



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

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

Dear Ms. Aphrodite Smagadi,

Please find the answers to questions on decision III/6d adopted by the Meeting of the Parties to the Aarhus Convention at its third session on 13 June 2008 in Riga, Latvia, concerning compliance by Lithuania submitted in your letter (11 January 2011).

a) Both the developer and the public authority (which coordinates EIA procedure) have duty to give public notice about the environmental impact assessment (EIA).

Procedure Guide for Informing the Public and Public Participation in the Process of Environmental Impact Assessment of Proposed Economic Activities approved by Order No D1-370 of the Minister of Environment of the Republic of Lithuania dated 15 July 2005 (**last amendment: Official Gazette Valstybės Žinios, 2010, No. 89-4732**).

Clause 8 of the Procedure Guide:

“8. The Developer or the preparer of the EIA documents and competent authority shall inform the public of:

8.1. the screening conclusion, whether or not environmental impact assessment is obligatory for those types of proposed economic activities that are included in the List of Proposed Economic Activities that Shall Be Subject to the Screening for Environmental Impact Assessment, or if on the request of the participants in the environmental impact assessment process the competent authority so decides, also for those types of proposed economic activities that are not included in the List of Proposed Economic Activities that Shall Be Subject to Environmental Impact Assessment and the list referred to in this Clause;

8.2. the prepared EIA programme for proposed economic activities;

8.3. in other cases provided for in this Procedure Guide.”

Clause 14 of the Procedure Guide:

14. Before submitting the prepared EIA programme referred to in Clause 8.2 above to the relevant parties of EIA for examination, the Developer or the preparer of the EIA documents shall inform the public about the EIA programme through the media referred to in Clause 18

and in writing (electronic mail) the competent authority by providing the following information:

- 14.1. name, address, telephone and fax of the Developer of the proposed economic activity;
- 14.2. name, address, telephone and fax of the preparer of the EIA documents of the proposed economic activity;
- 14.3. type of the proposed economic activity;
- 14.4. location of the proposed economic activity (county, city, district, neighbourhood, village and street);
- 14.5. relevant parties of EIA that will examine the EIA documents and provide conclusions within the limits of their competence; and the competent authority that will take a decision on the admissibility or inadmissibility of implementing the proposed economic activity at the selected location;
- 14.6. where, when and until when the EIA programme for the proposed economic activity is available for public inspection (address and period of time; the recommended period of time for giving access to the EIA programme is 10 working days);
- 14.7. information that proposals shall be submitted to the Developer or the preparer of the EIA documents (by stating the address and contact persons), while copies of the proposals may be additionally submitted to the relevant parties of EIA within their competences and the competent authority.

Clause 18 of the Procedure Guide:

„18. The Developer or the preparer of the EIA documents shall publicise the information specified in Clauses 9, 12 and 14 as follows:

- 18.1. in the press of the city(ies) or district(s) where the proposed activity is to be implemented and in the national press, and if possible, announced on the radio and television, and posted on the Developer's website;
- 18.2. on the announcement board of the municipality (neighbourhood) where the proposed activity is to be implemented **with the information mark of the municipality (neighbourhood) identifying the fact and date of the receipt;**
- 18.3. representatives of the public concerned having submitted proposals shall be notified in writing (by registered mail).”

Clause 18¹

„18¹. **Competent authority in Clauses 14.1–14.7 specified information, received from the developer or the preparer of the EIA documents, shall post on its website.**”

b) During the scoping phase the time frame to comment on the scoping document (EIA program) in the legislation is not set up. The public has right to comment during the whole scoping procedure. In the legislation it is only stated that comments on the EIA program received by the competent authority from the public concerned after the approval of EIA program are submitted to the developer by informing the members of the public concerned (Clause 17 of the Order of investigating the environmental Impact Assessment Documents at the ministry of environment and Subordinate Institutions approved by Order No D1-311 of the Minister of Environment of the Republic of Lithuania dated 23 June 2006 (**last amendment: Official Gazette Valstybės Žinios, 2010, No. 89-4731**). The duration of the EIA scoping procedure is **minimum 30 working days** (the preparation of amendments of the scoping document if they are required by the participants of the EIA procedure is not included).

The public has right to comment on the EIA report at **least 20 working days** (10 working days before the public presentation and 10 days after it).

Procedure Guide for Informing the Public and Public Participation in the Process of Environmental Impact Assessment of Proposed Economic Activities approved by Order No D1-370 of the Minister of Environment of the Republic of Lithuania dated 15 July 2005 (**last amendment: Official Gazette Valstybės Žinios, 2010, No. 89-4732**):

Clause 21

„21. The Developer or the preparer of the EIA documents having compiled the EIA report for the proposed economic activity shall not later than 10 working days before the public presentation referred to in Clause 21.3 hereof announce through the media specified respectively in Clause 18.1 and 18.2 above the following information: ...

21.4. to whom (by specifying the address of the Developer or the preparer of the EIA documents) and in what manner proposals relating to the EIA report for the proposed economic activity may be submitted prior to public presentation (e.g. in writing, by e-mail, etc.).”

Clause 31

“31. The public concerned shall have the right to submit motivated proposals relating to environmental impact assessment to the Developer or the preparer of the EIA documents within 10 working days from public presentation of the EIA report. The developer or the preparer of the EIA documents must ensure access to the EIA report specified in Clause 22”.

Moreover, the public has also 10 working days to comment on EIA report in the later stage of the EIA procedure:

Clause 36

“On receipt of the EIA report, conclusions of the relevant parties of EIA regarding the report and the admissibility or inadmissibility of implementing the proposed economic activity, also the reasoned evaluation of proposals received from the public concerned, the competent authority shall immediately post a notice on its website. The notice shall contain the following information:

36.1. information specified in Clauses 14.1 to 14.4 of the Procedure Guide;

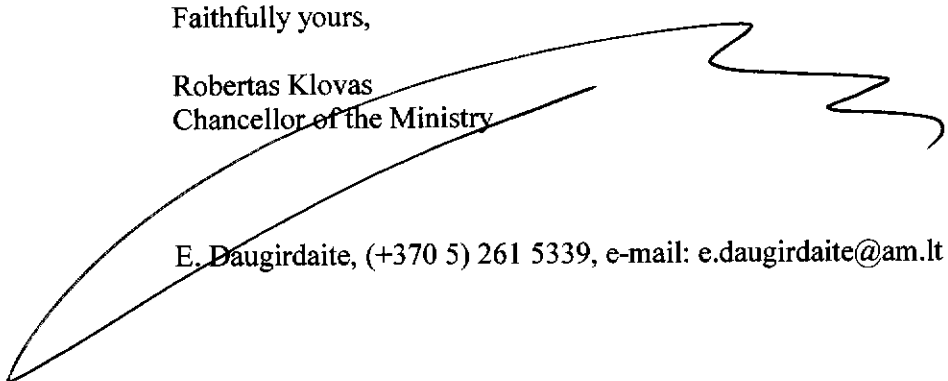
36.2. the deadline for submission by the public concerned of proposals relating to the environmental impact assessment of the proposed economic activity to the competent authority and the relevant parties of EIA within their competencies. The deadline for application shall be 10 working days from the date of publication of the notice.”

According to the Article 9.7 of the Law of the Republic of Lithuania on the Assessment of the Impact of Proposed Economic Activities on the Environment 21 June 2005 No. X-258 (last amendment Official Gazette, 2010, No. 54-2647): “The competent authority may demand that a public awareness campaign aimed at informing the public with the report is repeatedly organised if the report has been substantially amended, corrected or supplemented after its first campaign (e. g. new locations, alternative technologies, impact mitigating measures etc. are proposed) as a result of grounded conclusions of the relevant parties of environmental impact assessment and grounded requests for amendments/supplements to the report made by the competent authority”. **In this case the public will have additional 20 working days to comment on the EIA report.**

Moreover, according to the Article 9.8 of the mentioned Law: “Any participant in the environmental impact assessment process may, **during the procedures of environmental impact assessment until adoption of the decision by the competent authority, may approach the competent authority and the relevant parties of environmental impact assessment on issues falling within the scope of their competence**, by informing them in writing about possible violations in the determination, description and evaluation of potential impact of a proposed economic activity upon the environment or in the carrying out of the environmental impact assessment procedures”.

Faithfully yours,

Robertas Klovas
Chancellor of the Ministry



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