

## **Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of Lithuania in accordance with decisions I/8, II/10 and IV/4.**

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Signature:

Date: Dec 2016/12/28

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### **Implementation report**

**Please provide the following details on the origin of this report**

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### **I. Process by which the report has been prepared**

*Answer:*

1. The report has been prepared in accordance with the recommendations of the Secretariat of the Aarhus Convention (the Convention) and the guidance on reporting requirements prepared by the Compliance Committee for 2017 National Implementation Reports.

2. Stages of the preparation process are: (1) informing the public, non-governmental organisations (NGOs) and public authorities in cyberspace (the Ministry of Environment (MoE) website and Facebook) and in writing (the MoE has issued written invitations to the main NGOs and public authorities for the submission of comments) on the beginning of the preparation of the Aarhus Convention implementation report for Lithuania, and inviting them to submit initial comments; (2) evaluating comments received and updating the report based on comments submitted; (3) informing the public, NGOs and public authorities on the prepared draft report on the implementation of the Aarhus Convention for 2014-2016, and inviting them to submit additional comments; and (4) supplementing the draft report in accordance with comments submitted, translating and submitting it to the Secretariat of the Aarhus Convention.

3. Comments for the report were submitted by the MoE departments and divisions, bodies subordinated to the MoE, the Ministries of Energy, Finance, Culture, Health, Justice, Foreign Affairs and Agriculture, the National Courts Administration, the Association of Local Authorities in Lithuania, Statistics Lithuania and NGO Baltijos vilkas.

4. The process of preparation of the report was based on the existing legislation of the Republic of Lithuania, international agreements, information provided on the websites of state and municipal institutions and other information available to or provided by them, practices followed by the public authorities and related case law of the national courts.

## II. Particular circumstances relevant for understanding the report

*Answer:*

5. Lithuania ratified the Aarhus Convention in 2002, the GMO amendment to the Convention in 2007 and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) in 2009. Whereas the Aarhus Convention is a horizontally applicable legal act and covers a large part of the areas regulated by the state, the provisions of the Convention are implemented through the provisions of general and sectoral laws and regulations (there is no single legal act devoted to the implementation of the provisions of the Aarhus Convention). The features of legal regulation based on the three pillars of the Convention are as follows:

5.1. Pillar I: Public access to information on the environment (Articles 4 and 5);

5.1.1. The main legal acts are: (a) the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania approved by Resolution No 1175 of the Government of the Republic of Lithuania (RoL Government) of 22 October 1999; and (b) the Law on Access to Information of State and Municipal Institutions and Bodies; (c) the Rules for considering applications of individuals and providing services to them at public administration institutions, bodies and other public administration entities approved by RoL Government Resolution No 875 of 22 August 2007.

5.1.2. Article 5 of the Convention is implemented through general and sectoral legal acts.

5.2. Pillar II: Public participation in certain environmentally relevant decisions (Article 6 to 8);

5.2.1. Article 6 of the Convention is implemented through the Law on Environmental Protection and special legal acts, the main ones of which are: (a) the Law on Environmental Impact Assessment of the Proposed Economic Activity (the EIA Law); and (b) the Specification of the procedure for public information and participation in the process of environmental impact assessment of the proposed economic activity approved by Order No D1-370 of the Minister of Environment of 15 July 2005.

5.2.2. Article 7 of the Convention. The main legal acts include: (a) the Specification of the procedure for the strategic environmental assessment of plans and programmes approved by RoL Government Resolution No 967 of 18 August 2004 (the Specification of the SEA procedure for plans and programmes); (b) the Specification of the procedure for public participation in strategic environmental assessment of plans and programmes and

information of assessment entities, European Union member states and other foreign states approved by Order No D1-455 of the Minister of Environment of 27 August 2014; and (c) the Regulations on public information, consultation and participation in decision-making on the planning of territories, as well as the legal acts that provide for public involvement in policy development (public involvement in various working groups at municipal, national, etc. level).

5.2.3. Article 8 of the Convention is implemented through legal acts that ensure public participation in the legislative process, the main on them being the Law on Legislative Framework.

5.3. Pillar III: Access to justice in environmental matters; the framework of access to justice is laid down in general legal acts (e.g., the Law on Access to Information of State and Municipal Institutions and Bodies) and special legal acts. Procedural law implementation aspects are regulated by general legal acts on the administrative, civil and criminal procedure. Disputes relating to the environment are examined within the general framework (there are no special regulations or institutions dealing exclusively with environmental disputes).

6. The provisions of the Aarhus Convention (as well as those of other international legal acts) are applied directly where the Convention provides for rules other than those stipulated in Lithuanian legislation.

7. In institutional terms the implementation of the Aarhus Convention in Lithuania is ensured by: (a) the MoE and other ministries (the Ministries of Energy, Health, Justice, Agriculture, etc.) to the extent that the relationships subject to regulation pertain to the environment (policy development, drawing up of legal acts)); (b) institutions operating in the environmental field that most often are concerned with the application of the provisions implementing the Aarhus Convention: the Environmental Protection Agency (EPA) and its regional divisions, the regional environmental protection departments (REPDs), services, inspectorates (the Lithuanian Geological Survey (LGS) under the MoE, the Lithuanian Hydrometeorological Service (LHS) under the MoE, the State Service for Protected Areas (SSPA) under the MoE, the State Territorial Planning and Construction Inspectorate (STPCI) under the MoE, etc.); (c) institutions operating in related fields: municipal bodies, the Department of Cultural Heritage (DCH) under the Ministry of Culture, the Fire and Rescue Department (FRD) under the Ministry of the Interior, the Radiation Protection Centre, the Centre for Health Education and Disease Prevention, etc.; and (d) administrative disputes commissions examining disputes and national courts. In accordance with their competence, the public authorities are responsible for the proper implementation and practical application of the provisions of the Aarhus Convention.

8. The main obstacles for the implementation of the provisions of the Convention in Lithuania are created by the lack of financial and human resources.

### **III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8**

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

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; including:

- (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
- (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
- (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
- (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
- (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

*Answer:*

***Article 3, paragraph 2***

9. The existing legal regulatory measures ensure public access to the procedures for the provision of information, public participation and protection of infringed rights. The main legal acts include: the Law on Environmental Protection, the Law on Access to Information of State and Municipal Institutions, the Law on Public Administration and the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania.

10. The Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania stipulates the duty of authorities to ensure that the public is notified appropriately of the rights granted to them under this specification, and of the relevant information and advice related to that.

11. Information representative's offices, i.e. units or employees responsible for the provision of information according to the "one-stop shop" principle, have been established at institutions to facilitate access to information.

12. Assistance to persons seeking to exercise their rights is provided primarily by approaching an information representative of a state or municipal institution (for instance, the functions of the information representative in the MoE are performed by the Public Information Division of the MoE; in the SSPA - Public Relations Division of the SSPA), who provides information by phone, at the institution or by e-mail, and on the MoE Facebook account. If any special information is required, citizens can consult specialists in a relevant field. For instance, the information representative publishes MoE contact information on his website, provides it to all information agencies by phone and announces it in information publications. In some places, information on the environment and the functions of the centres are provided by the REPDs or city and district agencies that are closest to each Lithuanian territorial unit. They also provide different information by phone, e-mail, direct consultation or in writing. The service procedure and information telephone numbers are available on notice boards of many municipal and other public institutions or on the internet.

13. Article 6 of the Law on Environmental Protection stipulates a duty for MoE officials to take care of the development of qualifications of environmental specialists.

14. Environmental training is organised also by other executive and judicial authorities. For example, the Ministry of Defence has an environmental training system in place for

workers and soldiers of the national defence system. Regular training is also organised for Lithuanian judges.

**Article 3, paragraph 2**

15. In accordance with the Law on Environmental Protection, the MoE coordinates and organises public environmental education and training. The MoE sees public education as one of the priority measures that help to achieve the environmental and sustainable development objectives. Through the active and systematic public education on the environment and its protection, the Ministry seeks to increase public environmental awareness and promote sustainable consumer culture and environmentally-friendly behaviours.

16. In 2015-2016, the MoE concluded or extended cooperation agreements with the following educational establishments: in 2015 with the public undertaking Klaipėda University, Kaunas University of Technology, and Vilnius Gediminas Technical University; and in 2016 with Vilnius University, the public undertaking University of Applied Social Sciences, Šiauliai University and the public undertaking Lithuanian University of Educational Sciences.

17. The implementation of the project entitled 'Public Information about the Environment in Educational Programmes, Press, Films and a Portal', planned under the Cohesion Promotion Operational Programme measure 'Creation and Development of a System for Public Information about the Environment' and approved by Order No D1-610 of the Minister of Environment of 13 October 2009, and aimed at promoting the conservation of natural resources in order to improve public environmental awareness, was completed in 2015.

18. NEW! To ensure better and more detailed public information on the environment, in 2016 the MoE launched the implementation of two new large-scale projects designed for this purpose. The projects are financed with the EU support under the measure 'Public information on the environment and management of environmental and recreational facilities' of the Operational Programme for EU Structural Funds Investments for 2014–2020.

19. NEW! The aim of the project 'Public information on the environment' is to increase public awareness in this field, encourage each person to think about the damage to the environment and change their everyday consumer habits. The dissemination of information will take place via national television and news portals and social advertising on public transport and outdoor displays and cinema screens. In addition, a new issue of the Lithuanian Red Data Book will be published, and an electronic book library will be developed.

20. NEW! The information prepared during the implementation of the project 'Public information and education on the environment and sustainable development' will be disseminated in national, regional and district newspapers, at informal educational classes for children, campaigns and events on the issues of sustainable development, air pollution, effects of climate change on the living environment and reduction and prevention of waste generation, as well as at practical seminars in local communities on sustainable development and environmental awareness from the aspect of gender equality, by conducting a public opinion poll on public environmental awareness. The project is notable for the fact that in most cases the public events organised will directly involve the target groups.

21. The education and development of the public on environmental matters is the duty not only of the national authorities but also of economic entities engaged in certain activities. For example, in accordance with the Law on the Management of Packaging and Packaging Waste, the administrator of the deposit system on non-reusable packaging has the duty to carry out public education and information on the issues of the deposit system on non-reusable packaging.

22. Educational and environmental information measures are supported by the Ministry of Culture through the Culture Support Foundation, and the Department of Cultural Heritage under the Ministry of Culture through the Programme of partial funding of projects on the knowledge dissemination and restoration of immovable cultural heritage and publishing from the state budget.

***Article 3, paragraph 4***

23. The establishment and activities of associations and other community-based organisations is governed by the Law on Environmental Protection, the Law on Associations and the Law on Public Establishments. The minimum number of founders for an association is three natural and/or legal persons, while a public establishment can be organised by one or more persons. The founding documents of associations provided for in legislation are submitted for registration to the state enterprise Centre of Registers. Documents have to be notarised. A fee is charged for the submission of documents and registration of a legal person. NEW! Possibilities are provided for establishing legal persons by electronic means. This procedure is faster and cheaper (no need for notarising documents, a lower registration fee applied).

24. Associations, organisations or groups are partners helping to implement environmental objectives. They participate in the organisation of educational and informational conferences and seminars, as well as of consultations on relevant environmental issues. Associations, organisations or groups are informed of ongoing processes and are encouraged to present their opinions and conclusions before taking administrative decisions, and are involved in the implementation of joint projects.

25. Cooperation with environmental NGOs is provided for in various legal acts governing environmental protection, construction, spatial planning and other areas of activity, MoE plans and strategies and other documents of state and municipal institutions.

26. The MoE has established a panel in which representatives of environmental NGOs, environmental officials and representatives of science and education institutions have equal participation. The panel is an advisory body that considers the most important issues of the activities of the Ministry, its main areas of activity and tasks, and hears reports of institutions subordinate to the MoE, etc.

27. National legislation stipulates the right of NGOs to participate in the activities of committees and councils dealing with environmental issues: in the activities of a council which coordinates the preparation of river basin district (RBD) management plans and programmes of measures and their implementation (the Law on Water), in the activities of councils, committees or working groups that take decisions on matters relating to the protection of immovable cultural heritage, etc.

28. Institutions subordinated to the MoE also cooperate with environmental NGOs. The EPA has signed cooperation agreements with six active NGOs operating in the water sector: Nature Research and Environmental Education Station (Marijampolė), the Lithuanian Green Movement, ECAT Lithuania (both organisations are located in Kaunas), environmental club Žvejonė (Klaipėda), public establishment Vandens Namai and the Baltic Environmental Forum (Vilnius). These organisations have become water information centres.

***Article 3, paragraph 7***

29. Lithuania is an active participant in the activities of international organisations, and it seeks to ensure the broadest possible dissemination of the principles of the Aarhus Convention at international forums.

30. NGOs are invited to attend international environmental meetings. Their representatives are included in the national delegations at conferences such as Environment for Europe, meetings of the Parties to the United Nations Framework Convention on Climate Change and other environmental events which present the experience of Lithuania and assess the progress achieved by Lithuania and other countries in implementing the requirements of international conventions.

31. Public involvement in the assessment of projects likely to have a transboundary environmental impact is ensured on the basis of the Espoo Convention ratified by Lithuania, related European Union and national legislation and bilateral agreements. The specific procedure for informing the institutions and the public of a state that is to experience significant environmental effects is agreed during cross-border consultations.

***Article 3, paragraph 8***

32. Pursuant to Article 25 of the Constitution of the Republic of Lithuania, a human being must not be hindered from seeking, receiving and imparting information and ideas. The freedom to express convictions, as well as to receive and impart information, may not be limited otherwise than by law when this is necessary to protect human health, honour or dignity, private life, or morals, or to defend the constitutional order. Article 30 of the Constitution stipulates that a person whose constitutional rights or freedoms are violated shall have the right to apply to a court. Under Article 33, citizens shall be guaranteed the right to criticise the work of state institutions or their officials and to appeal against their decisions. This article prohibits persecution for criticism.

33. Any hindrance (punishment, persecution, etc.) for a person to use a right provided for in the Constitution, save for the exceptions provided for in the Constitution, is illegal.

34. Pursuant to the Code of Civil Procedure (CCP), each person concerned has the right to apply to a court in accordance with the procedure established by law to defend an infringed or disputed right or legitimate interest.

35. In an effort to prevent restriction of the individuals' rights in the civil procedure, the CCP lays down procedural penalties for persons who abuse the procedure (file unjustified claims, or deliberately act against the fair and fast review and resolution of a case). A court can introduce an obligation to compensate damages suffered by a person participating in a case due to the abuse of the procedure.

#### **IV. Obstacles encountered in the implementation of article 3**

*Answer:*

36. Financial obstacles, the lack of public awareness (public indolence, reluctance to cooperate, inappropriate implementation of own rights and a nihilistic approach), as well as the low NGO activity are encountered.

37. There are problems of cooperation between the national authorities and NGOs that arise in practice.

#### **V. Further information on the practical application of the general provisions of article 3**

*Answer:*

38. NEW! For the development of qualifications of environmental specialists, the EPA submits applications for the funds of the Environmental Support Programme. For example, in 2015 training was provided to 54 specialists on the theme 'Application of legal acts in the fields of the issuance of EIA, IPPC, SEA and spatial planning documents. Relevant environmental issues in the application of legislation of these fields, and case law of the Supreme Administrative Court of Lithuania' (Mykolas Romeris University, 2015 Q4).

39. NEW! In 2014-2016, nine different specialised trainings were organised for Lithuanian judges on the themes relating to environmental protection, for example, 'Spatial planning as a measure for implementing sustainable urban and country development' or 'Cases of unlawful and arbitrary construction and elimination of its consequences'.

40. NEW! The institutions subordinated to the MoE are actively involved in public environmental education and training. For example, LHS workers take part in, initiate and organise meetings in educational establishments, communities and municipalities. An average of 65 lectures is delivered annually on the themes of hydrology, meteorology and climate.

41. NEW! The application of different measures ensures public education in specific sectors relating to the environment. For example, Lithuania is implementing a programme on the renovation (modernisation) of multi-apartment buildings. The main objective of this

programme is to reduce thermal energy (fuel) consumption in these buildings at least by 20% by the year 2020, and promote the improvement of the energy performance of these buildings and the microclimate requirements for their premises. The timeframe of the programme is from 2005 to 2020. The modernisation programme provides for the development of public information, education and training on the issues of the increase of the energy performance of buildings, their renovation (modernisation) and energy efficiency. To achieve improved public information on the issues of energy efficiency, the Law on the Increase of Energy Efficiency is intended to introduce a duty for energy suppliers to educate and consult consumers, and stipulate that the website of the Ministry of Energy publishes information on measures for increasing energy efficiency, energy efficiency audits, etc. The public receives regular information on all issues relating to the programme from television reports, radio shows, the press, seminars, exhibitions and press releases. The information is also provided on the MoE website, the website of the public establishment Housing Energy Efficiency Agency that administers the implementation of this programme, and on a dedicated website launched for the programme publicity in 2009. According to the results of annual opinion polls, the public awareness about the Programme on the renovation (modernisation) of multi-apartment buildings is growing constantly (48 pct. of the respondents in 2013, 71.7 pct. in 2014 and 92.9 pct. in 2015).

42. NEW! With a view to promoting the Aarhus Convention in Lithuania, educating the public, reintroducing the rights stipulated in the Convention and presenting the implementation of the provisions of the Convention in specific sectors in Lithuania, in 2016 the MoE organised the Aarhus Convention Day. Invitations to this event were sent to representatives of the public, NGOs and public authorities. Representatives of the public authorities took an active part in the event, showing an interest in different aspects of the implementation of the Aarhus Convention in Lithuania. The participants expressed their gratitude for the excellent initiative and asked to continue organising thematic seminars and conferences in the future, relating to the implementation of the Convention in particular sectors (spatial planning, cultural heritage, etc.).

43. NEW! In 2016-2017, funds from the Special Programme on Climate Change should be used to publish a book on the subject of climate change, which would bring climate change to the greater attention of the public and answer the questions arising with respect to climate change.

## VI. Website addresses relevant to the implementation of article 3

44.

MoE: [www.am.lt](http://www.am.lt)

REPDs subordinated to the MoE:

<http://vrd.am.lt/VI/index.php>

<http://krd.am.lt/VI/index.php>

<http://klrd.am.lt/VI/index.php>

<http://srd.am.lt/VI/index.php>

<http://ard.am.lt/VI/index.php>

<http://mrd.am.lt/VI/index.php>

<http://urd.am.lt/VI/index.php>

<http://prd.am.lt/VI/index.php>

EPA: [www.gamta.lt](http://www.gamta.lt)

DCH: [www.kpd.lt](http://www.kpd.lt)

LHS: [www.meteo.lt](http://www.meteo.lt)

SSPA: [www.vstt.lt](http://www.vstt.lt)

Public establishment Housing Energy Efficiency Agency: [www.betalt.lt](http://www.betalt.lt)

[www.atnaujinkbūsta.lt](http://www.atnaujinkbūsta.lt)

## VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in 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.

*Answer:*

45. The main legal acts regulating the submission and examination of requests from persons for environmental information and answers to such requests and ensuring the implementation of Article 4 of the Convention include: the Law on Public Administration, the Law on Access to Information of State and Municipal Institutions and Bodies and the Rules for considering applications of individuals and providing services to them at public administration institutions, bodies and other public administration entities. A special act in place is the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania.

46. The term 'environmental information' that is equivalent to the term laid down in Article 2, paragraph 3 of the Convention is defined in the Law on Environmental Protection and the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania.

47. The term 'public authorities' that have the duty to ensure the implementation of the public rights laid down in this article is defined in paragraph 4 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania as follows: 'Authority means the Government or a municipal or some other authority; other natural or legal persons performing public administration functions, whose decisions have or may have an effect on the environment; natural or legal persons subordinated to or controlled by the specified authorities, whose activities have or may have an effect on the environment'. The term 'public' has a broad interpretation, including

one or several natural or legal persons and their associations, organisations or groups.

***Article 4, paragraph 1***

48. Pursuant to paragraph 7 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania, environmental information must be provided to applicants without an interest having to be stated.

49. In accordance with Article 17 of the Law on Access to Information of State and Municipal Institutions and Bodies guarantees the applicant's right to receive information in the form requested. With account of the applicant's request, information may be provided orally, enabling the applicant to have access to a document, presenting a certificate, an extract or copy of a document, an electronic medium and an audio, video or audio and video record or providing access to information files. If no form of provision of information is specified in the application, the authority must provide it in the same form as that of the application received.

50. The Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania also stipulates that information must be provided in the form requested by the applicant (paragraph 8). If the applicant does not indicate the form of provision of information or the information cannot be provided in the form specified by the applicant for technical reasons, or if the information has already been provided to the public in any other form, or the authority reasonably believes that the information should be provided in some other form, the information must be provided in the form chosen by the authority (with specifying the reasons) (paragraph 9).

***Article 4, paragraph 2***

51. Environmental information must be provided to the applicant within 14 calendar days. If an authority cannot reply to the applicant within 14 calendar days due to the volume and complexity of the information requested, the head of that authority may extend the time limit for replying by another 14 calendar days, but the entire time limit may not exceed one month from the date of receipt of the application (paragraphs 11 and 13 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania).

52. The applicant is notified of the refusal to provide information within five working days, specifying the reasons for the refusal and the procedure for appealing the decision (paragraph 19 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania). Where an applicant gets no reply within the defined period, the applicant has the right to apply to an administrative dispute commission or court regarding such omission of the authority.

***Article 4, paragraphs 3 and 4***

53. Chapter III of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania provides a list of cases when public authorities may refuse to provide information on the environment. This list basically coincides with the list provided in the Convention. Information may be refused if:

- (a) the public authority to which the request is addressed does not hold the information requested and is not obligated by law to hold such information;
- (b) the request is very abstract or formulated unreasonably, in which case the authority is obligated to ask the applicant to clarify the request;
- (c) the request is related to information and data that are still in the course of collection and completion or are still unprocessed, provided that this does not violate public interest. Pursuant to paragraph 18 of the Specification, authorities also refuse to provide information if the disclosure would:
  - (d) affect information which, under the law, is a state or official secret;
  - (e) violate the interests of state security and defence protected by law;
  - (f) adversely affect international relations;
  - (g) violate the right of a person to a fair trial protected by law or be deemed, under the law,

an obstacle for judicial or public authorities to conduct an investigation or hearing of a criminal, civil or administrative case (procedure);

(h) disclose information which, under national or EU law, is a commercial (industrial) secret or violate the confidentiality of statistical data and data on taxpayers protected by law; the term ‘commercial (industrial) secret’ is defined in the Civil Code and is detailed in the provisions of the Law on Companies.

The confidentiality of data and information and the protection of a commercial or industrial secret are also regulated by directly applicable sectoral legal acts of Lithuania and the European Union. For example, in the field of chemical substances this issue is discussed in the Law on Chemical Substances and Preparations, Regulation (EC)No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (hereinafter ‘the REACH Regulation’) and other special laws. The information on chemical substances that can be made publicly available and accessible and the information that is considered a commercial (industrial) secret or confidential information is laid down in Articles 118 and 119 of the REACH Regulation.

(i) violate intellectual property rights protected by law;

(j) undermine the legal protection of personal data, except for the cases provided for in the Law on Legal Protection of Personal Data, the Law on Provision of Information to the Public and the Law on Documents and Archives; legal protection of personal data is also applied with respect to legal persons;

(k) have an adverse effect on the protection of the environment to which such information relates, for example, damage rare species and communities protected by law, as well as their habitats, location sites and habitat sites;

(l) be related to internal administration and institutional cooperation, provided that this does not violate public interest;

(m) have an adverse effect on the interests of persons who have voluntarily presented information without being obliged by laws or other legal acts to present such information, or pose a threat to their security.

54. The content of some of the exemptions listed above is interpreted in national legislation and case law, but the content of a part of the exemptions has no interpretation (for example, refusal to provide information for the purpose of ensuring the protection of internal administration and institutional cooperation). An official receiving a request evaluates the content of the request and the need for protecting the values referred to in the exemptions on a case-by-case basis.

55. According to paragraph 19 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania, in all cases where information is not provided, it is necessary to make sure that it is more important to protect the interests referred to in paragraph 18 of this Specification than to ensure the applicant’s access to information. Paragraph 20 of the Specification also emphasises that certain grounds (exemptions) for the refusal to provide information are not applicable where the information requested relates to environmental pollution.

#### ***Article 4, paragraph 5***

56. A public authority receiving a request but not holding the requested information is obligated to transfer the request to a competent authority within five working days and inform the applicant accordingly (Article 13 of the Law on Access to Information and paragraph 10 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania).

#### ***Article 4, paragraph 6***

57. Where a part of information can be separated out from the information exempted from disclosure, an authority makes that part of the requested information available without prejudice to the confidentiality of the information exempted on notifying the applicant accordingly (paragraph 20 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania).

**Article 4, paragraph 7**

58. A general provision applies that a reply to applicants is provided in the form in which a request was made (unless an applicant wants to receive the reply (information) in some other form). An applicant is informed of a refusal to provide information within five working days, stating the reasons for the refusal and the procedure for the appeal of the decision (paragraph 19 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania).

**Article 4, paragraph 8**

59. Paragraph 26 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania stipulates that information held by or intended for public authorities is free of charge. Information is supplied to applicants free of charge, except for the costs of information provision laid down in legislation (copying, publishing and other costs) (paragraph 27 of the Specification).

60. The procedure for the compensation of costs of preparing document copies approved by RoL Government Resolution No 1039 of 1 September 2000 lays down a uniform procedure for the compensation of costs of preparing document copies applied by public authorities (with certain exemptions) The procedure sets the maximum rates for the provision of document copies, calculated as follows: the base rate (EUR 0.04 for an A4 format page; EUR 0.09 for an A3 format page; the costs of preparing a copy of an audiovisual or computer information document are equal to the price of an appropriate medium (magnetic tape, disc, etc.) is multiplied by the consumer price index announced by Statistics Lithuania annually (146.6 in 2013, 146.9 in 2014 and 146.4 in 2015) and divided by 100. This resolution also stipulates that exemptions apply to persons receiving social benefits: the requested document copies are provided to them free of charge (where copies of up to five pages are requested).

## **VIII. Obstacles encountered in the implementation of article 4**

*Answer:*

61. Requests submitted contain insufficient details about information to be provided.

## **IX. Further information on the practical application of the provisions of article 4**

*Answer:*

62. According to the LHS information, this service prepares over 4 000 hydrometeorological reports each year.

63. NEW! The SSPA is the manager of the State Inventory of Protected Areas where not only publicly accessible information is contained but also certificates and extracts can be issued on the basis of an individual request. It is estimated that in 2015 more than 600 extracts were generated for users on the website of the inventory.

64. NEW! 2015 saw the launch of a Cultural Heritage Electronic Services Information System ([www.kpepis.lt](http://www.kpepis.lt)). The system enables not only the provision of administrative services relating to the protection of cultural heritage but also the electronic supply and receipt of information linked with immovable cultural heritage and its protection.

## **X. Website addresses relevant to the implementation of article 4**

65.

## **XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in 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.

*Answer:*

66. The information regarding the interpretation of the definitions in Articles 2 and (9) in the field of the supply and dissemination of environmental information is provided in the answer on the implementation of Article 4.

67. One of the principles set out in Article 4 of the Law on Environmental Protection that constitute the basis of the environmental protection system in Lithuania is comprehensive, accurate and timely information on the environment.

**Article 5, paragraphs 1(a) and (b)**

68. The duty of public authorities to collect, systematise, constantly update and disseminate environmental information is laid down in the Law on Environmental Protection, the Law on Environmental Monitoring and the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania.

69. The EPA is the main authority responsible for organising the collection, systematisation and dissemination of information on the ambient air quality, status of surface water bodies, streams of chemical substances and preparations (mixtures), pollution and pollution prevention measures. The EPA organises and coordinates state monitoring of water bodies in the river and lake category, collects and processes data obtained during such monitoring, assesses the ecological and chemical status of water bodies in the river and lake category, in accordance with law accepts and processes data on water uses and wastewater management, prepares reports and information on the monitoring and status of water bodies in the river and lake category, water uses and wastewater management and publishes them on the EPA website, and provides this information to national and international authorities, bodies or organisations and the public. The EPA is responsible for organising the ambient air quality assessment throughout the territory of Lithuania, assuring the quality of assessment, verifying the measuring systems, ensuring the accuracy of measurements and data quality, choosing the methods of ambient air quality assessment, providing information and reporting.

70. Other authorities responsible for the collection and dissemination of environmental information include the Radiation Protection Centre, the Centre for Health Education and Disease Prevention, Statistics Lithuania, etc.

71. Pursuant to Article 4 of the Law on Environmental Monitoring, environmental monitoring is carried out in Lithuania under approved programmes at three levels: national, municipal and economic entity.

72. The State Environmental Monitoring Programme for 2011–2017 approved by RoL Government Resolution No 315 of 2 March 2011 regulates the implementation scheme of state environmental monitoring that meets the requirements of the European Union directives for the quantity and quality of measurements on the state of the environment and the national needs for information on the state of the environment. Under this programme, the public and the authorities supervising the environmental quality receive detailed information (including the operational information) on the state of the environment and its changes.

73. Municipal authorities organise and perform environmental monitoring and collect data on it within their territories. A specific procedure for performing municipal environmental monitoring (monitoring sites, objects, parameters, frequency, monitoring methods, etc.) is established in municipal environmental monitoring programmes prepared by municipal

executive bodies, harmonised in accordance with the procedure laid down in legal acts and approved by municipal councils.

74. In accordance with the Regulations on environmental monitoring of economic entities approved by Order No D1-546 of the Minister of Environment of 2009, economic entities carry out monitoring of technological processes of economic entities, monitoring of emissions from pollution sources of economic entities, monitoring of the impact of economic entities on the quality of the environment, environmental radiological monitoring of economic entities and seismic events, provide monitoring data to respective public authorities and inform the public under the established procedure. For example, economic entities that take continuous measurements of pollutants discharged from sources of pollution into the ambient air and surface waters must publish on the internet and regularly update the results of continuous measurements from monitoring of pollutants discharged from sources of pollution. Monitoring data of economic entities are published on the integrated computerised information system for environmental management ICISEM.

75. National legislation lays down the basis of cooperation on the exchange of environmental information among authorities. For example, under a data provision agreement the EPA supplies information to national authorities on chemical substances and preparations (collected in the ICISEM), including confidential information.

76. The Law on Radiation Protection stipulates the duty of the Radiation Protection Centre to prepare surveys of the state of radiation protection, make proposals to national and municipal authorities on the issues of radiation protection and inform the public.

***Article 5, paragraph 1(c)***

77. Emergency management in Lithuania is regulated by the State Emergency Management Plan approved by RoL Government Resolution No 1503 of 10 October 2010. The plan lists the competent authorities, defines the functions and limits of responsibility of the authorities, including the MoE, provides for an emergency management scheme, designates the responsible and support authorities for each emergency and details the actions of the authorities to be taken.

78. The basis for the provision of information to the public in case of emergencies is laid down in the Law on Environmental Protection and the Law on Civil Protection, the Procedure for public information in the event of a radiological or nuclear accident approved by RoL Government Resolution No 559 of 22 April 2002, the Specification of the procedure for informing the public and institutions concerned of levels of ambient air pollution approved by Order No D1-265/V-436 of the Minister of Environment and of the Minister of Health of 26 May 2005, etc. The actions of the MoE structural units and authorities subordinated to the Ministry and assigned to its sphere of regulation in case of emergencies are regulated by Order No 248 of the Minister of Environment of 20 May 2003.

79. NEW! In 2015, several amendments were made to the Law on Civil Protection to improve the alert system of a threat of an emergency or of an existing emergency for economic entities. The list of the alert measures was enlarged, and a provision was included that inhabitants, public authorities and economic entities would receive an immediate warning of a threat of an emergency or of an existing emergency.

80. The main authorities that ensure appropriate and quick information for the public on a threat of an emergency or of an existing emergency are: the FRD, the EPA, the Health Emergency Situations Centre, the Police Information Administration and special services.

81. National legislation lays down the basis for cooperation among the above-mentioned authorities and the procedure for information exchange in the event of emergencies or accidents. For example, information on chemical preparations considered dangerous due to their effect on human health or their physical impact is accessible for 24 hours on working days and weekends for the Poisoning Centre Information Bureau of the Emergency Situation Health Centre, and is used to identify cures and take immediate action to protect human health and the environment in emergencies.

82. The public is informed of a threat of an emergency or of an existing emergency or accident with messages on the websites of the competent authorities or via popular media, and, in particularly established cases, with SMS messages. The public is also informed of

further actions to be taken in order to ensure the protection of human health and property.

**Article 5, paragraph 2**

83. Based on the legal acts that regulate the provision of environmental information, authorities are obligated to collect and disseminate information and ensure its accessibility and clarity. Implementing the 'one-stop-shop' principle, support to the public is also provided by the information representative service set up at the authorities, i.e. a division or an employee responsible for the supply of information (see the answer on the implementation of Article 3, paragraph 2).

84. Authorities make the necessary efforts that the environmental information possessed by or intended for them is easily accessible to the public via public telecommunications (internet websites, electronic databases) or is held in such a form or format that allows its immediate reproduction or receipt by computer telecommunications or other electronic means (paragraph 21 of the Specification of the procedure for the provision of information on the environment to the public in the Republic of Lithuania).

85. For example, in accordance with the Specification of the procedure for informing the public and institutions concerned of levels of ambient air pollution, the regular provision of information on the levels of ambient air pollution to the public and institutions and bodies concerned is organised by the EPA in cooperation with the REPDs (except for the Klaipėda REPD). Information on the level of ambient air pollution is announced on the internet, via radio and/or television and/or the press, and/or publications and/or other public telecommunications. In cases of exceedance of the standards set out in the ambient air pollution standards, the EPA provides information on the concentration of pollutants in ambient air also to organisations and bodies at the email addresses specified by them.

86. The MoE website publishes a summary of environmental information, indicating what environmental information is available to the national and municipal authorities and bodies that provided the data based on which the summary is drawn up.

**Article 5, paragraph 3**

87. With a view to ensuring broader and speedier accessibility of environmental information, national legislation lays down the obligation to publish the following on the internet:

(a) on the website of an authority or body, the information on: the structure and contacts, legislation related to the activities of the authority (including international agreements), draft legal acts, studies and analyses, violations of legislation (by publishing the statements of the parliamentary ombudsmen, court judgments stating violations made by the authority, as well as information on how these violations were corrected), monitoring of the legal framework, information on the fields of activity of and the services provided by the authority, administrative information and links;

(b) draft legislation and adopted legal acts (the information system of legal acts (ISLA), the register of legal acts (RLA));

(c) reports on the state of the environment, and

(d) information relating to a proposed economic activity likely to have a significant effect on the environment, etc.

88. Relevant environmental information (information on river basins, the quality of water bodies, reports on different international projects, conference reviews, reports on environmental monitoring research, measurements of state air monitoring, the material relating to integrated pollution prevention and control, maps, various diagrams, weather forecasts, etc.) is available to the public on the websites of the competent authorities such as the EPA, the LHS and others.

89. Lithuania also has the following electronic information databases in place:

(a) The integrated computerised information system for environmental management ICISEM – a system for collecting, systematising and storing data on the environment and ensuring the publicity of these data and information;

(b) The Lithuanian spatial information portal embracing national, municipal, business and NGO geographical (spatial) data and related information (<https://www.geoportal.lt>);

(c) NEW! Introduced in 2015, the information system for the preparation of land use planning documents provides conditions for persons, as well as for planning organisers, institutions presenting the planning conditions, document developers and authorities engaged in the coordination of these documents and the supervision of land use planning to conduct the processes of document development, public discussion, coordination and publicity using electronic means.

90. NEW! In 2015, the LHS implemented the project 'Development of advanced electronic services enabling receipt of LHS online services in cyberspace', which revamped the website and created an advanced information system of hydrometeorological services METIS.

91. NEW! During the implementation of the project 'Transfer of public services of authorities subordinated to the Ministry of Environment to cyberspace' in 2014, an electronic services portal of the MoE and its subordinate bodies was produced, including:

(a) the Information System of Environmental Protection Control;

(b) the Information System of Environmental Permits;

(c) the State Inventory of Protected Areas; allows owners of land parcels to find out whether the land parcels are (not) part of a protected area; download the spatial data of a particular protected area; generates extracts on items of the State Inventory of Protected Areas of the Republic of Lithuania;

(d) the State Inventory of Rivers, Waters and Lakes;

(e) the Groundwater Information System;

(f) the State Geological Information System;

(g) the Register of the Underground;

(h) the Information System of Protected Species;

(i) the Register of Land Use Planning Data;

(j) the Information System of Construction Permits and State Supervision;

(k) the State Register of Waste Managers.

#### ***Article 5, paragraph 4***

92. The MoE and its subordinate bodies organise or participate in the preparation of publications and the summary information on the state of the environment in Lithuania published on the internet, and also take an active part in the development of European state of the environment reports (SOER) organised by the European Environment Agency. Digital versions of these publications are loaded onto the MoE and EPA websites, and a printed version is distributed to the public, as well as to government authorities and research institutes. Consequently most of the analyses of the data on the quality of the environment can be found on the internet, e.g. annual reports on the ambient air quality are published on the internet at <http://oras.gamta.lt>, while reports on studies devoted to the assessment of the state of the environment and the implementation of tasks of state environmental monitoring appear on the EPA website.

#### ***Article 5, paragraph 5***

93. The legislation and documents referred to in Article 5, paragraph 5 of the Convention are published on the websites of the MoE and its subordinate bodies, as well as of other government bodies. Legislation is published in the electronic information systems ISLA and RLA (see the information on the implementation of Article 5, paragraph 3).

#### ***Article 5, paragraph 6***

94. National legislation lays down requirements for economic entities to disseminate information about their activities having a significant effect on the environment. Economic entities perform pollution source monitoring and environmental monitoring, provide monitoring data to the relevant authorities and inform the public in established cases. For instance, economic entities taking continuous measurements of emissions from sources of pollution into the ambient air and surface water are obligated to publish the results of continuous measurements of pollutant emissions/discharges on the internet and update them

regularly.

95. Operators must use funds received for the transfer of emissions trading allowances and Kyoto units for implementing measures to reduce greenhouse gas emissions and other environmental pollution (installation of environmentally-friendly technologies, increase of energy efficiency, use of renewable energy sources, afforestation, research and its dissemination, consultations and training to economic entities, public information and education on climate change policy management and implementation issues and other measures). Reports on the allocation and use of funds received for the transfer of emissions trading allowances and Kyoto units are published on the MoE website.

96. Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) is applied in Lithuania. Companies that put in place EMAS inform the public and the EPA about the results achieved every year. Companies that mark their products with an eco-label are enabled to inform the public by disseminating information on the EPA website. An economic entity performing monitoring of activities, introducing advanced technology and participating in EMAS on a voluntary basis receives incentives in terms of environmental control and is assigned a lower level of risk.

***Article 5, paragraph 7***

97. The MoE and its subordinate bodies publish different factual and analytical information on the environment and international agreements, a list of which is available on the MoE website. It has been decided not to publish periodic information handouts (e.g. the information publication Ministry of Environment for the Public) any more, as other more effective distribution channels such as the media and the internet have been chosen.

***Article 5, paragraph 8***

98. Eco-labelling and social relations lined with it in Lithuania are governed by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel, as well as by the criteria for the award of the Community Ecolabel for relevant product groups. Information on eco-labelling is published and regularly updated on the EPA website. The EPA organises seminars and invites industry, science and community-based organisation representatives to provide them with information on the opportunities and benefits of the award of the Community Ecolabel.

***Article 5, paragraph 9***

99. Lithuania ratified the Protocol on PRTRs in 2009. During 2004-2005 Lithuanian was sending its data to the European Pollutant Release and Transfer Register (E-PRTR), and in 2006 it produced a national register (PRTR). The latter was established drawing on the provisions of Regulation (EC) No 1666/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Regulation No 1666/2006). In order to ensure the appropriate implementation of Regulation No 1666/2006, on 29 December 2006 Order No D1-631 of the Minister of Environment concerning the provision of data to the national register was adopted, which prescribes a procedure for the provision of data (data content, frequency of data provision, competent authority to which data are supplied, etc.).

100. The EPA has designated a competent authority to which data and information are supplied annually by operators on the basis of the said legislation, using the information system ICISEM. Operators only are obligated to provide the data and information referred to in the Regulation which have not been supplied when reporting in accordance with the requirements of the Procedure for the accounting and reporting of ambient air emissions approved by Order No 408 of the Minister of Environment of 20 December 1999, the Procedure for the accounting of water use and wastewater management approved by Order No D1-1120 of the Minister of Environment of 28 December 2012 and the Rules on the accounting and reporting of the generation and management of waste approved by Order No D1-367 of the Minister of Environment of 3 May 2011 (with a view to reducing the administrative burden for operators and avoiding the duplication of information provided). The data of such reports are also supplied to the information system ICISEM and are integrated into the national PRTR, and their data account for more than 80% of the PRTR volume. The EPA evaluates the data received and the quality of information and has the

right, where necessary, to request operators to clarify or supplement their data and information, and submits such data to the European Commission in accordance with Regulation No 1666/2006.

101. Data of the national PRTR are published on the EPA website, are accessible to the public and are provided free of charge. Cyberspace also contains information on the E-PRTR which provides data and information on the largest polluters of other European Union member states, Norway, Iceland and Lichtenstein.

## **XII. Obstacles encountered in the implementation of article 5**

*Answer:*

102. Problems of the form and content in the provision of information in a transboundary context are encountered.

## **XIII. Further information on the practical application of the provisions of article 5**

*Answer:*

103. Statistical information prepared by Statistics Lithuania is published on the Official Statistics Portal [osp.stat.gov.lt](http://osp.stat.gov.lt).

104. NEW! A survey of consumer satisfaction with the hydrometeorological services carried out in 2015 involved 14 220 respondents. The results of analysis have shown that weather forecasts for the nearest day receive most attention. As many as 90% of the respondents marked them as important and very important. Digital weather forecasts (89%) and forecasts for two to five days are almost equally important.

105. NEW! According to SSPA information, 12 documents on the planning of protected areas were presented to the public in 2015. At present (2016) the Service is carrying out a study on the 2016 consumer feedback concerning the services provided by the State Inventory of Protected Areas.

106. NEW! In 2014-2016 the use of electronic services provided by the information system Infostatyba (construction and state supervision of construction) increased among the public. Of the total of requests submitted in 2014, 62.48% were sent remotely, with 71.11% in 2015 and 72.92% in H1 2016.

107. NEW! The collection and dissemination of environmental information is also ensured by measures approved in the health sector. For example, a National Action Plan on Public Health and Heat Prevention for 2016-2020 was approved on 9 December 2015 by Order No V-1429 of the Minister of Health, aimed at protecting the health of the population and especially of people sensitive to the adverse effects of heat, increasing public awareness and promoting interinstitutional cooperation. A programme for prevention of (allergic and infectious) diseases related to climate change for 2015-2020 was approved on 4 May 2015 by Order No V-565 of the Minister of Health. The programme provides for the provision of information to the public about the spread of allergic diseases, etc.

## **XIV. Website addresses relevant to the implementation of article 5**

108.

MoE: [www.am.lt](http://www.am.lt)

EPA: [www.gamta.lt](http://www.gamta.lt)

ISLA: [www3.lrs.lt/pls/inter/www\\_tv\\_2.show?id=9598,1,94](http://www3.lrs.lt/pls/inter/www_tv_2.show?id=9598,1,94)

RLA: [www.e-tar.lt](http://www.e-tar.lt)

ICISEM: <https://aplinka.lt/web/guest>

Lithuanian spatial information portal: [www.geoportal.lt](http://www.geoportal.lt)

Information system for the preparation of land use planning documents:  
[www.zpdris.lt/zpdris/](http://www.zpdris.lt/zpdris/)

Electronic services portal of the MoE and its subordinate bodies:  
[epaslaugos.am.lt/apie.html](http://epaslaugos.am.lt/apie.html)

LHS: <http://www.meteo.lt/lt>

Radiation Protection Centre: [www.rsc.lt](http://www.rsc.lt)

Centre for Health Education and Disease Prevention: [www.smlpc.lt](http://www.smlpc.lt)

Centre for Communicable Diseases and AIDS: [www.ulac.lt](http://www.ulac.lt)

[www.ekomokslas.lt](http://www.ekomokslas.lt)

## **XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in 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 any 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.

*Answer:*

109. The terms mentioned in Articles 2 and 6 of the Convention are also used in Lithuanian legislation. Article 7 of the Law on Environmental Protection defines the rights of the public concerned and other natural and legal persons, including the right to participate, in accordance with the established procedure, in the process of environmental impact assessment (EIA) of the proposed economic activity, require termination of the harmful effect of objects of economic activities on the environment and submit, in accordance with the procedure laid down by law, proposals regarding the mandatory nature of environmental impact assessment.

110. Accordingly, Article 8 of the Law on Environmental Protection provides for the duties of public authorities, including the duties to comply with or dismiss, on a reasoned basis, the proposals of citizens, the public concerned, other legal and natural persons concerning the issues of environmental protection; make projects of the economic activities which may have a harmful effect on the environment available to the public; evaluate and have proper regard to reasoned proposals of the public regarding the mandatory nature of environmental impact assessment of the proposed economic activity; evaluate and have proper regard to proposals of the public regarding environmental impact assessment of the proposed economic activity and the likely effect of the proposed economic activity on the environment, and encourage citizens, the public concerned, other legal and natural persons to participate in the adoption and implementation of decisions in the field of environmental protection.

111. The 'public concerned' is understood as one or more natural or legal persons affected or likely to be affected by, or having an interest in, the taking of decisions, acts or omissions in the field of the environment and protection thereof as well as utilisation of natural resources. For the purposes of this definition, associations and other public legal persons (with the exception of legal persons established by the State or a municipality or institutions thereof) established in accordance with the procedure laid down by legal acts and promoting environmental protection are in any case deemed the public concerned (Article 1 of the Law on Environmental Protection).

112. The specific terms (e.g. the term 'public concerned' used in the EIA process) used within the context of the rights of the public and the public concerned and particular social relationships are defined in the special legal acts such as the EIA Law, the Law on Territorial Planning, etc.

***Article 6, paragraph 1***

113. The activities listed in Annex I to the Convention are provided for in Annexes 1 and 2 to the EIA Law. Annex 1 lists the proposed economic activities subject to the EIA, while Annex 2 contains a list of activities subject to screening for the EIA.

114. The EIA Law also stipulates that the EIA procedure is applied where:

(a) the implementation of a proposed economic activity may affect sites of the European ecological network Natura 2000, and an institution in charge of the organisation of protection and management of protected areas establishes that this effect may be significant;

(b) participants in the EIA process of a proposed economic activity demand, and the competent authority decides that screening for the EIA is conducted also in respect of the proposed economic activity not included in the lists of activities in Annex 1 or 2 of the EIA Law.

115. Article 6 of the Convention is applied to the granting of integrated pollution prevention and control (IPPC) permits. The granting of IPPC permits is regulated by the Law on Environmental Protection and the Rules on the granting, updating and revocation of integrated pollution prevention and control permits approved by Order No D1-528 of the Minister of Environment of 15 July 2013 (the IPPC Rules).

## ***Article 6, paragraph 2***

### *EIA process*

116. The EIA Law defines the terms ‘public’ and ‘public concerned’ as follows:

(a) ‘Public’ shall mean one or more natural or legal persons and their organisations, associations or groups.

(b) ‘Public concerned’ shall mean the public affected or likely to be affected by decisions, actions or omissions in the EIA sphere, or having an interest in the environmental impact assessment process. For the purpose of this definition, associations and other public legal entities (except for legal entities established by the state or municipalities or their bodies) organised under the procedure prescribed by legislation and promoting environmental protection shall be deemed to be the public concerned in all cases.

117. Public information and participation in the EIA process of the proposed economic activity is regulated in detail by the Procedure for public information and participation in the environment impact assessment process of the proposed economic activity. The Procedure provides for the public information and participation procedures, timeframe, persons responsible for public information and assurance of participation, and lists the functions of such persons.

118. In accordance with the Procedure, the public information and participation procedures include:

(a) notices of the EIA of the proposed economic activity (a notice of the screening, a notice of whether the environmental impact assessment of the proposed economic activity is mandatory and a notice of the EIA programme prepared);

(b) making the EIA report on the proposed economic activity available to the public;

(c) information on the decision taken on the proposed economic activity.

119. In accordance with the established procedures, the public is informed of the proposed economic activity in a proper and timely manner.

120. Where the public is of the opinion that the rights assured under this Convention have been infringed, i.e. the authorities have failed to comply with the information obligation or the provision of information has been inappropriate or untimely, the public may, in accordance with law, apply to: (a) the authority that has committed inappropriate actions or omissions with a request to evaluate whether the responsible officials have performed the duties assigned to them by law; (b) the Seimas Ombudsman; (c) an administrative disputes commission; or (d) a court.

### *Granting of IPPC permits*

121. The IPPC Rules stipulate that an application for the granting of an IPPC permit has to contain non-technical information comprehensible to the public and identify the most important aspects of the proposed activity. The public must have the possibility to make comments and proposals which are to be taken into consideration when taking the decision on the granting of a permit. The public concerned has the right to appeal against a decision taken by the competent authority. These provisions ensure effective public participation in the process of the granting of IPPC permits.

## ***Article 6, paragraph 3***

### *EIA process*

122. The EIA Law and the Procedure for public information and participation in the EIA process of the proposed economic activity stipulate the timeframes for public information and participation in the EIA process:

(1) Screening for the EIA:

(a) on publishing the screening conclusion, the public has the right within 20 working days to submit to the competent authority requests and proposals for reconsidering the screening conclusion;

(b) on receiving within the timeframe specified in subparagraph a requests or proposals from participants of the EIA process for reconsidering the screening conclusion, the

competent authority shall, within 10 working days, by a letter specifying the reasons for reconsidering the screening conclusion invite the organiser of the proposed economic activity, the drafter of the EIA documents, the EIA entities and representatives of the public who have made proposals and together will them examine the proposals or requests, reconsider the screening conclusion adopted and reach the final screening conclusion.

(2) EIA; in accordance with legislation on the EIA process, the public may submit comments on the EIA of the proposed economic activity until the adoption of the decision;

(a) EIA programme; on publishing an EIA programme, a timeframe of 10 working days is recommended for making the EIA programme available to the public and for allowing the public to submit proposals;

(b) EIA report; an EIA report is published no later than 10 working days before a public hearing, during which the public is entitled to have access to the EIA report and information relating to the proposed economic activity, as well as for 10 working days after a public hearing and one more time for 10 working days after the report is published by the competent authority on its website; the public may submit comments and proposals during 30 working days and until a decision is taken on the proposed economic activity.

#### *Granting of IPPC permits*

123. On receiving an application for the granting of an IPPC permit, the Environmental Protection Agency informs the public accordingly within five working days.

124. The public concerned has the right of access to information for at least 15 working days from the date of publication of the information on an application received. The public concerned may submit comments and proposals for an application and the granting or updating of a permit from the date of publishing a notice on the receipt of the application.

#### **Article 6, paragraph 4**

125. In accordance with national legislation, early public participation is ensured in the initial stage when all opportunities are still open.

126. The public is informed of the screening conclusion where a screening procedure for the EIA is being carried out, as well as of an EIA programme developed in the initial stage of the EIA procedures.

127. Paragraph 70 of the IPPC Rules stipulates that the competent authority – the EPA – shall ensure that the public concerned are given early and effective opportunities in both the granting of a permit for new installations and updating a permit.

#### **Article 6, paragraph 5**

128. Legislation has no requirement to encourage operators of the proposed economic activity to identify the part of the public concerned and begin a discussion before the commencement of the procedures.

129. In view of the established national practice, future applicants implement early public information and identify the public concerned in the event of a headline-making proposed activity (an activity of national importance, especially important for a particular region, etc.).

#### **Article 6, paragraph 6**

##### *EIA process*

130. The competent authority – the EPA – on its website publishes in a centralised manner the information about:

(a) the screening conclusions of the EIA of the proposed economic activity and the screening information which served as the basis for adopting the screening conclusion;  
(b) the reconsidered screening conclusions of the EIA of the proposed economic activity and the minutes of reconsidering of the screening conclusion;

(c) the prepared EIA programmes of the proposed economic activity;

(d) the approved EIA programmes of the proposed economic activity;

(e) the EIA reports of the proposed economic activity received;

- (f) the decisions taken on the admissibility of the EIA of the proposed economic activity;
- (g) the additional possibility of access to the prepared EIA programmes and EIA reports of the proposed economic activity;
- (h) former errors and their corrections and the corrected/new screening conclusion or decision on the feasibility of the proposed economic activity;
- (i) the screening conclusions and decisions on the admissibility of the proposed economic activity annulled by a court;
- (j) the suspension of the EIA procedures;
- (k) decisions on the extension of the validity of the screening conclusions and decisions on the feasibility of the proposed economic activity.

On submitting a request, the public is entitled to obtain all other information relating to the proposed economic activity and the procedures applied.

131. The competent authority publishes the adopted EIA decision on its website, and the developer or the drafter of EIA documents announce in the media the information on the decision taken concerning the admissibility of the activity in terms of environmental impact. The information published by the developer or the drafter of EIA documents specifies:

- (a) the developer of the proposed economic activity (name, address and telephone);
- (b) the drafter of EIA documents (name, address and telephone);
- (c) the title of the proposed economic activity;
- (d) the location of the proposed economic activity (county, municipality, borough, city or village);
- (e) a description of the proposed economic activity (brief overview of the proposed economic activity);
- (f) a description of measures planned for avoiding, mitigating or compensating the adverse environmental impact or eliminating its consequences (key measures are indicated);
- (g) conclusions presented by the EIA entities (with an indication of whether approval was issued by all EIA entities);
- (h) public information and participation (when and in what media the notices were published, when the public hearing took place and how the proposals from the public were taken into account);
- (i) the nature of the decision of the competent authority (the proposed economic activity is admissible/not admissible), the date of its adoption and conditions related to it, and the main reasons on which the decisions was based);
- (j) where and when more detailed information on the adopted decision on the admissibility of the proposed economic activity at the selected location can be made available to the public.

*Granting of IPPC permits*

132. A public notice on an application for the granting of an IPPC permit received and published by the EPA (on the website and in the press) contains:

- (a) the name and address of the economic entity (installation) to which a permit is to be granted or updated, and information on the activity planned to be carried out at the installation;
- (b) where (the EPA address and website), when (the hours and date by which the information will be made available) and when the application received will be made available;
- (c) the name of the authority taking the decision on the granting or updating of a permit, from which information can be obtained and to which comments or questions can be submitted, and to whom, how and by when proposals and comments on the granting or updating of a permit should be submitted;

(d) information on consultations with an EU member state, where such consultations are held;

(e) information on the possible nature of the decision on the granting or updating of a permit;

(f) data on measures of public participation and consultations applied (where the information was published, and where the submitted proposals and the granted permit are made available).

133. The EPA will, no later than within three working days from the publication of a notice, publish the electronic versions of permits granted or updated and the information on the revocation of permits.

#### ***Article 6, paragraph 7***

##### *EIA process*

134. The public is entitled to make comments and proposals throughout the EIA process. Proposals need not be motivated.

135. The drafter of EIA documents registers all proposals received from the public throughout the assessment process in accordance with the established form, evaluates them, prepares their reasoned evaluation and replies in writing to representatives of the public concerned who have submitted the proposals. The reasoned evaluation of proposals from the public is an integral part of the EIA report, which is displayed publicly and made available to the public.

136. Representatives of the public may make proposals and comments also at a public presentation of an EIA report.

137. Prior to making a decision, the competent authority examines the reasoned evaluation of all proposals from the public concerned that was carried out by the drafter of EIA documents and invites representatives of the public who have submitted proposals and other parties to the process for a discussion of their proposals.

##### *Granting of IPPC permits*

138. The public concerned is entitled to submit proposals and comments on an application and the granting or updating of a permit from the date of publication of a notice on the receipt of the application. A period of at least 15 working days is set for submitting comments. Comments received are subject to registration and evaluation. Representatives of the public who have submitted comments are informed of the evaluation results in writing.

#### ***Article 6, paragraph 8***

##### *EIA process*

139. Where screening is carried out with a view to identifying the expediency of EIA procedures, the public concerned is entitled, within 20 working days from the date of publication of the screening conclusion, in accordance with the procedure established by the EPA to submit proposals to the competent authority for reconsidering the screening conclusion. On receiving such a request from the public concerned, the competent authority must invite the participants of the EIA process to be present at adopting the final screening conclusion.

140. The provisions of the EIA Law expressly obligate the competent authority, in the process of analysing the EIA report, to examine the reasoned evaluation of proposals from the public concerned and written proposals received from the public concerned by the drafter of the EIA document.

141. Where a competent authority has received proposals from the public concerned for the EIA report, prior to taking the decision the competent authority organises a discussion on the proposals and draws up minutes of the meeting in accordance with the Procedure for the examination of EIA documents of the proposed economic activity at the MoE and institutions subordinated to the Ministry.

##### *Granting of IPPC permits*

142. The IPPC Rules stipulate that the EPA shall register comments and proposals received

from the public, analyse and evaluate them prior to taking the decision on the acceptance or rejection of an application. Written information on the results of analysis of comments and proposals from the public is supplied by the EPA to representatives of the public and the operator that have submitted the proposals (prior to taking the decision on the granting/updating or not granting/not updating a permit).

**Article 6, paragraph 9**

*EIA process*

143. The competent authority publishes the screening conclusions made on its website, indicating the date by which proposals for reconsidering the screening conclusion may be submitted. The final screening conclusion is published on the website of the competent authority.

144. On receiving the screening conclusion from the competent authority as to whether the proposed economic activity is subject to mandatory EIA, the developer must inform the public about it by announcing the following information in the national press and the press of the city/cities or region/regions of the proposed economic activity, on the notice board of the municipality, and, wherever possible, on the radio and television. The developer and the drafter of EIA documents are entitled to additional information of the public on their own initiative by publishing notices also at other places of public concentration (e.g. on notice boards of non-governmental organisations, shops and housing cooperatives), providing information by other means (e.g. surveys, involvement of the media, delivering notices to households, sending them by post, e-mail, etc.).

145. Within three working days from the adoption of the decision on the admissibility of the proposed economic activity, the competent authority must publish that decision on its website. On receiving the decision of the competent authority on the admissibility of the proposed economic activity at the selected site, the developer or the drafter of EIA documents has, within 10 working days, to inform the public appropriately in the mass media specified by legislation.

*Granting of IPPC permits*

146. The amendments made to the IPPC Rules in 2013 have established a uniform procedure under which the EPA is obligated to publish on its website the electronic versions of permits granted or updated and the information on the revocation of permits.

**Article 6, paragraph 10**

147. National legislation stipulates that the requirements of Article 6 of the Convention apply when reconsidering the implementation conditions of a particular activity.

**Article 6, paragraph 11**

148. The information on the implementation of the Convention in the field of GMOs is provided at the implementation of Article 6 bis and Annex I bis.

## **XVI. Obstacles encountered in the implementation of article 6**

*Answer:*

149. During the EIA procedures the public has raised increasingly more questions unrelated to environmental impact assessment, environmental protection and public health, but rather linked with property relationships and the possible depreciation of immovable property.

150. NEW! The Lithuanian public is facing the limitation of the rights laid down in Article 6 in a transboundary context. A mere 50 km away from Lithuania's largest city, the capital Vilnius, Belarus is building a nuclear power plant in Astravets. The greatest concern around this project arises from the facts that the public was not and is not being informed properly of the processes related to the development of the Astravets nuclear power plant project, and it has failed to obtain detailed explanations to the questions raised. Another concern is compliance of this project with the requirements of international legislation, especially in the field of nuclear safety, and the assessment problems that arise. After the

failure to resolve the existing problems by cross-border negotiations, on 25 March 2015 Lithuania appealed to the Compliance Committee of the Aarhus Convention concerning compliance of Belarus' actions with Article 3, paragraph 9 and Article 6, paragraphs 2 to 4, 6 and 8 in the development of the Astravets nuclear power plant project.

**XVII. Further information on the practical application of the provisions of article 6**

*Answer:*

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**XVIII. Website addresses relevant to the implementation of article 6**

151.

MoE: [www.am.lt](http://www.am.lt)

EPA: [www.gamta.lt](http://www.gamta.lt)

## **XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7**

*Answer:*

152. The basis for public participation in the preparation of plans and programmes relating to the environment is laid down in the Law on Environmental Protection and the Law on Territorial Planning. Legislation implementing these laws and stipulating the provisions of public participation includes:

(a) the Specification of the procedure for public participation in strategic environmental assessment of plans and programmes and information of assessment entities, European Union member states and other foreign states;

(b) the Regulations on public information, consultations and participation in decision-making on the planning of territories;

(c) the Procedure for public information and participation in the preparation of plans and programmes for climate change management, ambient air and water protection and waste management approved by Order No D1-381 of the Minister of Environment of 26 July 2005.

153. Under the Law on Environmental Protection, 'plans and programmes' are understood as national-, regional- or local-level planning documents (action plans and programmes, development plans (programming documents), plans and programmes for the development of branches of the economy, strategies, conceptions, territorial planning documents, etc., including the plans and programmes which are co-financed by the European Community) which are drafted, approved and/or adopted according to the legal acts currently in force or in implementing public administration within one's remit and whose implementation consequences may be of importance for the environment, including complete or partial modifications to such plans and programmes.

154. The Procedure for the SEA of plans and programmes does not provide for a detailed procedure for public information and participation but makes references to the implementing legislation. A different procedure for public information and participation is established where planning documents for territories and planning documents other than those for territories are harmonised.

155. In accordance with the Specification of the procedure for public participation in strategic environmental assessment of plans and programmes and information of assessment entities, European Union member states and other foreign states, the publicity procedures of a draft plan or programme (of planning documents other than those of territories) and assessment consists of:

(a) a public notice on the decision of the organiser to carry out or not to carry out an assessment of a plan or programme;

(b) the availability of a plan or programme assessment report and a draft plan or programme to the public;

(c) publicity procedures in cross-border consultations;

(d) information on an approved plan or programme.

156. In accordance with the established procedures, the organiser of the preparation of plans and programmes, after consultations with assessment entities, will publish (on the website and in the press), within 10 working days, the information on whether the SEA will be carried out or not. Where the SEA is not carried out, the organiser has to justify such a decision.

157. Where the SEA is carried out, no later than 20 working days before a public hearing, the organiser will publish on the website and in the press the information on: where, when and until when a draft plan or programme and the assessment report will be made available to the public (the address and time is indicated, and the timeframe must be at least 20 working days); where in particular a draft plan or programme and the assessment report

are published on the website of the organiser (the link or rubric are indicated); to whom, by when and in what form (e.g., in writing or by email) proposals can be made concerning a draft plan or programme and the assessment report; when a public hearing will be held at the place of an authority that has organised the preparation of a plan or programme (or at another place specified in the notice), at which the public will be familiarised with the assessment report and the draft plan or programme.

158. During a period of at least 20 working days, the public can submit comments and proposals for a draft plan or programme being development and the assessment report.

159. The organiser evaluates proposals received from the public and informs the public at a hearing on how account has been taken of the comments received before the hearing. Where comments received from the public are not taken into account, a statement of an established form evaluating proposals from the public is drawn up. The organiser makes this statement available to the public no later than within 15 working days.

160. Documents of public consultations (certificates of submission of proposals, minutes of a public hearing, a list of participants and information on notices) are an integral part of the SEA report.

161. When preparing planning documents for territories and carrying out their assessment, public information and participation in this process is based on the procedure laid down in the Regulations on public information, consultation and participation in decision making on the planning of territories. The publicity of the preparation of planning documents for territories includes the following procedures:

(a) provision of information to the public on the beginning of planning of territories and planning objectives and the programme of planning operations indicating whether the SEA will be carried out; where no SEA is carried out, the reasons are specified about why the SEA was not carried out;

(b) acquaintance with the prepared planning documents for territories and their assessment reports;

(c) consultations with competent organisations or the public concerned;

(d) submission and examination of proposals;

(e) public hearing on planning documents for territories;

(f) publication of a prepared planning document for territories;

(g) publication of an approved planning document for territories.

162. In accordance with the Procedure for public information and participation in the preparation of plans and programmes for climate change management, ambient air and water protection and waste management, the public must be provided an opportunity to have access to plans and programmes during a period of at least 20 working days from the date of publication of the information on a plan or programme subject to preparation, modification or updating. During this period, the public is entitled to submit comments and proposals that are entered in a register of an established form. Motivated replies are provided to rejected proposals within 10 working days from the deadline for the submission of proposals. The reasons are also provided on which decision making was based in the preparation, modification or updating of the specified plans and programmes, and statistical information on public participation is supplied (the number of natural and legal persons that submitted proposals, and the number of these proposals taken or not taken into account).

## **XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7**

*Answer:*

163. The right of the public to participate in the formation of policies related to the environment is ensured by providing opportunities for representatives of the public to take

part in the activities of different committees, commissions or working groups that decide issues relating to environmental policies.

164. For example, in accordance with the Law on Angling, an angling council is established that makes proposals to the Ministers of Environment and of Agriculture on issues relating to angling. This council consists of representatives of anglers' associations as well as representatives of the media in the field of angling.

165. The implementation of this right is also ensured by public participation in the legislative process (see the information on the implementation of Article 8).

## **XXI. Obstacles encountered in the implementation of article 7**

*Answer:*

166. In the opinion of public representatives, public participation during the preparation of draft legislation is not ensured in practice. Public representatives indicate that the harmonisation of legislation only through the use of the ISLA is inappropriate. This does not ensure public participation in the early stage when all opportunities are still open. The representatives also claim that, in accordance with the applied practice, not all laws are harmonised through the ISLA.

## **XXII. Further information on the practical application of the provisions of article 7**

*Answer:*

167. An example reflecting public participation in the preparation and updating of RBD management plans and programmes of measures is this. When updating the Nemunas, Lielupė, Venta and Dauguva RBD management plans and programmes of measures in 2013, the EPA website published the schedule of preparation of the RBD plans, the main surveys on the RBD water protection problems and the draft RBD management plans and programmes of measures. Each time at least six months were devoted to making the information available to the public and submission of comments. The updated draft RBD management plans and programmes of measures were coordinated with different authorities and organisations and the public concerned (were sent in written form, and meetings were held in each RBD). The parties concerned were urged to provide comments on the draft management plans and programmes of measures and make their proposals. Subsequently the documents of measures were published in the form of legal acts on the ISLA.

168. Another practical example of the implementation of Article 7 is the assurance of public participation in the development of a system on the assessment and management of flood risks system. As part of the implementation of the provisions of Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, the period of 2011-2016 saw the preparation and approval of a report on the preliminary assessment of flood risks, maps of flood hazards and flood risks and plans on the management of flood risks. The development of this system was directly coordinated by the MoE, the EPA and the LHS, and national and foreign experts and scientists as well as local government authorities and groups of the public concerned participated in the preparation of results. The results of each stage were presented to the public both during and after the preparation, and each time at least six months were provided for making the information available to the public and submission of comments, and after the system had been developed the results were published on the ISLA in the form of legal acts. The information prepared in a popular form was published on the EPA website. For the visualisation of the essential conclusions, an interactive map was produced and published on the internet (<http://potvyniai.aplinka.lt/>).

169. NEW! Evaluating the practice of coordinating plans and programmes with the public in the landscape area, the process of coordinating the National Landscape Management Plan approved in 2015 deserves mention. The development of this plan sought to educate

the public (enhance the understanding of the individuality, value and role of landscape) and involve it landscape protection and maintenance actions. The publicity procedures were conducted with account of the provisions of the European Landscape Convention and Recommendation No CM/Rrc(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention. The information on the beginning of the planning process, the preparation of the plan, the concept and the prepared solutions was published in the official publication *Valstybės žinios (Official Gazette)* and on the MoE website. The solutions of the plan concept were presented to the public at a training seminar organised by the MoE. During the preparation of the concept, a survey of 1000 inhabitants of Lithuania between the age of 15 and 74 was carried out. The solutions of the plan were presented at an annual conference of landscape architects held by the MoE.

### **XXIII. Website addresses relevant to the implementation of article 7**

170.  
MoE: <http://www.am.lt>  
ISLA: [http://www3.lrs.lt/pls/inter/www\\_tv\\_2.show?id=9598,1,94](http://www3.lrs.lt/pls/inter/www_tv_2.show?id=9598,1,94)

### **XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8**

*Answer:*

171. In Lithuania, the public is assured the right to participate in the legislative process. No special provisions are envisaged that relate to public participation in the adoption of regulations related to the environment.

172. NEW! In accordance with the Law on Legislative Framework adopted in 2014, legislation means a process covering the submission of legislative initiatives, drawing up of draft legal acts and adoption, signing and publication of legal acts. Legislation in Lithuania, *inter alia*, is guided by the principle of openness and transparency meaning that legislation should be public and that legislative solutions relating to general interests may not be taken without the knowledge of the public or public participation; also that the national policy objectives, the need for legal regulation and the entities taking part in legislation must be known, and the public and interest groups must be provided conditions to make proposals for legal regulation at all stages of legislation; and that the entities who initiated the preparation of draft regulations, drew up draft regulations and carried out the evaluation of the expected effect of legal regulation have to be known. The purpose of public consultations is to ensure openness and transparency in legislation, to get feedback from the public on the issues of legal regulation and their solutions, to allow the public to influence the content of a draft legal act and to better assess the positive and negative consequences of the envisaged legal regulation and the costs of its implementation, to submit proposals relating to the legislative initiatives and draft legal acts published in the ISLA, as well as to the monitoring of legal regulation carried out. The Law on Legislative Framework stipulates that the public must be consulted in due time and on essential issues (effectiveness of consultation), also to the extent necessary (proportionality of consultation).

173. The duty of public consultations in fact is implemented through the publication of draft regulations on the ISLA where parties concerned can make their comments and proposals. Entities engaged in the preparation of regulations must transfer to the ISLA and publish there those proposals that have been submitted not to the ISLA. An entity preparing a draft regulation takes all proposals submitted into consideration.

174. The right of the citizens' legislative initiative and the procedure for its implementation are regulated by the Law on the Citizens' Legislative Initiative.

175. The procedure for the implementation of the right to petition guaranteed under the Constitution of the Republic of Lithuania is laid down by the Law on Petitions. The law stipulates that, in exercising the right to petition, a person may, in accordance with law, apply to the Seimas, the Government or municipal authorities, in particular a municipal council and the director of a municipal administration. An applicant is a citizen of the Republic of Lithuania not younger than 16 years or a foreign national permanently residing in the Republic of Lithuania, or a group of them who have drawn up and submitted an application (petition) in accordance with this law.

## **XXV. Obstacles encountered in the implementation of article 8**

*Answer:*

176. NEW! Obstacles include low activity of the public in the legislative process and the delayed submission of comments.

## **XXVI. Further information on the practical application of the provisions of article 8**

*Answer:*

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## **XXVII. Website addresses relevant to the implementation of article 8**

177.

ISLA: [http://www3.lrs.lt/pls/inter/www\\_tv\\_2.show?id=9598,1,94](http://www3.lrs.lt/pls/inter/www_tv_2.show?id=9598,1,94)

## XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in 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.

*Answer:*

178. In Lithuania, the basis for access to justice is provided for in general and special legislation. The procedural aspects of the exercise of this right are regulated by general legislation of the administrative, civil and criminal procedure. Disputes relating to the environment are examined under the general procedure (no special regulation or bodies dealing exclusively with disputes related to the environment exist).

179. The main general legislation ensuring a person's access to an administrative or judicial review procedure includes:

- (a) the Law on Public Administration;
- (b) the Law on Access to Information of State and Municipal Institutions and Bodies;
- (c) the Law on Environmental Protection;
- (d) the Law on the Seimas Ombudsmen;

(e) the Law on Administrative Disputes Commissions;

(f) the Civil Code;

(g) the Law on the Prosecutor;

h) the Law on the Compensation of Damages Caused by Unlawful Actions of Public Authorities and the Representation of the State and the Government of the Republic of Lithuania.

The procedural aspects of judicial proceedings are regulated by:

(i) the Law on Administrative Proceedings (LAP);

(j) the Code of Civil Proceedings (CCP);

(k) the Code of Criminal Proceedings (CoCP).

180. Disputes examined at national courts can be classified according to the nature of defended interests. Courts deal with disputes which defend the private interest (a person needs to justify the infringement of his/her private right) and the public interest. In the environmental sphere, persons are entitled in accordance with law to defend their infringed private rights (e.g. the right to information on the environment), as well as the public interest where that is laid down in the regulating laws.

181. LAP Article 5 and CCP Article 5 stipulate that each entity concerned has access to justice in accordance with the procedure prescribed by law for the defence of its infringed or contested right or interest protected by law.

182. LAP Article 55 provides that in cases prescribed by law a prosecutor, public administration entities, organisations or natural persons may have access to justice requesting the defence of the public interest or state, municipal or personal rights and interests protected by law. CCP Article 49 lays down the access to justice for a prosecutor and, in cases prescribed by law, for national and municipal authorities and other persons concerning the defence of the public interest.

183. In its case-law, the Supreme Administrative Court of Lithuania has advocated a consistent position that the public interest, when applying the LAP, should be understood as that which is objectively significant, necessary and valuable for the public or its part, while the right of entities provided for in the law to protect the public interest in administrative proceedings is the right, in established cases, to apply to an administrative court in protecting that which is objectively significant, necessary and valuable for the public or its part (a summary of the 2009 case law of the Supreme Administrative Court of Lithuania in proceedings on complaints (requests) of entities defending the public interest).

184. Public interest defended in the environmental sphere should be evaluated individually in each case. The Supreme Administrative Court of Lithuania has acknowledged the following as the defended public interest: 'the rational use of territories in a specific way' (in the sphere of the planning of territories), as well as the need for the conservation of 'the landscape, nature and historical and cultural values' of a particular region, 'the guarantee of the right to a healthy and clean environment', etc.

185. The court has confirmed that the Aarhus Convention grants the right to community-based organisations to defend the public interest in the environmental sphere.

***Article 9, paragraph 1***

186. The right of persons to receive information held by or intended for public or local self-government authorities is regulated by general as well as special legislation (regulating the environmental sphere in particular) (see the information on the implementation of Article 4).

187. In all cases where a person considers that his or her request for environmental information has been ignored, inadequately answered or the provision of the requested information has been refused, he or she can defend his/her infringed rights and have access to an administrative disputes commission, a court and also the office of the Seimas ombudsmen, if there is any suspicion that government representatives perform their duties inappropriately.

188. A person can choose a body for the examination of his/her complaint and have access

to an administrative disputes commission or a court. Administrative disputes commissions examine complaints from persons under the pre-trial procedure concerning individual administrative acts or actions (omissions) taken by public administration entities. Such dealing with a dispute is faster, cheaper and less formal, compared to judicial proceedings.

189. In accordance with LAP Article 5, each entity concerned has access to justice in accordance with law for the defence of its infringed or contested right or interest protected by law.

190. The Law on the Seimas Ombudsmen lays down the right of persons to access to the Seimas ombudsman with a complaint concerning the abuse of duties by officials, their red tape or otherwise infringed human rights and freedoms in the sphere of public administration.

191. A person who considers that his or her request for environmental information was ignored or was inadequately answered due to the actions or omissions of a particular official, which is not based on existing legislation, can also appeal to the manager of this official requesting an evaluation of the officials' conduct and, where necessary, the application of official responsibility.

#### ***Article 9, paragraph 2***

192. The term 'public concerned' that can make use of the guarantees under Article 9, paragraph 2 is defined in special legislation, e.g. the EIA Law (see the information on the implementation of Article 6). NGOs established under national legislation and operating in the environmental sphere are considered the public concerned. By its Ruling of 16 January 2013 in Civil Case No 3K-3-112/2013, the Supreme Court of Lithuania has confirmed that associations established in accordance with legislation and operating in the environmental sphere are considered associations concerned.

193. Decisions and omissions of authorities taken in the EIA process of the proposed economic activity may be appealed against on the basis of the general provisions regulating public administration. Article 15 of the EIA Law also stipulates that the public concerned has access to justice if it considers that a request for environmental information was wrongly refused, unanswered or inadequately answered whether in full or in part.

194. The EIA Law specifies that the public concerned also has access to justice in accordance with laws of the Republic of Lithuania concerning the defence of the public interest when contesting the substantive or procedural lawfulness of decisions, actions or omissions in the sphere of environmental impact assessment.

195. The right of the public concerned to defend the public interest in the environmental sphere is also stipulated in Article 7(2) of the Law on Environmental Protection. The Supreme Administrative Court of Lithuania has repeatedly noted that the rights of members of an organisation and their interests protected by law can be defended first of all through the powers to defend the public interest granted to the applicant. In such a case in terms of administrative proceedings, i.e. in procedural terms, an organisation acts in its own name (as the applicant), but in fact concerning the likely infringement committed to the rights and legitimate interests of other persons (who both are and are not members of the organisation), the public (its part) or the state, the elimination of the infringement being a matter of public interest. Systematic analysis of the legal rules laid down in Article 2, paragraph 5 and Article 9, paragraph 2 of the Aarhus Convention and LAP Articles 5(3)(2) and 55(1) makes it obvious that organisations of the public concerned helping to solve environmental problems have the right to defend the public interest through access to an administrative court in the environmental sphere (the Ruling of the Supreme Administrative Court of Lithuania of 10 April 2014 in Administrative Case No A<sup>146</sup>-342/2014).

#### ***Article 9, paragraph 3***

196. The Law on Public Administration lays down an administrative procedure under which authorities examine persons' complaints and notifications. A 'complaint' is understood as a person's written application where it is indicated that his or her rights or legitimate interests have been violated and it is requested to defend them. Meanwhile a 'notification' means a person's written application to an entity of public administration where it is indicated that the rights or legitimate interests of another person have been violated and it is requested to defend them. Thus persons have the right to this administrative procedure also in the environmental sphere, i.e. the right of access to a competent authority, filing of complaints and/or notifications on a suspected violation of

environmental legislation, and requests for investigating the specified event and taking appropriate actions.

197. Where it is deemed that the actions or omissions of a particular official may have violated legislation, a person has the right to apply to the manager of that official, requesting an investigation of his/her conduct and the application of official responsibility on identifying the violations.

198. In accordance with both the LAP and the Civil Code, in cases prescribed by law a prosecutor, national and municipal authorities and other persons have the right to defend the public interest. The public is entitled to defend the public interest in cases prescribed by law. Even where this right is not granted directly, the defence of the public interest can be implemented through a prosecutor who has ample opportunities for defending the public interest (the Law on the Prosecutor).

**Article 9, paragraph 4**

199. Where a person's complaint or notification is examined under the administrative procedure (the administrative procedure is applied), the person is assured an effective examination of his/her complaint or notification free of charge:

(a) The Law on Public Administration stipulates that the administrative procedure may not last more than 20 working days, and in established cases the time limit may be extended by another 10 working days. This timeframe guarantees a fast examination of a complaint or notification submitted;

(b) On completing the administrative procedure, a decision is taken that may be appealed against before an administrative disputes commission or a court.

200. Examination of disputes in administrative disputes commissions:

(a) is free of charge;

(b) in accordance with the Law on Administrative Disputes Commissions, a complaint filed must be examined no later than within 20 working days from the acceptance of the complaint; this timeframe may be extended by another 10 working days by a motivated decision;

(c) a decision adopted by an administrative disputes commission is binding for the parties to the dispute. A decision may, where appropriate, be enforced in accordance with the CCP. A decision of an administrative disputes commission may also be appealed against before a court.

201. The examination of a dispute at a court under the administrative procedure is conducted for a charge. An applicant must pay a stamp duty of EUR 30, excluding the exemptions provided for (LAP Articles 36 and 37). For example, no stamp duty is charged for a complaint due to the delay of public administration entities in carrying out actions, and requests of prosecutors, public administration entities, organisations or natural persons in cases prescribed by law concerning the defence of the public interest or the rights of the state, municipalities or persons and interests protected by law. Taking account of the financial situation of a natural person or a group of natural persons, an administrative court may exempt them from payment of the stamp duty in full or in part. When lodging an appeal, a stamp duty of EUR 15 is charged. In the event that complaints are sent to a court by electronic means of communication, 75 percent of the stamp duty amount payable for a particular complaint is charged. The additional costs that an applicant may have are the remuneration for legal services, litigation costs incurred by the other party awarded by the court and judicial expenses. The length of a process depends on the complexity of a dispute. A court judgment passed is binding for the parties and may be appealed against before a higher court.

202. The examination of a dispute before a court under the civil procedure is conducted for a charge. A claimant has to pay a stamp duty which depends on the nature and amount of the claim made. Cases of exemption from payment of the stamp duty are envisaged. For example, exempt from the stamp duty are a prosecutor, national and municipal authorities and other persons where a claim or an application is filed with a view to defending the public interest or national or municipal interests, in that part of a case where the defence of the public interest or national or municipal interests is sought. The additional costs that a claimant may have are the remuneration for legal services, litigation costs incurred by the

other party awarded by the court and judicial expenses. The length of a process depends on the complexity of a dispute. A court judgment passed is binding for the parties and may be appealed against before a higher court.

203. Where a person considers that he/she has suffered damages due to the unlawful actions of certain authorities, the person may, based on the Law on the Compensation of Damages Caused by Unlawful Actions of Public Authorities and the Representation of the State and the Government of the Republic of Lithuania, apply to a court and claim the compensation of damages incurred.

***Article 9, paragraph 5***

204. The access of the public to information on the possibility of appealing against certain actions or omissions relating to the environment is guaranteed under the administrative and judicial procedure by publishing legislation in electronic databases.

205. In accordance with the Law on Public Administration, an individual administrative act must specify the appeal procedure.

206. NEW! Amendments made in 2015 to the Rules for considering applications of individuals and providing services to them at public administration institutions, bodies and other public administration entities state in particular that an answer to an applicant refusing to provide an administrative service or information or take a decision must specify the precise appeal procedure and the name(s) and address(es) of the authority/authorities to which a complaint may be filed, as well as the timeframe(s) during which a complaint may be filed.

207. For additional information on the administrative and judicial procedures, persons have the right to approach a municipality (according to their declared place of residence) that ensures legal assistance free of charge.

**XXIX. Obstacles encountered in the implementation of article 9**

*Answer:*

208. NEW! Representatives of the public have noted that NGOs have no right to contest the lawfulness of provisions of a normative legal act before a court. NGOs note that there is a lack of clarity about which legal acts may be contested before a court and which ones may not.

**XXX. Further information on the practical application of the provisions of article 9**

*Answer:*

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**XXXI. Website addresses relevant to the implementation of article 9**

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**Articles 10-22 are not for national implementation.**

**XXXII. General comments on the Convention's objective**

*Answer:*

209. NEW! The increased provision of electronic services at national bodies enables the public to obtain and find the required information in a faster and more convenient manner.

### **XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

**Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**

- (a) With respect to **paragraph 1 of article 6 bis** and:
  - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
  - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
  - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
  - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
  - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
    - a. The nature of possible decisions;
    - b. The public authority responsible for making the decision;
    - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
    - d. An indication of the public authority from which relevant information can be obtained;
    - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
  - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
  - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
  - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

*Answer:*

210. The main legislation regulating public information and participation in the sphere of implementation of Article 6 bis and Annex I bis includes:

- (a) the Law on Genetically Modified Organisms (the GMO Law);
- (b) Order No 602 'On the Formation of a GMO Management Supervisory Committee and the Approval of Its Regulations' of 18 December 2001 of the Minister of Environment;
- (c) the Order of the Minister of Environment of 18 October 2004 approving the Regulations on the information system of genetically modified organisms;
- (d) the Procedure for the deliberate release into the environment and placing on the market of GMOs approved by Order No D1-225 of the Minister of Environment of 29 April 2004;
- (e) the Procedure for public information and participation in decision-making on the deliberate release into the environment and placing on the market of genetically modified organisms approved by Order No 299 of the Minister of Environment of 11 June 2003.

The GMO Law and the implementing regulations transpose into the national law the provisions of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC. Lithuania also applies Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Regulation No 1829/2003).

211. Lithuania has no exceptions of public participation with respect to Annex I bis, paragraph 2.

***Article 6 bis, paragraph 1 and Annex I bis, paragraphs 1 to 8***

212. Article 12 of the GMO Law provides that the public shall have the right to participate in the making of decisions relating to the use of GMOs and genetically modified products and to receive information thereon, according to the procedure established by law. The state management of activities involving the use of GMOs is performed by the MoE in Lithuania.

213. Lithuania also has a GMO Management Supervisory Committee and a GMO Expert Committee. The GMO Management Supervisory Committee is structured in accordance with the principle of proportionality and includes representatives of manufacturers, scientists, public servants and NGOs. The key function of the Committee is making proposals for decisions on GMO issues. The Committee reports to the MoE. The GMO Expert Committee prepares conclusions of assessment of risks to the environment and human health with respect for each request submitted for the granting of a permit. The assessment conclusions are submitted to the MoE and also presented at a meeting of the GMO Management Supervisory Committee.

214. The Procedure for the deliberate release into the environment and placing on the market of GMOs lays down two procedures for the deliberate release of GMOs into the environment: one for not placing on the market (field trials) and the other for placing on the market. These two procedures are based on the assessment of risks to the environment and human health. Prior to submitting a request and a notification for the deliberate release of GMOs into the environment, a notifier assesses the risks to the environment and human health. On receiving a request and a notification, with 10 working days the MoE presents a summary of the request received (a full request where required) by electronic means to the GMO Expert Committee, members of the GMO Management Supervisory Committee, authorities concerned (the Ministry of Agriculture, the Ministry of Health and the State Food and Veterinary Service) and the public (through the GMO information system), with the exception of confidential information. In the event of placing on the market, an assessment report is also provided.

215. With respect to each application for the deliberate release of GMOs into the environment for not placing on the market, the public consultation procedure begins with publishing the information on the internet through the GMO information system and the website of the Joint Research Centre of the European Commission. The public is entitled to make comments and proposals within the set 30-day period. In the event of placing GMOs on the market, the public information and participation procedures take place in accordance with the provisions of Regulation No 1829/2003. Scientific opinions on the assessment of risk to the environment and human health are published on the website of the European Food Safety Authority.

216. The Procedure for the deliberate release into the environment and placing on the market of GMOs stipulates that a notifier may indicate the information in the request submitted, the disclosure of which might harm his competitive position. In this case a notifier has to provide a justification as to why the information indicated by him should be treated as confidential, and provide verifiable documents justifying such confidentiality. Prior to deciding whether the information may be kept confidential, the MoE has the duty to consult the notifier on that. The following information is not considered confidential: the description of the GMO, name and address and purpose of the research, location and time and purpose of the release of the GMO, methods and plans for monitoring, assessment of risks to the environment and human health and an action plan for emergency response.

217. Prior to taking the decision on the release of GMOs into the environment, the proposals received are given a reasoned evaluation and it is determined whether they are justified and should be taken into consideration. The MoE informs the public through the GMO information system about: decisions taken on the contained use of genetically modified materials and GMOs; the deliberate release into the environment and placing on the market; specific use and maintenance conditions; the reasons and motives for rejecting the notification; emergency response plans and safety measures applicable in emergencies; provisionally restricted or prohibited GMOs, the use of which is permitted in the EU under legislation; the opinions and reasoned objections of consultation with the GMO Expert Committee; and updated decisions, monitoring results, etc.

***Article 6 bis, paragraph 2***

218. Lithuania has acceded to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. The provisions of this Protocol supplement the legal regulation laid down in Article 6 bis, paragraph 1. The national provisions implementing Article 6 bis, paragraph 1 are harmonised with the biosafety system in place in Lithuania and comply with the objectives of the Cartagena Protocol on Biosafety.

**XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Answer:*

219. No obstacles have been encountered. These provisions have not yet been applied in practice.

**XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Answer:*

220. NEW! With a view to implementing the obligations under European Union law, i.e. in order to transpose the provisions of Directive (EU) 2015/412 of the European Parliament and of the Council of 11 March 2015 amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory, the preparation of amendments to the GMO

Law has begun in 2016. These amendments will specify the permitting procedures in detail, including the rules on public information and participation.

### **XXXVI. Website addresses relevant to the implementation of article 6 bis**

*Answer:*

221.

MoE: <http://www.am.lt>

GMO information system: [http://gmo.am.lt/](http://gmo.am.lt)

Ministry of Agriculture: <http://zum.lrv.lt/>

Ministry of Health: <http://sam.lrv.lt/>

State Food and Veterinary Service: <http://vmvt.lt/>

Joint Research Centre of the European Commission:

<http://gmoinfo.jrc.ec.europa.eu/default.aspx>

European Food Safety Authority: [http://ec.europa.eu/food/plant/gmo/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/index_en.htm)

### **XXXVII. Follow-up on issues of compliance**

*Answer:*

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