

The following report is submitted on behalf of the Republic of Lithuania in accordance with decision I/8

Name of officer responsible for submitting the national report:	Mr. Romas Jankauskas Director of Public Information and Public Relations Department of the Ministry of Environment of the Republic of Lithuania
Signature:	
Date:	2005-01-20

AARHUS CONVENTION IMPLEMENTATION REPORT

Party	
National Focal Point	
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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Material supplied by the specialists of the Lithuanian Ministry of Environment (MoE) and its subordinate institution Environmental Protection Agency responsible for the implementation of the Convention has been used as a basis for the preparation of the report. National legal acts, international agreements, information given in the websites or otherwise provided by the state and municipal institutions have been also applied.

The draft report was presented for the public consideration from 7 to 31 December 2004 by putting it into the website of the MoE (under the heading of "Public Relations"). MoE announced the possibility to comment on this issue also announced on the title page of the website. On 3 January 2005 MoE received a letter signed by representatives of five environmental non-governmental organizations (NGOs), i.e. Regional Environmental Center for Central and Eastern Europe (REC – Lithuania), Environmental Centre for Administration and Technology (ECAT-Lithuania), Baltic Environmental Forum (BEF – Lithuania), community „Atgaja“ and Lithuanian Entomological Society. This letter was valuable not only for the preparation of this report but several proposals received from the representatives of NGOs are also useful for further cooperation between the Ministry and NGOs in order to implement effectively the Convention in Lithuania. Comments and suggestions expressed in the letter have been taken into account and used in the preparation of the final version of the report.

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

During the preparation of the report, Government Resolution No. 1175 On the Procedure for Public Access to the Environmental Information in the Republic of Lithuania adopted in 1999 was being revised in order to implement the EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC. With a view to regulating public access to environmental information more clearly, a concept of “public” and the list of disseminated information will be introduced, the use of public telecommunication networks will be stressed in a new wording of the Government Resolution. This legal act is one of the major documents regulating the procedure of public access to information.

The Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania is also being revised currently according to the provisions of the EU Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of drawing up certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Directives 85/337/EEC and 96/61/EC.

Article 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2,3,4,7 and 8 of article 3.

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.

(a) According to the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions, the representative for information must provide full assistance to individuals and provide guidance in exercising their rights. The procedure for servicing individuals is also regulated by the Government Resolution No 1491 On Approval of the Standard Order on Service for Citizens and other Persons in Public Administration and other Institutions. According to the provisions of the Government Resolution No. 1175 On the Procedure for Public Access to the Environmental Information in the Republic of Lithuania ("the Procedure"), public authorities must appoint a unit or an employee responsible for access to information.

In specific areas of the environmental policy, public information and participation is regulated by specialised legislation. The Regulation On Public Hearings on Territorial Planning Documentation Projects was approved by the Government Resolution No 1079 in 1996. In 2004 the above mentioned Regulation was changed by the Regulations for Public Participation in the Territorial Planning Process approved by the Government Resolution No 904. These Regulations are mandatory for the state and municipal institutions and bodies, legal and natural persons involved in the drawing up of the territorial planning documentation. They regulate the procedure for public participation in the territorial planning process and define the procedures ensuring the publicity of preparation of comprehensive, special and detailed territorial planning documentation.

(b) Publicity of information has been identified as one of the principles of the environmental protection policy in the Lithuanian Environmental Protection Strategy (1996). In 1998, the Strategy for Environmental Education of the Public and the action plan were approved (the latter is currently being updated) aiming, inter alia, to increase public awareness in the field of the environmental protection and promote public participation in the political, economic and social decision-making process. In 2004, the order of the Minister of Environment approved the Programme for Information about the Environment and Promotion of Environmental Education for Lithuanian Public and the Action Plan 2004-2006. The plan provided for: measures for public awareness and ecological education: ecological actions by NGOs, administrations of municipalities and counties, information campaigns, educational media projects, popular publishing as well as capacity improvement of the MoE in the field of public information, i.e. the activities of the information centre which will be engaged in publishing, campaigns and other "green" public awareness measures. With a view to facilitating provision of full and actual environmental information, it is intended to develop an environmental website and to develop the information system for electronic provision of public services in the environmental sector to the public.

(c) The activities and setting up of associations and other public organisations are regulated by the Law on Associations. Art. 7 of the Law on Environmental Protection defines the rights of individuals, public organisations, other legal and natural persons consistent with all the rights described in the Convention. Co-operation with environmental NGOs is also provided for in a number of legal acts regulating the environmental protection, construction, special planning and other areas of activity, plans and strategies of the MoE including the Lithuanian Environmental Strategy, the Strategy for Public Environmental Education and the Action Programme, Programme for Promotion of Environmental Education and other documents of state and municipal institutions. The funds to the environmental education and information of the public are usually allocated from the Environmental Protection Support Programme. The MoE co-operates with the NGOs. Representatives of environmental NGOs sit on the Panel of the MoE as equals with the 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 the reports and presentations of heads of subordinate institutions, etc. The Advisory Council of the MoE is another body acting in the advisory capacity. The Council is comprised of representatives of the research and educational institutions and NGOs who work with the key issues on the use of natural resources, territorial planning, construction and other issues within the competence of the MoE. The Council reviews strategies, action programmes, drafts of major legal acts, in particular those which may relate to public interests. The Council provides guidelines to the Minister on decisions to be adopted. Projects of NGOs may also be funded from the special municipal support programmes for the environmental protection defined in the Law No IX-1607 On the Special Programme for Municipal Support to the Environmental Protection. The law defines the sources of funding for the programme and the procedure of their use. The sources for funding of both the general and special municipal programmes are the taxes on air pollution, a certain percentage of the fee paid by the users of hunting areas for use of game resources, voluntary contributions and other legally obtained funds. Pursuant to Order No. 533 of the Minister of Environment of 2003 On Approval of the Form of Report on Implementation of Measures under Special Programme for Municipal Support to the Environmental Protection, Completion Instruction and the List on Environmental Measures, each municipality has to report on the use of these funds.

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

(e) The Constitution of the Republic of Lithuania states that an individual is entitled to his/her own beliefs and has freedom of expression. An individual may not be prevented from seeking, receiving and disseminating information and ideas. Freedom of expression and information may not be restricted in any way except by the law if it is necessary to protect human health, honour and dignity, private life and morality or to protect the constitutional system. Freedom of expression and information is inconsistent with criminal acts such as instigation of ethnic, racial, religious or social hatred, violence and discrimination, slander and disinformation.

In Lithuania, the Aarhus Convention was ratified in 2001 by the Law No IX-449 On Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Zin., 2001, No 73-2565).

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

The requirements of the provisions of the laws and other legal acts are being implemented. However, efficient application of these provisions remains a target requiring considerable input of time, human, financial and other resources.

In their response, representatives of NGOs put forward several rational proposals on updating environmental education strategy and action programme (e.g., drawing up the funding programme, public reporting on the implementation of this strategy and action programme). They also suggest drawing up and approving the regulation on involvement of NGOs and their co-operation with the MoE. The NGOs also have some difficulties with the criteria applicable to the applications to be submitted for implementation of the environmental education programme financed by the Structural Funds.

Provide further information on the practical application of the general provisions of the Convention.

(a) Assistance to individuals wishing to exercise their rights is, first of all, provided by contacting the representative for information of the authority (for instance, the Public Information Division is acting 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, people are advised by specialists of relevant area. For instance, the monthly schedule of appointments with the MoE specialists is published on the website of the Ministry and the representative for information publishes contact information of the Ministry on the website, provides it to all news agencies by phone and includes in the information publications. The functions of environmental information centres are locally carried out by the regional environmental protection departments (REPDs) and agencies of cities and regions in the immediate proximity to the residents of each territorial unit. They also directly provide different information by phone, e-mail, direct consultations or in writing. The bulletin boards or websites of a number of authorities indicate the procedure for service provision and contact numbers.

For instance, the website of the Municipality of Vilnius contains the toll-free phone number for information on the environmental issues. Websites of some authorities indicate which specialist should be contacted for particular information, while others have a separate section with the list of information with relevant links.

(b) Environmental information is provided to the public not only by the representative for information of the authority or the press office. Provision of information is also initiated through the environmental education projects and the media. The MoE publishes annual reviews of the state of the environment and information publications, handouts, posters. Thematic actions and information campaigns according to the approved priorities are being carried out. Environmental information is disseminated via the Internet, press, conferences, seminars and other information channels. Promotion of awareness is directed towards the aspects of behaviour in the immediate environment. The MoE and subordinate institutions also take part in educational projects of other organisations or institutions (e.g., environmental schools, "Green Key", etc.). In 2003, 41 measures of public information and ecological education were implemented using the funds of the Environmental Protection Support Programme. The website of the Ministry provides information on the activities of the units of the Ministry and contains relevant reports.

In 2004, the Minister of Environment A. Kundrotas signed the agreements on the co-operation with the MoE 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 field of the state of the environment and environmental protection, promoting greater role 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 were co-operating before but this agreement will serve as a legal basis for further co-operation.

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

(c) The MoE and its subordinate institutions are active in co-operating with the environmental NGOs, implementing joint projects and providing methodological and other assistance. In 2003, the Public Information Division of the MoE was involved 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 the Environmental Information and Promotion of Environmental Education for 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 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. Public authorities, administrations of municipalities and counties as well as the NGOs will be able to submit applications for funding under the measures for information of the public and ecological education provided for in the action plan of this programme.

Municipal administrations not only involve the environmental NGOs into their projects (e.g., Environmental Education Programme for Alytus Town 2004) but also participate in the projects organised or coordinated by the NGOs. For instance, in 2004 the Municipality of Alytus Town took part in the ecological education project Education on Wheels: the European Union and Environmental Issues organised by the public institution Environmental Centre for Administration and Technology (ECAT-Lithuania) and financed by the PHARE Access Programme for Central and Eastern Europe. The municipalities of Šiauliai and Panevėžys took part in the international project The Eco-management and Audit Scheme (EMAS) Peer Review for Cities which took place in 2002–2004 and was funded by the European Commission and co-ordinated by the Commission on Environment of the Union of Baltic Cities. ECAT-Lithuania administered the project activity in Lithuania.

Give relevant web site addresses, if available:

Addresses of the websites of the Ministry's subordinate institutions as well as NGOs can be found in the website of the MoE, www.am.lt.

Addresses of the websites of municipalities can be found in the website of Lithuanian Municipalities Association, www.lsa.lt.

Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person may have access to information without having to state an interest;

(ii) Copies of the actual documentation containing or comprising the requested information are supplied;

(iii) The information is supplied in the form requested;

(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

(c) With respect to **paragraphs 3 and 4**, measures taken to:

(i) Provide for exemptions from requests;

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

(d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

On definitions. “Public authorities“. *Item 2 of the Procedure says that this procedure is applied to public administration and other public authorities, local government authorities and budget and public institutions set up by the municipalities which create or possess the environmental information according to the procedure laid down in the laws and other legal acts in exercising their direct functions, specific obligations or powers financed from national and municipal budgets and funds, except for the President of the Republic, the Seimas of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania, other courts, the institution of ombudsmen of the Seimas of the Republic of Lithuania, the National Audit Office, the Bank of Lithuania, the National Security Department and the prosecution offices.*

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 abovementioned Procedure.

So far, the term “applicant” used in the Procedure was basically consistent with the term “the public” in the documents regulating the access to information. The applicant is one or more natural persons, legal persons or companies without legal personality. It is intended to introduce the term “the public” (replacing the term “applicant”) in the new wording of the Procedure which will be identical to the term used in the Convention.

On Art.3(9). *) According to Item 9 of the Procedure, access to information is given to the applicants irrespective of their citizenship, nationality and place of residence (if the applicant is a legal person or an enterprise without legal personality, irrespective of the place of registration or main business location) and without stating the interest in such information*

(a)(i) *According to Item 9 of the Procedure, access to information is given to the applicants without stating the interest in such information.*

(ii) *According to Art. 11(2) of the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions, when the applicant requests an official document, he must be given access to the original copy of the document. If it is not possible, the copy of the document or the extract therefrom must be prepared. The applicant covers the costs of reproduction of documents according to the procedure prescribed by the Government.*

(iii) *According to Items 10 and 11 of the Procedure, information is made available to the applicant in the form he desires. If the applicant does not state how the information should be made available or if technical reasons prevent from providing information in the desired form or 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 will be made available in the form chosen by the public authority (by stating relevant reasons).*

(b) According to Chapter V of the Procedure, public authorities must reply to the request as soon as possible but not later than within a month after the date of receipt of the request. If no additional material or verification is necessary to prepare the reply, public authorities must reply to the applicant within 15 working days after the date of receipt of the request.

If the public authority is unable to reply to the applicant within a month due to the extent and complex nature of the requested information, the head of the authority may postpone the deadline for the reply but not for more than 2 months after the date of receipt of the request. The applicant must be notified in each case, irrespective of the decision on postponement of the deadline; the reason for postponement must be stated as well.

(c)(i) Chapter IV of the Procedure contains the list of cases when public authorities may not provide the environmental information. This list is almost equivalent to the list given in the Convention. A request for environmental information may be refused by public authorities 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 legal acts; 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, preparation or which are not yet processed; the request is anonymous; the applicant refuses to pay for the services of information provision.

Item 16 of the Procedure states that public authorities may also refuse to make environmental information available if it would constitute a violation of the laws related to the following: the state secret and protection thereof; commercial and industrial secret and protection thereof; the materials of interrogation, preliminary investigation or disciplinary cases, the case heard or ruled on in a closed court hearing; legal protection of personal data, confidentiality of personal health state and protection of private life; requirements for conservation of protected species and community sites.

Confidentiality of commercial and industrial information is regulated by the Law on Competition which contains the definition of the commercial secret. The Regulations for Issue, Renewal and Withdrawal of Permits for Integrated Pollution Prevention and Control (IPPC), which were approved by Order No. 80 of the Minister of Environment in 2002, define which information (commercial secret) may not be disclosed to the public.

(ii) Art. 13(2) of the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions that it is necessary to make sure that in all cases of refusal of information such actions are necessary in a democratic society and, in order to protect the interests of non-disclosure of information, more important than the applicant's access to information. Item 18 of the Procedure also notes that it is necessary to ensure the publicity of information related to the emissions or mitigation of the hazardous effects of pollution on human health and the environment.

(d) According to Item 12 of the Procedure, if the written request is received by the authority which does not have the requested information and is not obliged to have it according to its competence, it must forward the request to the competent authority within 5 working days after the date of receipt of the request and notify the applicant thereof; if the public authority is orally requested information not held by the authority, it must indicate the competent authority which should be contacted by the applicant.

(e) According to Item 18 of the Procedure, if information may be separated out from the exempted information, the public authority must make available the relevant part of the requested information without prejudice to the requirements of confidentiality of the exempted information and giving a notice thereof to the applicant (particularly in cases when it is necessary to ensure the publicity of information related to the emissions or mitigation of the hazardous effects of pollution on human health and the environment).

(f) According to Item 17 of the Procedure, the applicant must be notified of refusal of access to information related to the exemptions within 15 working days after the date of receipt of the request; it is also necessary to indicate the reasons of refusal and the explanation of the possibility

to appeal against the decision according to the procedure laid down in the laws and other legal acts.

(g) Art. 6(6) of the Law No I-1418 On Public Access to Information in the Republic of Lithuania, Items 11 and 12 of the Gov. Res. No 1391 On Approval of the Procedure for Registration of Official Information of Public Authorities and Other Budget Organisations and Provision Thereof to the Public or Providers of Public Information and Item 23 of the Procedure state that all information created by the authorities in exercising their direct functions, specific obligations or powers funded from the national and municipal budgets and funds of the Republic of Lithuania must be free of charge. The applicant must only pay for the services related to provision of the environmental information such as copying, publishing, etc. According to Art. 11(2) of the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions, the applicant must cover the costs of reproduction of documents according to the procedure laid down by the Government. According to Item 24 of the Procedure, the applicant must pay for the services of provision of the environmental information such as copying, publishing, etc. The Gov. Res. No 1039 On Approval of the Procedure for Payment for Reproduction of Documents prescribes the procedure for the payment for reproduction which is consistent with the provisions of the Convention.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Provisions of approved legislation are being implemented.

Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Most of the requests are received by the Public Information Division of the MoE (which is the representative for information in the Ministry) by phone or direct contact with the applicant in the Ministry. The Public Information Division makes information available to the applicants if it has it and, if necessary, directs them to the specialists or a competent authority. Written applications are registered together with all other applications and complaints of other authorities, NGOs and individuals. Therefore, we have no separate statistics. However, information is available on requests sent to the general e-mail of the Ministry administered by the representative for information. In 2003, 393 requests were made by e-mail, of which 183 were replied to, after consulting with the specialists, by the staff of the Public Information Division and 206 were replied to by other specialists of the MoE. The requests can be broken down according to topics: 117 were related to the quality of the environment, 94 were related to the construction or housing issues, 21 were related to protection of nature and other were related to the protected areas, forests, etc.

Give relevant web site addresses, if available:

Addresses of the websites of the Ministry's subordinate institutions as well as NGOs can be found in the website of the MoE, www.am.lt.

Addresses of the websites of municipalities can be found in the website of the Association of Municipal Authorities in Lithuania, www.lsa.lt.

Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

- (i) Public authorities possess and update environmental information;
- (ii) There is an adequate flow of information to public authorities;
- (iii) In emergencies, appropriate information is disseminated immediately and without delay;

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

(e) Measures taken to disseminate the information referred to in **paragraph 5**;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

For definitions and Art. 3(9) look to Art.4.

(a) The duty of public, administrative and control authorities (according to competence) to collect and disseminate the environmental information is laid down in the Law on Environmental Protection. Art. 8 states that these authorities must monitor the changes in the environmental quality and inform the public, set ecologically based norms and standards for environmental quality which can be achieved by technological means; publicly announce projects of economic activities which are likely to have a hazardous impact on the environment. The comprehensive list of information to be collected, disseminated and updated will be included into the latest wording of the Procedure. So far, information which should be disseminated has been provided for in a number of legal acts related to different areas: Order No. 408 of the Minister of Environment adopted in 1999 On Approval of the Procedure for Accounting of Emissions, Order No. 217 of the Minister of Environment adopted in 1999 On Approval of the Waste Management Regulations.

The Law on Environmental Monitoring defines the organisation of the environmental monitoring consisting of the environmental monitoring carried out by the state, municipalities and economic operators. Pursuant to the provisions of the Law and the Regulations for State Environmental Monitoring approved by the Order No. 160 of the Minister of Environment in 2002, the State Environmental Monitoring Programme is being developed under which a number of different public authorities and research institutions are collecting data and information throughout Lithuania on the state of different environmental elements, analyse this information and submit data to relevant public authorities.

According to the General Regulations for Municipal Environmental Monitoring approved by Order No. D1-436 of the Minister of Environment in 2004, municipal authorities organise and carry out the environmental monitoring and collect data within the limits of their territories. Specific procedures for the environmental monitoring carried out by the municipalities (monitoring sites, facilities, parameters, intervals, monitoring methods, etc.) are laid down in the municipal environmental monitoring programmes drawn up by the municipal authorities or their authorised institutions and approved according to the procedure laid down in the legal acts.

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

Thus the existing legal basis enables public authorities to regularly collect, disseminate and update the environmental information.

Dissemination of information in cases of special economic situations is regulated by the Law on Civil Protection. Order No. 248 of the Minister of Environment adopted in 2003 On Management of Actions and Counter-measures in Cases of Special Ecological and Other Extreme Situations and Accidents must also be complied with. In case of a special ecological situation, a brief report on the ecological situation and its environmental impact is drawn up. Important and operative information is published on the websites of the MoE and the Environmental Protection Agency (EPA).

(b) *The manner, extent and main terms of accessibility of information are regulated by the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions and the Government Resolution No 1491 On Approval of the Standard Order on Service for Citizens and other Persons in Public Administration and other Institutions. The public must have access to the procedures adopted for the provision of information. As it was mentioned before, in order to facilitate the accessibility of information, the authorities have set up the services of representative for information, i.e. a unit or an employee responsible for information. According to the Procedure, the authorities must specify the directory of available environmental information, the form of recording information, the time limits for making information available to the applicant, the fees for services, the procedure of payment and other requirements.*

Each authority which possesses the environmental information or the website of the MoE has the directory of the environmental information listing the nature of information, the name of the authority and the available form of the environmental information.

According to the Procedure, the environmental information must be easily accessible through public telecommunication networks (if such information is in the electronic media and the necessary hardware is available). Information may also reach the people concerned by phone, e-mail, direct consultation or in writing. The Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions also provides for the possibility to have access to the original copy of the document, where applicable.

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

(c) *With a view of increasing the volume and accessibility of information using the latest technologies and the Internet, in 1999 the Government Resolution No 118 On Publication of Draft Laws and Other Secondary Legislation on the Internet was approved. In 2003, the Government adopted the resolution On Approval of General Requirements for Websites of Public Authorities. The resolution is aimed at facilitating the public access to all public information about the functions of public authorities via the Internet to ensure regular updating, efficiency, importance and reliability of information. The resolution also states that information must be systemised and updated regularly, depending on the intervals between changes.*

According to the Procedure, state and municipal authorities must ensure that the 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). The new wording of this Procedure will have greater emphasis on provision of information through the telecommunications networks. This condition is realistic since most public authorities have their own websites.

This year the websites of institutions subordinate to the Ministry will be joined into a single network. Until now, regional environmental protection departments (REPDs) still have no own websites (except one in Šiauliai). On the other hand, the availability of separate websites does not mean that information is accessible more effectively. General information of REPDs is published on the website of their central authority, i.e. the State Environmental Protection Inspectorate.

Although all municipalities in Lithuania have their own websites, the volume of the environmental information available varies considerably. Usually, information which must be published according to the legal acts is available, for instance, the territorial planning information. However, the directory of the environmental information, environmental monitoring data, reports on the state of the environment, biological diversity information, etc. is also available in the electronic form. This situation relies on a variety of factors such as the number of environmental specialists in public authorities, available funds, etc.

(d) Every year, the MoE prepares the publication on the state of the environment in Lithuania (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.

The digital version of the publication (in Lithuanian and English) is also available and can be found on the website of the MoE.

(e) The information referred to in Art. 5 of the Convention is disseminated using the means mentioned in paragraph (c) above. Information specified in the list can be found on the websites of the MoE, its subordinate institutions and the Seimas of Lithuania. According to the procedure laid down in the laws, the laws and other legal acts are also published in the Official Gazette and its supplement Information Notices available to the public in a printed form as well.

The new wording of the Procedure will include a comprehensive (more detailed than the one in the Convention) list of information which must be available and disseminated actively.

Until now, the list of links to the authorities holding such information, the so-called Directory of the Environmental Information, has been compiled with a view of facilitating the search for the environmental information.

All information about signed international agreements (according to competence) is published on the websites of the MoE, EPA and other authorities.

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

(g) The MoE and its subordinate institutions print a number of actual and analytical information on the environment and international agreements. The list can be found in the Environmental Information – Publications section at www.am.lt. Recently it was decided to stop publishing periodical handouts such as the information publication The Ministry of Environment for the Public since other channels with better reach such as the media and the Internet have been chosen.

(h) The main documents regulating the requirements for the award of the EU eco-label is the Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme and 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 the Lithuanian legislation: The Procedure for Awarding the Eco-label to Products, the procedure for setting up the advisory forum and its rules of procedure, a specimen of the licence, the notification on the award of the label or on refusal. It is intended to inform the public about the eco-labels awarded to appropriate product groups and the implemented eco-management and audit schemes (EMAS) by publishing information on the website of the EPA. The European Commission will also be notified accordingly and will publish such information on relevant websites.

(i) The European Community and its Member States (including Lithuania) signed an UN-ECE Protocol on Pollutant Release and Transfer Registers (PRTRs) on the 21st of May, 2003.

On 17 July 2000 the Commission adopted a Decision on the implementation of a European pollutant emission register (EPER) according to Article 15(3) of Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC). The Register became operational by a launch event on 23 February 2004.

According to this Decision and obligations of the order of the Minister of Environment No. 136 "Regarding collecting pollutant emission data" (signed on 27, May, 2002), from the beginning of 2004, Lithuania has started to collect data by EPER requirements.

EPER already implements many key elements of the Protocol. But the obligations of the Protocol extend beyond the scope of EPER mainly in terms of facilities included, substances to report, coverage of releases to land, coverage of off-site waste transfers, etc.

In order to ratify the UN-ECE Protocol, the Commission has adopted proposal for a Regulation concerning establishment of European PRTR. The already existing more limited European Pollutant Emission Register (EPER), has to be replaced by a comprehensive European PRTR.

Implementation of EPER requirements and the provisions of the Regulation (and Protocol simultaneously) will enable Lithuania to create national information system about pollution of the environment, which will satisfy European and international requirements for such data bases and registers.

At the moment The Ministry of Environment has started the project - the Integrated computerized Information system for Environmental Management. This project should lay down initial technical requirements for implementation of the Regulation (and Protocol as well) and creation of the integrated computerized information system about pollution of the environment.

All the information about EPER and future European PRTR will be displayed on the official website of the Lithuanian Environmental Protection Agency (<http://aaa.am.lt>).

Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

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

The complexity of the structure of the MoE website – difficult to find the required information. The website must be improved. At the same time, it must be updated more regularly and must contain information which is useful and practical.

Significant funds are necessary for implementation or support of various environmental education projects, publishing and other campaigns. The lack of funds is often a factor impeding the educational and information processes.

According to the representatives of the NGOs, there is a lack of information from the regional environmental protection departments. Municipalities do not provide enough environmental information as well.

Lithuania has no accredited laboratories which could test if the product meets the criteria for the award of the eco-label. On the other hand, it would not be reasonable to set up the laboratory which would be idle.

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Lithuanian producers who want to enter the Western European markets are forced to ensure that their production is also eco-friendly. Therefore, such companies as Utenos Trikotažas, Drobė and Dirbtinis Pluoštas have obtained the Oeko-Tex label. Utenos Trikotažas now expects to obtain the EU eco-label Flower.

Give relevant web site addresses, if available:

www.am.lt (website of the MoE), www.lrs.lt (website of the Seimas), www.lsa.lt (website of the Association of Local Authorities in Lithuania).

Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) The provisions of article 6 are applied with respect to decisions on

whether to permit proposed activities listed in annex I to the Convention;

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

(b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;

(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

(d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;

(e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

(f) With respect to **paragraph 6**, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Public participation in decisions on specific activities listed in Annex I to the Convention is regulated by the Law on Environmental Impact Assessment of Planned Economic Activity and the Regulations for Issue, Renewal and Withdrawal of Permits for Integrated Pollution Prevention and Control (IPPC).

The following laws and legal acts of Lithuania regulate the participation and notification of the public and public organisations in decisions on planned activities:

***The Law on Environmental Protection of the Republic of Lithuania** entitles to have access to the environmental information; to take part in the environmental impact assessment procedures of the planned activity; to submit justified proposals to carry out an environmental impact assessment; to carry out public environmental impact assessment. The Law ensures that public administration and control authorities must, according to their competence, either comply with or justifiably decline the proposals of the public, public organisations, other legal and natural persons concerning the environmental issues; publicly announce those planned economic activities which are likely to have a hazardous impact on the environment; take into consideration the justified proposals of the public to carry out an environmental impact assessment of the planned economic activity; evaluate the justified proposals of the public to carry out an environmental impact assessment of the planned economic activity and potential environmental impact of the planned economic activity; encourage the public, public organisations, other legal and natural persons to participate in decision-making and implementation of the decisions in the filed of the environmental protection.*

***The Procedure approved by the Government and the Regulation on Storage of Documents of the Ministry of Environment, Provision of Information at the Request of the Public and Servicing of the Applicants approved by the MoE** entitles the public to have access to all information on the environmental protection from public authorities.*

***The Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania** provides that the public is a participant of the environmental impact assessment process which participates at the earliest stage of the procedures of the environmental impact assessment since the publishing of information on the obligatory environmental impact assessment of the proposed economic activity or publishing of the screening conclusion. According to the established procedure, the public submits justified proposals on the environmental impact assessment of the proposed economic activity and the potential impact of this activity on the environment. During the environmental impact assessment process, the public is entitled to receive information on the potential impact of the proposed activity on the environment from other members participating in the environmental impact assessment of the planned economic activity. There is also a possibility to appeal against the application of the provisions of this law and the decisions made by the competent authority according to the judicial procedure.*

The Law on Environmental Impact Assessment of Proposed Economic Activity of the Republic of Lithuania approved the following 2 lists:

- 1. the list of types of proposed economic activities that shall be subject to the environmental impact assessment (Appendix 1);*
- 2. the list of types of proposed economic activities that shall be subject to the screening for obligatory environmental impact assessment (Appendix 2).*

When the proposed economic activity is included into the List of Types of Proposed Economic Activities that Shall be Subject to the Environmental Impact Assessment or into the List of Types of Proposed Economic Activities that Shall be Subject to the Screening for Obligatory Environmental Impact Assessment and the change or extension of the activity is intended including reconstruction of existing constructions, modernisation or replacement of the production process and technological equipment, change in the production method, production volumes or types, introduction of new technologies and other changes which may have a negative impact on the environment, the screening procedure must be applied.

The activities listed in Annex I to the Convention are included into these Appendixes.

The environmental impact assessment report must provide a thorough analysis of all issues provided for in the programme, the analysis of alternatives made by the entity which prepared the environmental impact assessment documentation, the environmental monitoring plan, information about the problems of technical or practical nature encountered by the organiser (developer) of the proposed economic activity or his authorised entity which prepared the documentation in carrying out the environmental impact assessment as well as the summary of all information analysed in the report.

Proposals on the planning of the environmental impact assessment must be submitted to the organiser in writing throughout the entire period of the environmental impact assessment of the planned economic activity up to and during the public meeting.

The detailed procedures of public participation are laid down in the secondary legislation.

The Procedure for Public Information and Participation During the Environmental Impact Assessment of the Proposed Economic Activity as approved by the order of the Minister of Environment regulates public participation in the environmental impact assessment process. According to the Procedure, the developer of the proposed economic activity must inform the public:

- about the environmental impact assessment of the proposed economic activity which is included into the List of Types of Proposed Economic Activities that Shall be Subject to the Environmental Impact Assessment;*
- about the screening conclusion if a proposed activity is included into the List of Types of Proposed Economic Activities that Shall be Subject to the Screening for Obligatory Environmental Impact Assessment or if the participants of the process of the environmental impact assessment of the planned economic activity require so and the competent authority decides that screening for obligatory environmental impact assessment must be performed also for a planned economic activity not included in any of the Lists referred to above.*

The developer, before submitting the program to the competent authority for ratification or upon receiving the screening conclusion of the competent authority if the environmental impact assessment is obligatory, must within 10 working days after the date of receipt of the screening conclusion inform the public thereof by announcing the following information in the places of public gathering (e.g. on the municipal bulletin boards), in national press and in the press of the city(ies) or region(s) where the proposed activity is proposed to be carried out and, if possible, on the radio and television: where and which proposed economic activity will be carried out; who is planning the activity (developer); where and when information on the proposed economic activity will be accessible; where to submit reasoned (justified) proposals as regards the environmental impact assessment of the proposed economic activity; the screening conclusion whether the environmental impact assessment is obligatory for the proposed economic activity.

The public is entitled to present motivated (justified) proposals to the competent authority to reconsider the screening conclusion within 10 working days since the date on which the screening conclusion is published.

Having prepared the environmental impact assessment report of the proposed economic activity, the developer must announce the following information in relevant media not later than in 10 working days before the planned public meeting: where and when the meeting will take place; where and when the environmental impact assessment report of the proposed economic activity will be accessible; where to submit reasoned (justified) proposals as regards the environmental impact assessment report of the proposed economic activity.

Within 10 working days after the adoption of the decision, the competent authority must publish on its website, and in the Official Gazette in cases of certain activities, the entire decision and all conditions related thereto; the main reasons on which the decision was made; information about planned measures to avoid, mitigate or offset the negative environmental impact of the proposed economic activity. The developer, having received the decision of the competent authority as regards the possibility to carry out the proposed economic activity in the chosen site, must inform the public thereof within 10 working days by publishing a brief information in the mass media about the decision of the competent authority as regards the possibility to carry out the proposed economic activity in the chosen site.

At the request of the public, the competent authority must provide more detailed information about the decision as regards the possibility to carry out the proposed economic activity in the chosen site according to the Procedure for Public Access to the Environmental Information in the Republic of Lithuania approved by the Government and the Regulation on Storage of Documents of the Ministry of Environment, Provision of Information at the Request of the Public and Servicing of the Applicants approved by the Ministry of Environment.

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

***The Technical Regulation for Construction STR 1.05.06:2002 Design of Works approved by the order of the Minister of Environment of the Republic of Lithuania** ensures that the builder before the start of design or reconstruction or change in the purpose of the works of public importance (the list of works is given in the Regulation) must inform the public thereof at least one week before the start of design of the works. The notice on the works intended to be designed must be published on the bulletin board of the neighbourhood and published in the local press as the information notice. The notice on the bulletin board of the neighbourhood must remain at least for two weeks. The following information must be stated in the information notice and the notice on the bulletin board of the neighbourhood: the purpose of the works; the territorial planning document and the date of its approval; the number of storeys and building area of the works; the description and the layout of the streets, roads and squares, grounds (new and under reconstruction); information about the design solutions aimed at protecting the interests of third parties; the intended start and completion of construction; the name and address of the head office of the designer; other information of public interest at the discretion of the builder. Natural and legal persons are entitled to apply to the county governor if the design solutions of the works are inconsistent with the approved territorial planning documentation or if there are any violations of other rights of third parties laid down in the Law on Construction or other laws.*

***The Description of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes approved by the resolution of the Government of the Republic of Lithuania** ensures that consultations with the public will be held and the results of these consultations as well as other procedures ensuring publicity will be taken into account; the public will be able to participate in the assessment of solutions in the territorial planning documents and other plans and programmes. The organiser of the plan or programme development will inform the public about the decision made. If it is decided not to carry out the strategic environmental impact assessment, the organiser of the plan or programme development must inform the public where the reasoning of such a decision can be found. The organiser of the plan or programme development must consult with the public and make available the report and the draft plan or programme and, where solutions of the territorial planning documentation are assessed, the report and the solutions prepared during the stage of the conceptual planning. The organiser of the plan or programme development must inform the public of the decision made and specify where the plan or programme adopted is*

available; planned monitoring measures for the impact of the implementation of the plan or the programme; brief description on how the environmental issues are reflected in the plan or programme; how information in the assessment report was taken into consideration during the decision-making, the conclusions of the assessment parties, proposals put forward by the public; how the results of cross-border consultations, if any, were taken into consideration during the decision-making; why this alternative of the concept of the plan, programme or territorial planning document was chosen over other discussed alternatives.

The Description of the Procedure for Public Participation in the Procedures for Strategic Environmental Impact Assessment of Plans and Programmes and the Notification of Assessment Parties and the European Union Member States approved by the order of the Minister of Environment of the Republic of Lithuania ensures that the public will have opportunities to participate in the strategic environmental impact assessment of the plans and programmes, it will be consulted and will be able to participate in public debate over the strategic environmental impact assessment report and it will have access to the decisions made regarding the adoption and/or approval of the plan or the programme. According to this description, there are the following procedures for public participation: notification of the plans or programmes; public introduction to the strategic environmental impact assessment report of the plans or programmes and the draft plan or programme; notification of the decision adopted as regards the approval of the plan or the programme.

The Description of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes approved by the resolution of the Government of the Republic of Lithuania also contains the definition of the term “the public”.

In ways provided for in the Regulations for Issue, Renewal and Withdrawal of Permits for **Integrated Pollution Prevention and Control (IPPC)**: through the town, regional or national press, the bulletin board of the municipality, on the radio and television, if possible. Public information and participation in the procedure for the IPPC permits is organised by the regional environmental protection departments.

The state management of the genetically modified organisms is regulated by the Law on Genetically Modified Organisms (GMOs) in Lithuania. Art. 12 of the Law states that the public has the right to participate, according to the procedure laid down in the legal acts, in the decision-making relating to the use of genetically modified organisms and genetically modified products and to receive information about them. The state management of the activity involving the genetically modified organisms in Lithuania is carried out by the MoE which is a competent authority. All draft legislation in the field of GMOs and applications for use of GMOs are discussed by the GMOs management steering committee comprising the representatives of the public authorities and public organisations concerned. The committee holds discussions and takes their opinion into consideration. The GMOs management steering committee was approved in 2001 by Order No. 602 of the Minister of Environment.

Pursuant to the Law on GMOs, the Aarhus Convention, Council Directive 2001/18/EC and Council Directive 98/81/EC, the Procedure for Public Information and Participation in Issuing the Permits for the Use of Genetically Modified Organisms or Genetically Modified Products has been drawn up. This Procedure was approved by Order No. 299 of the Minister of Environment in 2003. The Procedure regulates public information and participation in issuing the permits for the use of genetically modified organisms.

The public is entitled to receive public information on the use of GMOs and GMPs at their request. Refusal is given if disclosure of information breaches confidentiality and intellectual property rights. According to current national legislation, the notifying body must inform the public of the use of GMOs or GMPs through national mass media.

Item 4 of the Procedure for Public Information and Participation in Issuing the Permits for the Use of Genetically Modified Organisms or Genetically Modified Products provides that “the Ministry of Environment, without prejudice to confidentiality of information and intellectual property rights, shall organise the collection and ensure the availability of information on the use of GMOs and

GMPs through the register and online database.”

The description of the Procedure for Database of Genetically Modified Organisms was approved by Order No. DI-542 of the Minister of Environment adopted in 2004 On Approval of the Procedure for Database of Genetically Modified Organisms. This database collects data and provides the following information in the section accessible to the general public: the EU legal acts and international agreements; legal acts of the Republic of Lithuania; applications received and notifications on the release of into the environment, entry into the market or restricted use of the GMOs; permits issued for the release of the GMOs into the environment or the restricted use of the GMOs and approvals for the entry into the market of the GMOs; other related information. The abovementioned national database of GMOs (website: <http://gmo.am.lt>) is important in ensuring the transparency of the activities of public authorities and ensures information and participation of the general public. There is a special section for the public where people can express their opinion directly. The shortcoming is that no discussions can take place.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

The public is not actively involved during early stages of planning and environmental impact assessment, does not pay attention to notices, does not read the press and fails to observe the deadlines.

The public objects without reasoning and does not listen to any arguments.

During the early stage of planning and environmental impact assessment, there is a lack of information on concrete technological and technical solutions which relates to the risk assessment. Difficulties in assessing the alternatives.

Focus on compensation measures for property during the planning and the environmental impact assessment stage. Recently, the public is more interested in issues connected with the property relations rather than the environmental protection and public health.

Sometimes the developers do not publish the screening report.

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

***On decisions of the proposed economic activity.** During the publicity procedures for the territorial planning, strategic environmental impact assessment of plans and programmes and environmental impact assessment. all individuals and public organisations involved in the public debate are registered, their speeches are entered into the minutes, the proposals are registered and evaluated according to the established procedure.*

According to the Law on Environmental Impact Assessment of the Planned Economic Activity and the Description of the Procedure for Strategic Environmental Impact Assessment of Plans and Programmes approved by the resolution of the Government of the Republic of Lithuania, documents of public consultations (certificates on submitted proposals, minutes of public introduction, the list of participants, information about notices) are the components of the environmental impact assessment report and the strategic environmental impact assessment report. Therefore, statistics of public participation are available to the authorities when they make decision.

***On GMOs.** The Ministry of Environment assisted by the UNEP/GEF Project organised a conference on 27 May 2004. Participants of the conference (representatives of various levels of the society including scientists, politicians, businessmen, public officials, farmers) had the opportunity to listen to the presentations and play an active role in the discussion.*

On 9–12 September 2004, the survey ordered by the Office of the Government was conducted in order to gauge the approach towards the genetically modified organisms and their use. The number of respondents: N = 1007. The survey was conducted in Lithuania in 18 towns and 58 villages.

The survey showed that 40.2% of the population are not aware of the GMOs at all. This information was published at <http://www.am.lt> (Environmental Information – Topics – Genetically Modified Organisms – Approved Documents – Population Survey).

Give relevant web site addresses, if available:

www.am.lt ; <http://gmo.am.lt> ; <http://aaa.am.lt>

Article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

On definitions. *The Law on Territorial Planning of the Republic of Lithuania contains the definitions of the terms “the public” and “the public concerned”.*

“The public concerned” means the public which is or may be influenced by the solutions of the prepared territorial planning document or which has interest in the implementation of such solutions; according to this definition, the NGOs helping to solve the land use problems and acting under the requirements of the laws of the Republic of Lithuania are deemed to be the organisations concerned.

On 3.9. *This requirement is applied. Art. 31(2) of the Law on Territorial Planning states that natural and legal persons are entitled to have access to prepared and approved territorial planning documents at the authority which organised planning, to receive copies of the drawings, territorial planning documents or their parts.*

Public participation in developing the plans and programmes in Lithuania is regulated by: The Law on Territorial Planning, the Law on Regional Development, the Law on Local Governance. The Regulations for Public Participation in Territorial Planning approved by the Government Resolution No. 904 in 2004.

According to these Laws, the public can participate in the preparation and discussion of the following: territorial planning documents (comprehensive, special, detailed plans), regional development programmes, municipal plans and programmes.

Public participation is a component of the territorial planning process involving the preparation of comprehensive, special and detailed plans of the areas. Public authorities or institutions organising the planning process publish (in the press and on the website) notices on the start of preparation of the territorial planning document, possibilities to put forward proposals, hold consultations with the public concerned regarding the solutions; make the solutions available to the public, organise public exposition, register proposals received, analyse them together with the developer, take into consideration or reject on reasonable grounds giving notice thereof to the applicants, discuss the proposals with the public concerned at a conference or public meeting, as the case may be, according to the approved regulations. The reply may be appealed against to the authority responsible for the state supervision of territorial planning within a month of the day of receipt. The authority responsible for the state supervision of territorial planning must submit a justified response within 20 working days from the date of receipt of the complaint and its reply may be appealed against according to the judicial procedure. At least two months must be reserved for the public to have access to the prepared territorial planning documents at the national or regional level, of which at least one month must be reserved for public exposition; one month for access to prepared comprehensive and special territorial planning documents at the regional level, 15 working days for public exposition; 20 working days for the detailed plans, of which 10 working days for public exposition; 10 working days for access to the detailed and special plans prepared according to the simplified procedure. Pursuant to the above mentioned regulations, the public

must also be informed of the approval of the territorial planning document. In addition, solutions of the approved territorial planning document should be made accessible at the authority which organised the planning process.

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

The possibilities for the public to participate in the development of the environmental policy are not regulated procedurally. However, according to Art. 8 of the Law on Environmental Protection, public, administration and control authorities (according to competence) must encourage individuals, public organisations and other natural and legal persons to participate in adoption and implementation of the decisions in the field of environmental protection.

The public (natural and legal persons or groups thereof, associations and organisations) can participate in the territorial planning process: it is informed about the start of preparation of the territorial planning documents, has access to prepared territorial 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 and give written replies to the applicants. Information about the start of preparation of the territorial planning document as well as the approval thereof is published according to the level of territorial planning in the national or local press and the website of the authority which organised the planning process.

Describe any obstacles encountered in the implementation of article 7.

The public has low interest in the territorial planning documents at the start of the planning process. Moreover, information published on the Internet or the national press does not always reach the public and the NGOs are not active enough.

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 7.

One of the examples of public participation is the preparation and discussion of the Comprehensive Plan of the Territory of Lithuania. Articles in the press informed the public of the start of the plan preparation. 2 months were reserved for accessing the plan (including 1 month reserved for accessing the preliminary solutions and the prepared plan). The public groups concerned such as the NGOs, regional administrations and other public authorities had the possibility to attend conferences. Public participation was quite low. Specialists and representatives of public authorities were more active in the discussion.

The public was rather active in the preparation of the detailed plan of the old town of Vilnius: meetings attended by the residents were organised and their proposals were registered.

Give relevant web site addresses, if available:

Information on territorial planning is published in the websites of municipalities as well as in local press.

Information on the Comprehensive Plan of the Territory of Lithuania is available on <http://oracle.am.lt/bp/>

Article 8

Describe what efforts are 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. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Public participation in the preparation of legal acts (including those in the field of the 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 the legislative initiatives. This right is also guaranteed in the **Law on Petitions** which allows to apply to public authorities demanding or proposing solutions to important problems when they involve adopting, amending, supplementing or repealing the effective legal act. According to the **Law on Civil Legislative Initiative**, proposals regarding the drawing up of the legal act may be made by all individuals and the **Statute of the Seimas** provides for the possibility to submit draft laws for public debate. It was established in the **decision of the Seimas Board On Public Access to the Draft Laws and Other Legal Acts** that the supplement Information Notices of the Official Gazette will publish those drafts of laws and legal acts which have been registered with the secretariat of the Seimas sessions. Art. 7 of the **Law on Public Administration** also states that on the 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 public interests in a relevant area (associations, trade unions, public organisations, representatives of other NGOs) and, in cases provided for in the laws, hold consultations with the public as well.

The Rules of Procedure of the Ministry of Environment (item 69) also state that task forces may be set up by the order of the Minister for preparation of draft legal acts and such task forces may include the representatives of companies and organisations.

Describe any **obstacles encountered** in the implementation of article 8.

Provisions of the abovementioned legislation are being implemented.

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Give relevant web site addresses, if available:

Lithuanian Seimas website www.lrs.lt ;

Website of the MoE www.am.lt

Article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

(a) *Chapter IV of the Law No VIII-1524 On Right to Receive Information from State and Municipal Institutions regulates the review procedure for decisions of the authorities on access to information. According to 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 according to the procedure laid down in the Law on Administrative Procedure, i.e. the 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 according to the procedure laid down in the Law on Administrative Procedure.*

Item 13 of the Procedure states that a person who requests information from the public authority and thinks that the environmental information provided is not accurate or full, may request additional information from the authority. If the public 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 laid down in the laws and other legal acts, i.e. the procedure laid down in the Law on Administrative Procedure (to the Commission for Administrative Disputes).

Item 17 of this Procedure also stipulates the right of the person to appeal against the decision of the authority to refuse to give access to information which, according to the requirements of the legal acts or on other justified grounds, may not be disclosed (e.g., private information, state or service secret, commercial secrets, etc.). The Commission for Administrative Disputes reviews the applications of persons free of charge. The Commissions for Administrative Disputes review the disputes related to the access to information according to the Law on Commissions for Administrative Disputes and their decisions are binding for public administration bodies (Art. 15).

(b) *Persons including the representatives of the public who think that their rights have been violated are entitled to apply to the Commission for the Administrative Disputes within the scope of competence of the commission according to Art. 11 of the Law on Commissions for Administrative Disputes. An equivalent provision is stipulated in Art. 5 of the Law on Administrative Procedure which regulates the right of each individual to apply to court according to the procedure laid down in the laws for the protection of allegedly violated or disputed right or interest protected by the laws.*

(c) According to the provisions of Art. 71 of the Law on Administrative Procedure, the court may apply safeguard measures at the justified request of the litigants or at its own discretion. In other words, it may prohibit performing certain actions or suspend the validity of the disputed legal act. Art. 7(8) of the Law on Environmental Protection also states that individuals, public organisations, other legal and natural persons are entitled to file a complaint (application) according to the procedure laid down in the laws of the Republic of Lithuania and demand that persons liable for the hazardous impact on the environment were held to account if their decisions or acts (omissions) violated the rights of individuals, public organisations, other legal and natural persons or interests protected by the laws.

(d) The Law on Public Administration which is complied with by public authorities in reviewing the requests and complaints of individuals, states that the decision regarding the requests submitted must also specify the procedure for appeal (Art. 8), thus informing of the individual's right to appeal against the decision if it does not satisfy him.

(e) Item 17 of the Procedure states that refusal to provide exempted information must include the reason of refusal and the explanation of the possibility to appeal against the decision according to the procedure laid down in the laws and other legal acts.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Practice of this field is just developing in Lithuania. First legal proceedings are currently taking place.

Give relevant web site addresses, if available:

Articles 10 - 22 are not for national implementation.