

Annex No. 7

**ON THE IMPLEMENTATION OF DECISIONS TAKEN BY THE THIRD MEETING OF THE PARTIES TO THE AARHUS CONVENTION
WITH RESPECT TO LITHUANIA**

Approved by Resolution No. 979 of the Government of the Republic of Lithuania of 26 August 2009

No.	Articles of the Aarhus Convention	National legislation	Amendments required	Amendments made	Dates amendments entered into force
1.	3, 4, 5	Law of the Republic of Lithuania on the right of access to information from state and municipal institutions and agencies (<i>Official Gazette</i> , 2000, No. 10236; 2005, No. 139-5008)	To provide for comprehensive assistance to the public seeking to use the possibility of access to information, and define the term 'information available in the public domain and effectively accessible information'.	Article 6 'Provision of Information about the Activities of an Institution' . Paragraph 2 was inserted, which foresees what information should be published on the website of each institution.	1 July 2010
				Article 2 'Definitions' . Paragraph 11 was inserted, which defines 'information available in the public domain' as information published in the media and on the websites of state and municipal institutions and agencies. Such information also includes information announced on the initiative of state and municipal institutions and agencies using electronic means of communication.	1 July 2012
				Article 4 'Principles of the Provision of Information' . Paragraph 5 was inserted, which provides for the 'principle of assistance' meaning that assistance is provided to the public seeking to use the possibility of access to information.	1 July 2012
				Article 6 Provision of Information about the Activities of an Institution' . Paragraph 3 was amended as follows: 'All information about the activities of an institution related to the performance of its functions delegated by legal acts shall be published, publicly available and provided free of charge, giving the priority to the dissemination of information on the Internet and by other electronic means'.	1 July 2012
Article 12 'Submitting a Request' . Paragraph 5 was	1 July				

				supplemented with the duty of an institution to contact the applicant within 5 working days, if the information contained in the request is insufficient or inaccurate, and the duty to explain what information is missing in the request and where to obtain that information, and in case of inaccurate information to explain the inaccuracies and how to eliminate them.	2012
2.	6	Law of the Republic of Lithuania on environmental protection (<i>Official Gazette</i> , 1992, No. 5-75)	To ensure the right for the public to file claims to courts concerning damage to the environment, cultural landscape and cultural heritage; to ensure the participation of an organisation (association, any other non-governmental organisation), which represents the interests of the public concerned operating in that area and which has expressed a wish in writing to participate in the activities of working groups, etc. established by public authorities, in such activities on equitable grounds.	Article 1 ‘Definitions’. Paragraph 22 was inserted, which defines the term ‘public concerned’. Also in all articles which provide for ensuring the rights of public organisations the term ‘public organisations’ was replaced with the term ‘public concerned’.	17 June 2010
3.	4, 5, 6	Law of the Republic of Lithuania on land planning (<i>Official Gazette</i> , 1995, No. 107-2391; 2004, No. 21-617)	To enshrine the term ‘public concerned’; to revise the term ‘decision’; to provide for a clear requirement to ensure an adequate and effective manner of informing the public of decision making procedures; to ensure the right of the public for early participation in decision	Article 31 ‘Publicity of Land Planning’. Paragraph 1 was amended to provide for the publication of decisions on the beginning of preparation of land planning documents and planning objectives and the programme of planning works taken in the preparatory phase of the land planning process: 1) decisions by ministries, Government institutions and other public authorities, in the <i>Official Gazette</i> and on the websites of these institutions; 2) decisions by government institutions of higher administrative units, in the local press and on the websites of	1 January 2010

			<p>making, when all options are open; to foresee the responsibility of appropriate public authorities for ensuring the possibilities of public participation as laid down in the Aarhus Convention, including the provision of information and the collection of comments; to provide alternatives of funding of special plans.</p>	<p>these institutions; 3) decisions by municipalities and their executive institutions, in the local press, on the website of the municipality and at the elderships in which land planning is carried out. The same procedure was envisioned for the publication of information also on the approval of the land planning document concept, where it is prepared. The duty was foreseen for the organiser of detailed planning of inform in writing the managers and users of adjacent land parcels of the beginning of preparation of land planning documents and the planning objectives, as well as to set up a plaque with such information under the prescribed procedure. Paragraph 2 was amended to enshrine the right of access for natural and legal persons to the approved land planning document concepts, where they are prepared, to the prepared and approved land planning documents at the institution which was the organiser of land planning, and the right to obtain copies of land planning documents or their parts or drawings for a fee set upon calculating the costs related to the preparation of these documents (copying, publishing, etc.).</p>	
				<p>Article 32 ‘Submittal of Proposals and Settlement of Disputes’. Paragraph 4 was amended to provide for the right of access to justice for entities (including the public concerned) concerning the annulment of an illegally adopted administrative decision.</p>	1 October 2010
				<p>Article 32 ‘Submittal of Proposals and Settlement of Disputes’. Paragraph 2 was amended to provide for the duty of the planning organiser, upon examining the proposals submitted by the public, to prepare a summary of accepted and reasonably rejected proposals with explanations on how the public opinion was taken into account, and to submit copies of proposals from the public or copies of these proposals on a medium together with the prepared land planning documents to institutions engaged in the coordination of the land planning document. It was also</p>	31 Decem ber 2011

				foreseen that the planning organiser should provide a reasoned answer in writing to persons that had submitted proposals. A procedure for submitting complaints over such answers was laid down.	
4.	6	Law of the Republic of Lithuania on environmental impact assessment of the proposed economic activity (<i>Official Gazette</i> , 1996, No. 82-1965; 2005, No. 84-3105)	Provide for the possibility for members of the public to submit various comments	'Reasoned proposals' provided for in specific articles of the Law were replaced with 'proposals, and a time frame of 20 working days from the publication of the screening conclusion was set for the public concerned to submit proposals concerning the re-examination of the screening conclusion (paragraph 9 of Article 7).	28 June 2011
5.	6	Law of the Republic of Lithuania on protected areas (<i>Official Gazette</i> , 1993, No. 63-1188; 2001, No. 108-3902)	To stipulate that the protection regulations of protected areas (state parks, strict reserves, reserves and their zones of buffer protection) are prepared and approved under the procedure laid down in the order of the Minister of Environment and the Minister of Culture, which regulates <i>inter alia</i> public participation in these procedures.	Article 24. 'Entry of Protected Areas in International Lists of Protected Areas and Regulation of Activities Therein' . This article was amended to provide that proposals to enter protected areas in these lists, with the exception of cultural reserves, cultural strict reserves and historical national and historical regional parks, shall be submitted by an institution authorised by the Government of the Republic of Lithuania, unless international treaties provide otherwise. Cultural reserves, cultural strict reserves, historical national and historical regional parks shall be entered in the lists of protected areas of international importance under the procedure laid down in the Law of the Republic of Lithuania on immovable cultural heritage protection.	1 December 2010
6.	6	Law of the Republic of Lithuania on construction (<i>Official Gazette</i> , 1996, No. 32-788; 2001, No. 101-3597)	To provide for public participation in the construction of projects important for the public.	Article 32. 'Public information on the commencement of construction of construction works important for the public' . Paragraph 2 providing for the conditional right of natural and legal persons to apply to the county governor for suspending the design of the construction works and preventing the issuance of construction permit was repealed.	1 January 2010

With account of amendments made to legislation at the level of laws, the following related by-laws on the legal relationships in question were amended:

1) Procedure for providing information on the environment in the Republic of Lithuania to the public, approved by Resolution No. 1175 of the

Government of the Republic of Lithuania of 22 October 1999 (*Official Gazette*, 1999, No. 90-2660; 2005, No. 26-831);

2) Technical Construction Regulation STR 1.05.06:2005 'Design of Construction Works', approved by Order No. D1-708 of the Minister of Environment of 30 December 2004 (*Official Gazette*, 2005, No. 4-80);

3) Technical Construction Regulation STR 1.07.01:2002 'Construction Permit', approved by Order No. 218 of the Minister of Environment of 30 April 2002 (*Official Gazette*, 2002, No. 55-2203);

4) Rules on the issuance, updating and withdrawal of integrated pollution prevention and control permits, approved by Order No. 80 of the Minister of Environment of 27 February 2002 (*Official Gazette*, 2002, No. 85-3684; 2005, No. 103-3829);

5) Regulations for public participation in the land planning procedures, approved by Resolution No. 1079 of the Government of the Republic of Lithuania of 18 September 1996 (*Official Gazette*, 1996, No. 90-2099; 2007, No. 33-1190);

6) Procedure for public information and participation in the environmental impact assessment process of the proposed economic activity, approved by Order No. D1-370 of the Minister of Environment of 15 July 2005 (*Official Gazette*, 2005, No. 93-3472).