

LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

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Aarhus Convention Compliance Committee Secretariat Environment, Housing and Land Management Division United Nations Economic Commission for Europe Bureau 332 Palais des Nations CH-1211 Geneva 10 Switzerland

DECISION III/6d OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION CONCERNING COMPLIANCE BY LITHUANIA WITH ITS OBLIGATIONS UNDER THE CONVENTION

Dear Sir/Madam

The Action Plan for the implementation of the decisions for Lithuania adopted at the third meeting of the parties to the Aarhus Convention was approved by Resolution No 979 of 26 August 2009 of the Government of the Republic of Lithuania (Official Gazette [Žin.], 2009, No 108-4542).

The following measures have been implemented:

- Measure No 2. The amendment to Resolution No 1175 of 22 October 1999 of the Government of the Republic of Lithuania approving the Specification of the Procedure for Provision of Environmental Information to the Public in the Republic of Lithuania (Žin., 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864). The term "authority" was revised to cover other natural or legal persons carrying out public administration functions whose decisions have or may have an environmental impact in accordance with the Aarhus Convention. Assistance to the public in gaining access to information was provided for.
- Measure No 3. The Law amending and supplementing Articles 1, 7, 8 and 9, title of Chapter II and Annex to the Law on Environmental Protection of the Republic of Lithuania (Žin., 1992, No 5-75; 2010, No 70-3472). The introduction of the concept of the public concerned in accordance with the Aarhus Convention and ensuring the proper transposition of the provisions of Article 9(1)(1) of the Aarhus Convention.
- Measure No 4. The amendment to Order No 80 of 27 February 2002 of the Minister of Environment approving the Rules for the Issue, Renewal and Revocation of Integrated Pollution Prevention and Control Permits (Žin., 2002, No 85-3684; 2005, No 103-3829; 2009, No 126-5457; 2010, No 13-634). The word "reasoned" was deleted enabling the public to make any comments and proposals, the deadline for submission of proposals and comments from the public was extended from 14 to 21 days. Regional environmental protection departments of the

Ministry of Environment were charged with the duty to ensure, within the scope of their competence, that the public has access to information of practical nature on entitlement to appeal against the decisions, action or omission related with the issue, renewal, correction or revocation of an integrated pollution prevention and control permit including public participation to the court or other competent authorities.

- Measure No 5. The definition of the public concerned was provided in the adopted amendments to the laws (Žin., 2009, No 159-7205; 2010, No 84-4404) amending the Law on Spatial Planning of the Republic of Lithuania (Žin., 1995, No 107-2391; 2004, Nr. 21-617). No definition of the term "decision" was given in the Law on Spatial Planning but Article 11(5) states that: "Master plans of a municipal area or its parts shall be prepared by the decision of the municipal council; paragraph 10 of this Article stipulates that: "an approved master (comprehensive) plan of a state or county shall enter into force the next day after the publication of the decision on the approval of the master plan by the relevant authority in the official gazette and publication of the entire spatial planning document on the website of the official gazette." In addition, Article 23(5) stipulates that the public must be informed of spatial planning decisions of the municipality. The provisions on the state supervision of spatial planning were revised; to provide more comprehensive information to the public it was laid down that the programme of the spatial planning document under preparation must be published. The Law on Spatial Planning does not regulate financing of special plans. We note that a new version of the draft Law on Spatial Planning prepared on the basis of the new approved Spatial Planning Conceptual Framework (Žin., 2010, No 47-2248) was submitted for comments to public authorities, public, science and business institutions and organisations. The new law will effectively amend and improve the control of the spatial planning process, public information and participation and will also simplify the procedure for preparation and adoption of spatial planning documents, will have a direct effect on reducing the administrative burden for businesses.
- Measure No 6. The amendments to Resolution No 1079 of 18 September 1996 of the Government of the Republic of Lithuania approving the Regulations for Public Information and Participation in the Spatial Planning Process (Žin., 1996, No 90-2099; 2007, No 33-1190; 2010, No 78-4010) (hereinafter the "Regulations"). The adopted amendments revised the requirements of the Regulations to ensure more comprehensive information of the public on the spatial planning document to be prepared, require the programme of planning work to be published, lay down the requirement for participation of the administration of the municipality in charge of the spatial planning concerned to ensure the publicity of spatial planning and inform the public of the decisions on spatial planning made by the administration of the municipality.
- Measure No 8. The amendment of the Specification of the Procedure for Public Information and Participation in the Process of the Environmental Impact Assessment of Planned Projects approved by Order No D1-370 of 15 July 2005 of the Minister of Environment (Žin., 2005, No 93-3472; 2010, No 89-4732). The word "reasoned" was deleted in order to entitle the public to make any comments and proposals. An additional duty has been imposed on the responsible authority to place information on its website about the adopted screening opinion on the environmental impact assessment (EIA) and the prepared EIA programme instead of just the received EIA report and decision adopted to either allow or not the planned project. The employer or EIA author will have to place notices in both local and national press regardless of the Annex (1 or 2) to the Law on Environmental Impact Assessment of Planned Projects in which the planned project is included.
- Measure No 9. The Law amending and supplementing Articles 1, 2, 4, 22, 24 and adding Article 24-1 to the Law on Protected Areas of the Republic of Lithuania (Žin., 1993, No 63-1188; 2001, No 108-3902; 2010, No 81-4229). The law corrects the shortcomings of transposition of the EU law into national law (adequate transposition of the provisions of the

Habitats Directive 92/43/EEC). However, Measure No 9 included in the Action Plan and related to the public participation in the preparation of regulations on the protection of protected areas has not been implemented as the Government adopted Resolution No 383 on 31 March 2010 which stipulates that such documents will no longer be used. By the resolution concerned, the Government presented its conclusions on three draft laws amending the Law on Protected Areas registered in the Parliament (No XP-3451, No XIP-934 and No XIP-965) and drew attention of the Parliament of the Republic of Lithuania in paragraph 1.2.1 to the problems arising out of the excessive number of documents regulating the activities in protected areas. The Government proposed to reduce their number and abandon not only individual protection regulations of protected areas and temporary regulations but also regional architectural regulations. In the Resolution, the Government also put forward specific proposals on how to make the regulation of activities in protected areas clearer and more consistent by abandoning the above-mentioned documents.

- Measure No 10. On 24 November 2010, the Government of the Republic of Lithuania approved the draft law amending and supplementing Articles 2, 8, 10, 32, 37, 38 and 39, title of Section Eleven and adding Article 38¹ to the Law on Construction of the Republic of Lithuania. This draft law is aimed at ensuring proper public information and participation in the preparation of designs of buildings important for the public. In accordance with the Action Plan for the implementation of the provisions of the Aarhus Convention, Article 32 of the Law on Construction was amended imposing a duty on the director of administration of the municipality or his authorised public servant to inform the public of the start of design procedures for buildings important for the public.
- Measure No 11. Construction technical regulation STR 1.05.06:2010 "Building Design" was supplemented with the provision that the employer must inform the public of the start of the design procedures for the building before the start of the design procedures of the building important for the public or building which does not require a detailed plan under Article 22(3)(3) of the Law on Spatial Planning specified in Annex 4 "List of Buildings Important for the Public" to STR 1.05.06:2010. This requirement applies for the preparation of the construction design of a new building or reconstruction design of a building.

Construction technical regulation STR 1.07.01:2002 "Building Permit" is not related to public information. Therefore, the provision that the Standing Building Commission must during the inspection of the building design check for compliance with construction technical regulation STR 1.05.06:2010 "Building Design" which regulates public information on the start of the design procedure for of the building important for the public or building which does not require a detailed plan under Article 22(3)(3) of the Law on Spatial Planning was added by Order No D1-656 of 27 July 2010 of the Minister of Environment to the Sample Regulations of the Standing Building Commission approved by Order No D1-696 of 28 December 2004 of the Minister of Environment of the Republic of Lithuania. Please note that after the entry into force of the law amending and supplementing Articles 1, 2, 3, 5, 6, 12, 16, 20, 21, 23, 24, 27, 28, 33, 35, 40, 42, 45, amending the title of Section Six, revoking Article 23¹ and adding Article 28¹, Section Fourteen and Annex 1 to the Law on Construction of the Republic of Lithuania (Žin., 2010, No 84-4401) on 1 October 2010, the procedure for the issue of building permitting documents changed substantially and the Sample Regulations of the Standing Building Commission are no longer applicable.

• Measure No 13. The amendment of Order No ĮV-150 of 15 April 2005 of the Minister of Culture of the Republic of Lithuania approving the Specification of Evaluation and Selection Criteria for Immovable Cultural Properties (Žin., 2005, No 52-1756; 2009, No 115-4900). The provision was added specifying that cultural heritage properties and sites which do not correspond to the established age limit are evaluated if they are significant for historical consciousness and identity of local communities.

The following measures are being implemented:

- Measure No 1. The draft law amending and supplementing Articles 2, 4, 6 and 12 of the Law on Access to Information from State and Municipal Authorities and Institutions of the Republic of Lithuania has been prepared. It provides for the assistance to the public in using the opportunity to get access to information and defines the term "publicly available information" (submitted for discussion to the Parliament).
- Measure No 7. The draft law amending and supplementing Articles 2, 3, 5, 6, 7, 8, 9, 10, 12, 15 and Annexes 1, 2, 3 to the Law on Environmental Impact Assessment of Planned Projects of the Republic of Lithuania (Žin., 1996, No 82-1965; 2005, No 84-3105). The word "reasoned" was deleted in order to enable the public to submit any comments and proposals, the concept of the public concerned was revised and the right of the public to apply to courts on environmental issues was stipulated (submitted for discussion to the Parliament).
- Measure No 12. In the course of implementation of this measure, the draft law amending and supplementing Articles 2, 3, 4, 5, 6, 8, 9, 10, 11, 16, 19, 21, 22, 23, 27, 29 of the Law on the Protection of Immovable Cultural Heritage of the Republic of Lithuania (hereinafter the "Draft Law") which was submitted for discussion and evaluation to the National Cultural Heritage Commission by Letter No S2-2704 of 21 October 2010 by the Ministry of Culture taking account of Letter No V11-361(6.3) of 11 October 2010 of the National Cultural Heritage Commission concerning the agenda of the meeting of representatives of the ministries on 12 October 2010 by which the National Cultural Heritage Commission expressed a desire that the Draft Law, as revised according to the comments and proposals put forward by the authorities involved, was approved by the National Cultural Heritage Commission. The Draft Law has been drawn up in order to address the problems arising during the implementation of the Law on the Protection of Immovable Cultural Heritage of the Republic of Lithuania (Žin., 1995, No 3-37; 2004, No 153-5571) (hereinafter the "LPICH"), to implement Article 2(2) of Resolution No XI-257 of 12 May 2009 of the Parliament of the Republic of Lithuania (hereinafter the "Parliament") concerning the 2008 Annual Report of the National Cultural Heritage Commission (Žin., 2009, No 57-2233), Article 3(1) of Resolution No XI-753 of 13 April 2010 of the Parliament concerning the 2009 Annual Report of the National Cultural Heritage Commission (Žin., 2010, No 46-2203), recommendations made in Report on Cultural Heritage Conservation Activity No VA-P-50-2-2 of 19 February 2010 of the National Audit Office and paragraph 12 of the Action Plan for the implementation of the decisions for Lithuania adopted at the third meeting of the parties to the Aarhus Convention was approved by Resolution No 979 of 26 August 2009 of the Government of the Republic of Lithuania (Žin., 2009, No 108-4542).

Faithfully yours,

Robertas Klovas
Chancellor of the Ministry

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