withholding of the building permit. Disputes over these matters are settled by the court.

99. *The Technical Regulation for Construction STR 1.05.06:2002, Design of Works*, approved by an order of the MoE of the Republic of Lithuania, ensures that the builder, prior to commencing the design of any works significant to the public, must inform the public thereof. This requirement is applied to the design of new or reconstruction of existing works specified in the annex to the Regulation. The purpose of information is to provide conditions for the public to check whether the solutions of the land-use planning documents (that were discussed with the public during the preparation of these documents) related to a project have been complied with in preparing the project. Prior to commencing any design of works, the developer must place a notice on the billboard (plaque) of the elderate, in the local press and on the website of the

municipality or the elderate. The following information must be indicated in the notice: the construction site address of the works subject to design; the land-use planning document and the date of its approval; the land parcel plan of the 1:2000 scale with the existing buildings and those in the design stage; the expected start and end dates of the design and construction; the name and registered office address of the designer; the address and telephone number of the project manager or another responsible person authorised to provide information on the project; the time (days and hours) designated for examination of the project by the public, and other information of interest to the public at the discretion of the developer. The notice must be displayed on the billboard of the elderate until the date of issuance of the construction permit. Natural and legal persons are entitled to apply to the county governor if the design solutions of the works are inconsistent with the approved land-use planning documentation. Any disputes over these issues are settled by the court.

Article 6, paragraph 3

Integrated Pollution Prevention and Control

100. To increase the effectiveness of public participation in decision-making with respect to, permits for activities and taking into account the recommendations of the Conventions Compliance Committee, Lithuania intends to amend the legal framework of the IPPC permit procedure by extending the period for public proposals and comments on the granting of IPPC permits by one week, i.e. up to 21 days.

Article 6, paragraph 6

Environmental Impact Assessment

101. The EIA report must contain detailed analysis of all questions provided for in the programme, present analysis of alternatives explored by organizers of the EIA documents and of proposals from the public, the environmental monitoring plan, information on problems of a technical or practical nature that the organizer (developer) of the proposed activity or his authorised organiser of the EIA documents encountered in the course of environmental EIA, and the executive summary of all information analysed in the report.

102. The Procedure for Public Access to Environmental Information in the Republic of Lithuania, approved by the Government, and the Regulation on Document Storage, Provision of Information at Request of the Public and Servicing of Applicants of the MoE, approved by the Ministry of Environment, grant the public the right to obtain from public authorities all information relating to environmental impact assessment.

Integrated Pollution Prevention and Control

103. Chapter XI, "Access to Information and Public Participation in the Permit Procedure", of the IPPC Regulation (Official Gazette *Valstybės Žinios*, 2002, No 85-3684; 2005, No 103-3829; 2006, No 120-4571; 2007, No 106-4358) (hereinafter, the Regulation) provides information on the participation of the public concerned in the permit procedure for installations listed in annex

1 thereto. Also, chapter XI “Public Access to Information” of the Procedure for the Limitation of Emissions of Volatile Organic Compounds Due to the Use of Organic Solvents in Certain Activities and Installations, approved under the requirements of Directive 1999/13/EC by Order of the Minister of Environment No 620 of 05.12.2002 (Official Gazette *Valstybės Žinios*, 2003, No 15-634; No 64-2913) stipulates that the REPDs must ensure that applications for authorisation for new installations that use solvents or for substantial changes of those installations are made available for an appropriate period of time to the public, to enable it to comment on them before a REPD reaches the decision. The general binding rules applicable for installations and the list of registered and authorised activities must be made available to the public. The results of volatile organic compounds (VOCs) emission-monitoring, referred to in articles VIII and IX, as required under the authorization or registration conditions, must be made available to the public. An REPD registers all justified and reasonable proposals from the public with respect to the authorisation and takes them into account when drawing up the decision on the granting of a permit. The decision of an REPD, including a copy of the authorization and any subsequent updates for such installations, must also be made available to the public, except for information that is considered confidential.

Article 6, paragraph 7

Environmental Impact Assessment

104. In accordance with the established procedure, the public makes justified proposals on the EIA of the proposed activity and on the likely effects of the proposed activity on the environment and its components to the developer and the organiser of the EIA documents, and copies of proposals may be submitted to the competent authority and EIA bodies. All participants of the EIA procedure, in the course of the procedures of EIA of the proposed activity and prior to any decision-making by the competent authority, have the right to apply to the competent authority (the MoE, the EPA and eight REPDs) and EIA bodies that are responsible for public health, protection of cultural values and fire prevention, as well as to municipalities and counties for questions within their competence, by submitting written information on likely violations when establishing, defining and assessing the likely environmental impact of the proposed activity or when conducting the EIA procedures. The Law also provides for the possibility to appeal against the application of the provisions laid down therein and the decisions taken by the competent authority, in accordance with the judicial procedure. Under the procedure prescribed by the law, participants of the EIA procedure bear responsibility for the provision of correct information and for conclusions and decisions made within their competence.

105. In the environmental impact assessment publicity procedures, all citizens and NGOs that participate in the public hearing procedure are registered, their presentations are incorporated in the minutes and the proposals made are registered and evaluated in accordance with the established procedure.

106. Under the *Law on Environmental Impact Assessment of Proposed Activities of the Republic of Lithuania*, all information relating to public information and hearings on the EIA report (information on notices, newspaper advertisements, proposals from the public and their

assessment, minutes of public hearings, the list of participants, etc.) constitutes an integral part of the EIA report. Thus, when making decisions, the competent authorities have statistical data on public participation.

Article 6, paragraph 8

Environmental Impact Assessment

107. In accordance with an established form, the developer or the organizer of the environmental impact assessment documents has to draw up a reasonable evaluation of justified proposals made by the public concerned and to reply in writing to representatives of the public concerned that have submitted justified proposals on how their proposals have been evaluated.

108. If following a public hearing and the presentation of the justified conclusions by the EIA bodies and the competent authority, the EIA report must be subjected to major revisions (e.g. where new sites, technological alternatives, mitigating measures, etc. are proposed), in such cases the competent authority has the right to demand the developer of the proposed activity to organise a second public hearing on the amended or revised EIA report.

Article 6, paragraph 9

Environmental Impact Assessment

109. The competent authority, within 10 working days from the decision on the permissibility of the proposed activity, must publish information on the decision taken, on the MoE website (in cases when the decision is taken on a proposed activity that is included in the list of the types of proposed activities that must be made subject to EIA, also in *Informaciniai Pranešimai*, the supplement to the Official Gazette *Valstybės Žinios*). The notice must contain the contents of the decision and all conditions related thereto; the main reasons on which the decision-making was based, and information on measures envisioned to avoid, mitigate or compensate the adverse environmental impact of the proposed activity. Both the decision and the notice contain the aspects of public information and participation in the EIA procedure. The form of the decision and the information notice on the decision taken is approved by the law.

110. Upon receipt of the decision from the competent authority on the permissibility of the proposed activity on the chosen site, the developer must notify the public thereof also within 10 working days, by publishing information on the issue of the decision of the competent authority with respect to the permissibility of the proposed activity on the chosen site in the public information media (those that published information on the screening conclusion and the drawing up of the programme).

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

111. No information was provided under this heading.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

112. No information was provided under this heading.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

113. No information was provided under this heading.

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

114. The Procedure for Strategic Environmental Impact Assessment of Plans and Programmes, approved by a resolution of the Government of the Republic of Lithuania, gives the definition of "the public". The public means one or more natural or legal persons, and their associations, organizations or groups. The Procedure for Strategic Environmental Impact Assessment of Plans and Programmes ensures that consultations with the public will be conducted and that the results of these consultations and other procedures ensuring publicity will be taken into account; that the public will be able to participate in evaluating the solutions of land-use planning documents and other plans and programmes, and that the organizer of the preparation of a plan or programme will inform the public of the decision taken. If a decision is taken not to carry out strategic EIA, the organizer of the preparation of a plan or programme informs the public of the venue where the reasons for such a decision will be made available to the public. The organiser of the preparation of a plan or programme consults with the public and presents to it a prepared report and a draft plan or programme and, where solutions of the land-use planning documents are evaluated, a report and solutions prepared in the stage of developing the concept of the plan. The organizer of the preparation of a plan or programme informs the public of the following: the decision taken; the venue where the plan or programme could be deposited for examination by the public; measures envisioned for monitoring the impact of implementation of the plan or programme; a brief description indicating how environmental issues are reflected in the plan or programme; how information provided, conclusions from assessment entities and proposals from the public were taken into consideration in decision-making; how account was taken of the results of transboundary consultations, if any, in decision-making, and why, taking into account the other alternatives discussed, the adopted version of the concept of the plan, programme or land-use document was chosen.

115. The Procedure for Public Participation in the Procedures of Strategic Environmental Impact Assessment of Plans and Programmes and Information of Assessment Bodies and EU Member States, approved by an order of the MoE of the Republic of Lithuania, ensures an opportunity for the public to participate in strategic environmental assessment of plans or programmes, consultations with the public and an opportunity for the public to participate in an open discussion of the strategic environmental impact assessment report and to have access to

the decisions taken with respect to the adoption and/or approval of a plan or programme. Under this Procedure, public participation procedures include:

- (a) A notice on strategic environmental assessment of plans or programmes;
- (b) A public hearing on the report of strategic environmental assessment of plans or programmes and a draft plan or programme;
- (c) Information on the decision taken on the approval of the plan or programme.

116. In carrying out the publicity procedures for land-use planning and strategic environmental assessment and EIA of plans or programmes, all citizens and NGOs participating in the public hearing procedure are registered, their presentations are incorporated in the minutes and the proposals made are registered and evaluated in accordance with the established procedure.

117. Documents of public consultations (statements of proposals made, minutes of the public hearing, the list of participants and information on notices) constitute an integral part of the strategic environmental assessment report. Thus, when making decisions, the competent authorities have statistical data on public participation.

118. Public participation in the preparation of land-use planning documents in Lithuania is regulated by the *Law on Land-Use Planning of the Republic of Lithuania* and the Procedure for Public Participation in the Land-Use Planning Procedure, approved by Resolution of the Government of the Republic of Lithuania No 247 of 14 March 2007. Pursuant to these laws, the public may participate in the preparation and discussion of land-use planning documents (comprehensive, special and detailed plans).

119. Public participation is an integral part of the land-use planning procedure involving the preparation of comprehensive, special and detailed area plans. Public and municipal authorities or bodies organising the planning procedure publish (in the press and on the website) notices on the start of preparation of a land-use planning document and opportunities for making proposals, hold consultations with the public concerned regarding the solutions; make the solutions available to the public, organize a public display, register proposals received and analyse them together with the organizer, take into consideration or reject proposals on reasonable grounds giving notice thereof to the applicants, discuss proposals with the public concerned at a conference or public hearing, as the case may be, according to the approved regulations. At least two months must be reserved for the public to have access to the prepared land-use planning documents at the national or regional level, of which at least one month must be reserved for a public display; one month for access to prepared comprehensive and special land-use planning documents at the regional level, 15 working days for a public display; 20 working days for detailed plans, of which 10 working days for a public display, and 10 working days for detailed and special plans prepared in accordance with the simplified procedure. Pursuant to the above mentioned regulations, the public must also be informed of the approval of a land-use planning document. Solutions of the approved land-use planning document should be made accessible at the authority which organised the planning procedure. An approved municipal comprehensive land-use plan is published on the website of the respective municipality, while an approved

national or regional land-use planning document is published on the website (www.valstybes-zinios.lt) of the Official Gazette *Valstybės Žinios*.

120. In 2006, the MoE began the preparation of a draft amendment to the National Strategic Waste Management Plan. The Government of the Republic of Lithuania approved the National Strategic Waste Management Plan by Resolution No 1224 of 31 October 2007 (Official Gazette *Valstybės Žinios*, 2007, No 122-5003).

121. Pursuant to the requirements of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes, approved by Resolution of the Government of the Republic of Lithuania No 967 of 18 August (Official Gazette *Valstybės Žinios*, 2004, No 130-4650; 2007, No 131-5292), the application of the strategic environmental impact assessment procedures to the National Strategic Waste Management Plan as a strategic document of the waste management sector is obligatory. Under the requirements of the aforementioned Procedure, the public is granted the right to participate in the strategic environmental assessment procedure.

122. As the Ministry of Environment has begun the preparation of a document that defines the scope of the National Strategic Waste Management Plan, in accordance with the requirements of Order of the Minister of Environment No D1-455 of 27 August 2004 On the Approval of the Procedure for Public Participation in the Procedures of Strategic Environmental Impact Assessment of Plans and Programmes and Information of Assessment Bodies and European Union Member States (Official Gazette *Valstybės Žinios*, 2004, No 136-4970), information thereof was published on the MoE website and in the daily *Lietuvos Rytas* on 14 May 2007. No proposals or comments from the public were received during this stage. Upon preparation of the strategic environmental impact assessment report of the National Strategic Waste Management Plan, the website of the Ministry of Environment and the 14 May 2007 issue of the daily *Lietuvos Rytas* published information on the public access to the strategic environmental impact assessment report and the prepared draft National Strategic Waste Management Plan, and on the opportunity to make comments or proposals with respect to these documents. The notices indicated that the strategic environmental impact assessment report and the draft National Strategic Waste Management Plan would be made available to the public on 13 June 2007. In carrying out strategic environmental impact assessment of the National Strategic Waste Management, the public had every opportunity to access the strategic environmental impact assessment documents and the draft National Strategic Waste Management Plan.

123. Article 7(2) of the Law on Ambient Air Protection of the Republic of Lithuania (Official Gazette *Valstybės Žinios*, 1999, No 98-2813) stipulates that programmes prepared by municipalities on attaining the limit values for ambient air pollution levels and further reduction of the levels of pollution shall be open and made available to the public, while Article 9 thereof establishes that whenever an alert threshold is exceeded, municipalities, the Ministry of Environment or other authorities concerned shall inform the public thereof without delay and take measures to reduce the risk to human health and the environment. To provide appropriate conditions for making ambient air pollution reduction programmes under preparation available to the public and for public participation in decision-making, the Procedure for Public Information

and Participation in the Preparation of Plans and Programmes Relating to Ambient Air and Water Protection and Waste Management was approved by Order of the Minister of Environment No D1-381 of 26 July 2005 (Official Gazette *Valstybės Žinios*, 2005, No 102-3789). Also, to ensure that information on ambient air quality is made available to the public and authorities concerned that could take immediate measures to reduce the risk to human health and the environment in case an alert or information threshold has been exceeded, the Minister of Environment and the Minister of Health approved the Procedure for the Provision of Information to the Public and Authorities Concerned on the Levels of Ambient Air Pollution That Exceed Alert and Information Thresholds by Order D1-265/N-436 of 26 May 2005 (Official Gazette *Valstybės Žinios*, 2005, No 74-2688).

124. By Order of the MoE of the Republic of Lithuania No D1-363 of 2004 On the Amendment to Order of the Minister of Environment No 656 of 21 December 2002 On the Approval of the Regulations for the Preparation of Management Plans of National Parks, Biosphere Reservations and Conservation Areas, an amended version of the Regulations for the Preparation of Management Plans of National Parks, Biosphere Reservations and Conservation Areas was approved in accordance with the *Law on Land-Use Planning of the Republic of Lithuania*. These Regulations establish a procedure for the preparation of management plans (hereinafter “management plans”) of national parks, biosphere reservations and conservation areas, as well as the relations of participants in the planning procedure. Management plans are documents of special land-use planning that are prepared for landscape management zones of national parks, biosphere reservations and conservation areas and their regulations, for directions and measures of the protection and management of natural and cultural heritage area complexes and sites, as well as for establishing landscaping, recreation infrastructure building and other management measures. Management plans are prepared by certified professionals and legal persons if their statutes provide for the land-use planning activities. NGOs and natural and legal persons may participate in the procedure of preparation of management plans in accordance with the procedure prescribed by the Law on Land-Use Planning and relevant laws and regulations. The public also participates in the main stages of preparation of management plans: the preliminary stage that involves the establishment of the goals and objectives of planning, preparation and approval of the planning works programme, performance of the necessary research, publication of information on the decision taken with respect to the start of preparation of management plans and the planning goals, and the final stage that involves the discussion and agreement of the solutions, i.e. consultations or public hearings, agreement with authorities, settlement of disputes, checking, approval and registration with the land-use planning register.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

125. The public (natural and legal persons or groups thereof, associations and organisations) is provided opportunities to participate in the land-use planning procedure from the early stages: the public is informed about the start of preparation of land-use planning documents, has access to prepared land-use planning documents and may put forward proposals regarding the solutions. The organiser of planning and the developer analyse these proposals, take them into consideration or reject them and give written replies to the applicants. Information about the start of preparation of a land-use planning document, in accordance with the level of land-use planning, is published in the national or local press and on the website of the authority which organised the planning procedure.

126. In cases when the rights of the organizer of planning, under the established procedure, are assigned to a natural or legal person that bears the responsibility for public participation in the procedure of preparation of a detailed plan, the authorities involved in the agreement of the detailed plan and the Land-Use Planning and Construction Regulatory Authority which prepares the conclusion on the approval must check whether the public participation procedures have not been violated.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

127. One of the obstacles is the specification of compensatory measures with respect to property in the stage of planning and strategic environmental assessment. Recently, the public has raised more questions unrelated to EIA, environmental protection and public health, but related to property relations. The public often objects to the amount of compensation payments. There have been cases when the proposed activity was not carried out as there was no agreement reached on the amount of compensation payments. Occasionally, counter-planning has been commenced in the same territory.

128. In the preparation and EIA of plans and programmes in the early stage, a lack of data on specific solutions and likely impacts associated with risk assessment has been observed. Assessment of alternatives has been complicated.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

129. No information was provided under this heading

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

130. <http://www.am.lt> (see section on article 6), <http://www.vstt.lt>, the website of the State Service for Protected Areas publishes information on the land-use planning procedures under way. The website has up to 150 visitors daily.

XXIV. EFFORTS MADE TO PROMOTE EFFECTIVE PUBLIC PARTICIPATION DURING THE PREPARATION BY PUBLIC AUTHORITIES OF EXECUTIVE REGULATIONS AND OTHER GENERALLY APPLICABLE LEGALLY BINDING RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

131. Public participation in the preparation of legal instruments (including those in the field of environmental policy) in Lithuania is regulated according to the general provisions laid down in the *Law on Civil Legislative Initiative* which guarantees the right of the public to legislative initiatives. This right is also guaranteed in the *Law on Petitions* which allows applying to public authorities in requesting or proposing solutions to significant problems when they involve adopting, amending, supplementing or repealing an effective law. According to the *Law on Civil Legislative Initiative*, proposals regarding the preparation of a legal instrument may be made by all citizens, and the Statute of the Parliament (Articles 126, 143, 147, etc.) provides for the opportunity to submit draft laws for public debate. The Decision of the Parliament Board On Public Access to Draft Laws and Other Legal Instruments has established that *Informaciniai Pranešimai*, the supplement to the Official Gazette *Valstybės Žinios*, will publish those drafts laws and legal instruments which have been registered with the secretariat of the Parliament sessions. Article 7 of the *Law on Public Administration* also states that on issues relating to decisions of administrative regulation, which concern general legitimate community interests and affect a large section of the community, public administration institutions must consult the organisations representing the interests of an appropriate section of the public (associations, trade unions, public organisations, representatives of other NGOs) and, in cases provided for by the law, hold consultations with the public as well.

132. The Rules of Procedure of the MoE (approved by the MoE on 1 June 2006) also state that task forces may be set up by an order of the Minister for the preparation of draft laws and may include representatives of the MoE, other ministries, authorities under the MoE, the Government and other bodies and companies and organizations.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

133. No obstacles were encountered in the implementation of article 8.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

134. No information was provided under this heading.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

135. Website of the Parliament of the Republic of Lithuania, www.lrs.lt; website of the Ministry of Environment www.am.lt.

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

Article 9, paragraph 1

136. Chapter IV of the *Law on the Right to Receive Information from State and Municipal Authorities* regulates the review procedure for decisions of the authorities on access to information. Under the provisions of the Law, persons who requested information about the activities of the authority and did not receive it within the time limits laid down in the law or received inaccurate and partial information are entitled to appeal against the decision of the authority to the Commission for Administrative Disputes in accordance with the procedure prescribed by the *Law on Administrative Proceedings*, i.e. complaints of this nature are subject to the advance extrajudicial procedure of dispute settlement. If the applicant is not satisfied with the decision of the Commission for Administrative Disputes, he may appeal to the administrative court in accordance with the procedure laid down in the *Law on Administrative Proceedings*.

137. Section 13 of the Procedure states that a person who requests information from a public or municipal authority and thinks that the environmental information provided is not accurate or full, may request additional information from the authority. If the public or municipal authority fails to provide additional information within the prescribed time limit or gives a justified refusal to do so, the person is entitled to appeal against the actions of the authority according to the procedure prescribed by the law and other legal instruments, i.e. under the procedure stipulated in the *Law on Administrative Proceedings*, to the Commission for Administrative Disputes.

138. Section 17 of the Procedure also regulates the right of a person to appeal against the decision of an authority to refuse to give access to information which, according to the requirements of the law or on other justified grounds, may not be subject to disclosure (e.g. private information, a state or official secret, commercial secrets). The Commission for Administrative Disputes reviews applications from persons free of charge. The Commissions for Administrative Disputes review disputes related to access to information in accordance with the *Law on Commissions for Administrative Disputes*, and their decisions are binding on public administration bodies (article 15).

Article 9, paragraph 2

139. Persons, including representatives of the public who think that their rights have been violated, pursuant to article 11 of the *Law on Commissions for Administrative Disputes*, are entitled to apply to the Commission for the Administrative Disputes with respect to issues within the competence of the Commission. An identical provision is stipulated in article 5 of the Law on

Administrative Proceedings which regulates the right of each individual to apply to a court, in accordance with the procedure prescribed by the law, for protection of an infringed or disputed right or an interest protected by the law. The same provisions are also laid down in article 5 of the Code of Civil Procedure of the Republic of Lithuania.

Article 9, paragraph 3

140. Under the provisions of article 71 of the *Law on Administrative Proceedings*, the court at the justified request of the parties to the proceedings or at its own discretion may apply measures to secure the claim, i.e. prohibit performance of certain actions or suspend the validity of the disputed legal instrument. article 7(8) of the *Law on Environmental Protection* also states that individuals, public organizations, other legal and natural persons are entitled to file a complaint (application) in accordance with the procedure prescribed by the law of the Republic of Lithuania, demanding punishment for persons liable for hazardous impact on the environment, and for officials if their decisions or acts (omissions) violated the rights of individuals, public organizations, and other legal and natural persons or interests protected by the law.

Article 9, paragraph 4

141. The *Law on Public Administration* that is complied with by public and municipal authorities in reviewing requests and complaints of individuals, stipulates that the decision regarding the requests submitted must also specify the appeal procedure (article 8), informing the individual of his or her right to appeal against the decision that does not satisfy him or her.

Article 9, paragraph 5

142. Section 17 of the Procedure states that refusal to provide exempted information must include the reason of refusal and the explanation of an opportunity to appeal against the decision in accordance with the procedure prescribed by the law and other legal instruments.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

143. No obstacles were encountered in the implementation of article 9.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

144. Practice in this field is only in the development phase in Lithuania. The first legal proceedings are currently taking place.

**XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 9**

145. Draft laws and enacted laws are available on the home page and in the section “Legal Information” on the website of the MoE (www.am.lt), or on the website of the Parliament of the Republic of Lithuania (www.lrs.lt).

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION TO
THE PROTECTION OF THE RIGHT OF EVERY PERSON OF PRESENT AND
FUTURE GENERATIONS TO LIVE IN AN ENVIRONMENT ADEQUATE TO HIS OR
HER HEALTH AND WELL-BEING**

146. No information was provided under this heading.

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