



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

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Compliance Committee  
Convention on Access to Information, Public  
Participation in Decision-making and  
Access to Justice in Environmental Matters  
(Aarhus Convention)  
United Nations Economic Commission for  
Europe  
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## **REGARDING THE PROGRESS REPORT**

At its seventh session (Geneva, 18-21 October 2021), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VII/81 concerning the compliance of Lithuania.

Through paragraph 3 (b) of decision VII/81, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to provide a detailed progress report to the Committee by 1 October 2023 on the measures taken and the results achieved in the implementation of the recommendations set out in the decision.

Based on the request, we provide the progress report of action on the measures taken and the results achieved in the implementation of the recommendations set out in the decision VII/81.

Additionally, please find enclosed relevant provisions of the newly amended Law on Environmental Impact Assessment of the Proposed Economic Activity, related to public participation in the Environmental Impact Assessment process and access to justice (Articles 8, 9, 11, 12 and 16), and a Procedural Schedule for Public Information and Participation in the Process of Environmental Impact Assessment of the Proposed Economic Activity, that were unofficially translated by the experts of the Ministry of Environment. Also enclosed is the official translation of the consolidated version of the Law on Environmental Impact Assessment of the Proposed Economic Activity valid as of January 2021, we will provide the Compliance Committee with the official translation of this Law as soon as possible.

### **ATTACHMENTS:**

1. Progress report, 18 pages.
2. Relevant provisions of the Law on Environmental Impact Assessment of the Proposed Economic Activity (Articles 8, 9, 11, 12 and 16), 11 pages.

3. Law on Environmental Impact Assessment of the Proposed Economic Activity (an official translation of the consolidated version valid as of 1 January 2021), 37 pages.
4. Procedural Schedule for Public Information and Participation in the Process of Environmental Impact Assessment of the Proposed Economic Activity, 16 pages.

Chancellor of the Ministry of Environment

Laura Masiliauskaitė

**REPUBLIC OF LITHUANIA**  
**LAW ON**  
**ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC**  
**ACTIVITY**  
24 November 2022 No XIV-1560  
Vilnius

**Article 8. Environmental Impact Assessment Programme**

1. In the cases referred to in Article 3(1) of this Law, the organiser of a proposed economic activity shall have the right to decide to draw up an environmental impact assessment programme (hereinafter referred to as ‘the programme’) or a notice on the commencement of an environmental impact assessment. The programme shall be compulsory if a cross-border environmental impact assessment of the proposed economic activity has to be carried out on the grounds referred to in Article 10(3) of this Law and the submission of the programme to another State is determined by international agreements concluded between the Republic of Lithuania and another State.

2. The programme sets out the content of the report and the issues that must be addressed.

3. The drafter of environmental impact assessment documents shall submit a programme drawn up in accordance with the procedure laid down by the Minister for the Environment to the entities of the environmental impact assessment for the purpose of obtaining conclusions, and shall inform the public and the competent authority about the programme.

4. The competent authority shall publish the information on the programme within 3 working days of its receipt in accordance with the procedure laid down by the Minister for the Environment. The date of receipt of information on the programme by the competent authority shall be deemed to be the start of the environmental impact assessment, unless, before the date of receipt of that information, the competent authority has received a notification of the commencement of an environmental impact assessment in accordance with the procedure laid down in Article 9 of this Law.

5. The EIA entities shall examine the programme, evaluate the information contained therein and submit reasoned conclusions to the drafter of the environmental impact assessment documents within 10 working days of its receipt. Environmental impact assessment entities responsible for fire and civil protection, protection of immovable cultural property, having regard to the scale, nature, local and environmental characteristics of the proposed economic activity, have the right to indicate, when drawing conclusions on the programme, whether they will examine the report. If the environmental impact assessment entities responsible for fire and civil protection, the protection of

immovable cultural property, indicate that they will not examine the report, they shall not be notified of the report.

6. If, prior to the approval of the programme, but no later than 20 working days after the date of receipt of the programme within the municipal executive body, the Council of the municipality in whose territory the economic activity is planned, acting on the basis of the Law on Local Self-Government of the Republic of Lithuania and other laws establishing the competence of municipalities within the limits of the established competence, adopts a negative reasoned decision on the feasibility of the proposed economic activity, the environmental impact assessment procedures may not continue until the negative reasoned decision adopted by the municipal council is in force, except where the proposed economic activity is recognised as a project of importance to the State or a project of regional importance or the proposed economic activity is necessary for the implementation of a project of national or regional importance. The municipal administration shall immediately — within 3 working days — inform the competent authority and the organisers of the proposed economic activity of the negative reasoned decision taken by the municipal council and shall at the same time submit a negative reasoned decision of the municipal council. Upon receipt of this decision of the municipal council, the competent authority shall inform the public thereof in accordance with the procedure laid down by the Minister for the Environment.

7. The public concerned shall have the right to submit proposals for a programme to the competent authority and to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within a specified time limit for the submission of proposals, which shall be at least 10 working days from the date of publication of the information on the programme received by the competent authority.

8. Environmental impact assessment entities shall have the right to submit reasoned requirements to the drafter of environmental impact assessment documents to supplement or amend the programme. In such cases, the drafter of the environmental impact assessment documents shall supplement or amend the programme and resubmit it to the EIA entities who, within 5 working days of its receipt, shall examine the programme, assess the information contained therein and submit reasoned conclusions to the drafter of the environmental impact assessment documents.

9. The drafter of environmental impact assessment documents together with the organiser of the proposed economic activity shall submit the assessment of the proposals of the public concerned, the conclusions of the entities of the environmental impact assessment and the programme to the competent authority for examination.

10. Within 10 working days of receipt of the programme, the competent authority, having examined and assessed the programme and the proposals submitted jointly by the interested public and on the basis of the conclusions of the environmental impact assessment entities, shall approve

the programme or submit reasoned requirements to the drafter of the environmental impact assessment documents to supplement and/or amend the programme. The approved programme and its information shall be published by the competent authority in accordance with the procedure laid down by the Minister for the Environment. The programme shall be valid for 3 years from the date of its approval. The report shall be submitted to the environmental impact assessment entities before the expiry of the programme.

11. If the Competent authority has submitted reasoned requests for the amendment or completion of a programme in accordance with paragraph 10 of this Article, the Competent authority shall approve it within 5 working days of receipt of the revised or supplemented programme after examining and evaluating the programme.

12. Where a proposed economic activity is subject to transboundary environmental impact assessment procedures in accordance with Article 10 of this Law, the programme shall be approved only after receipt of the opinion of the coordinating authority referred to in Article 10(4) of this Law on the assessment of transboundary effects on the environment.

#### **Article 9. Notice of the commencement of the environmental impact assessment**

1. The preparation of a notice on the commencement of an environmental impact assessment (hereinafter ‘notice of the commencement of an EIA’) is mandatory when, in accordance with the provisions of Article 3(1) of this Law, the assessment of the environmental impact of the proposed economic activity is mandatory and the organiser of the proposed economic activity decides not to draw up a programme.

2. The notice of the commencement of an EIA shall be drawn up by the organiser of the proposed economic activity or the drafter of the environmental impact assessment documents. The form and content of the notice of the commencement of the EIA shall be approved by the Minister for the Environment.

3. The organiser of a proposed economic activity or the drafter of environmental impact assessment documents shall submit a notice of the commencement of the EIA not later than 15 working days before the public is informed of the public hearings in accordance with the procedure laid down in Article 11(3) of this Law, to the entities of the environmental impact assessment and to the competent authority, which shall publish the information received within 3 working days from the date of receipt of the notice of the commencement of the EIA in accordance with the procedure laid down by the Minister for the Environment and inform the public in accordance with the procedure laid down by the Minister for the Environment. The date of receipt of the notice of the commencement of the EIA by the Competent authority shall be deemed to be the start of the Environmental Impact Assessment.

4. The competent authority and the entities of the environmental impact assessment shall have the right to submit reasoned proposals to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within 10 working days from the date of receipt of the notice of the commencement of the EIA. The public concerned shall have the right to submit proposals to the competent authority and to the organiser of the proposed economic activity or to the drafter of the environmental impact assessment documents within 10 working days of the date on which the notice of the commencement of the EIA is published by the competent authority. The drafter of environmental impact assessment documents together with the operator of the proposed economic activity shall submit an assessment of the proposals received in the report.

5. The report shall be submitted to the EIA entities no later than 3 years after the date of notice of the commencement of the EIA to the EIA entities and the competent authority.

### **Article 11. Environmental Impact Assessment Report**

1. The drafter of the environmental impact assessment documents shall draw up the report on the basis of a programme approved by the competent authority or, if a notification of the commencement of an EIA has been submitted, taking into account the proposals received in accordance with the procedure laid down in Article 9(4) of this Law. The requirements for drawing up the report shall be approved by the Minister for the Environment.

2. The drafter of environmental impact assessment documents may use relevant information obtained during the strategic environmental assessment or other assessment for the preparation of a report.

3. After preparing the report, the drafter of the environmental impact assessment documents shall organise public hearings in accordance with the procedure laid down by the Minister for the Environment, informing the public about the hearings no later than 20 working days before it. The public shall have the right to access the report and submit proposals to the competent authority and to the drafter of the environmental impact assessment documents before and during the public hearings, and by the deadline referred to in paragraph 10 of this Article.

4. The drafter of environmental impact assessment documents together with the organiser of the proposed economic activity shall, in accordance with the procedure laid down by the Minister for the Environment, evaluate the proposals of the public concerned and, if necessary, revise the report and submit it to the environmental impact assessment entities together with the proposals of the public concerned and the evaluation of those proposals.

5. The entities of the environmental impact assessment shall examine the report, evaluate the report, the proposals of the public concerned and the assessment of the proposals of the public concerned and, in accordance with the competence referred to in Article 6(5) of this Law, submit to

the drafter of the environmental impact assessment documents reasoned conclusions on the environmental impact of the report and the proposed economic activity or comments and proposals in accordance with the procedure laid down in paragraph 7 of this Article within 20 working days from the date of receipt of the report, and 15 working days from the date of receipt of the report for a report on a proposed economic activity classified in the overriding public interest and considered important for public safety. In the reasoned conclusions, the EIA entities must indicate: reasons based on the requirements of legal acts for approval or disapproval of the proposed economic activity; which specific alternative(s) support(s) or disagree if alternatives have been examined in the report; conditions based on the requirements of specific legal acts to be fulfilled before the start of the activity and/or during the completion of economic activities and/or economic activities and to provide a reasoned opinion on the assessment methods, results, quality of the report and proposed measures to prevent, reduce, compensate for or restore the expected significant adverse effects on the environment. The form of conclusions on the environmental impact of the proposed economic activity shall be established by the Minister for the Environment.

6. If the programme has not been drawn up and if, before the adoption of a decision on the proposed economic activity, but no later than within 20 working days from the date of receipt of the report in the municipal executive body, the proceedings shall be suspended in accordance with the procedure laid down in Article 8(6) of this Law, except in the cases of the exception provided for in Article 8(6) of this Law.

7. Environmental impact assessment entities shall have the right to submit reasoned requirements that the drafter of the environmental impact assessment documents completes and/or amends the report. The drafter of environmental impact assessment documents must complete or amend the report and resubmit it to the EIA entities that have submitted comments and/or proposals. They shall examine, assess and submit, within 10 working days from the date of receipt of the supplemented and/or amended report, reasoned conclusions regarding the report and the draft environmental impact assessment documents of the proposed economic activity.

8. An environmental impact assessment entity which has identified deficiencies in a report on a proposed economic activity falling within the overriding public interest and considered to be important for public safety shall, before submitting reasoned requirements for the drafter of environmental impact assessment documents to supplement or amend the report, inform, in accordance with the procedure laid down by the Minister for the Environment, no later than the expiry of the time limit laid down in paragraph 5 of this Article, a meeting on its own initiative or at the request of the drafter of environmental impact assessment documents to discuss the deficiencies identified in the report.

9. The drafter of environmental impact assessment documents shall submit to the Competent authority a revised and/or supplemented report in accordance with the conclusions of the EIA entities, the conclusions of the EIA entities regarding the report and the environmental impact of the proposed economic activity and the proposals of the public concerned and the evaluation of the proposals.

10. Within 3 working days of receipt of the report, the competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a notice of receipt of the report to the public and access to it. Within 10 working days of the publication of the notice, the public concerned shall have the right to submit in writing to the competent authority proposals for an environmental impact assessment and report on the proposed economic activity.

11. If the report is substantially amended (the scope of the economic activity is changed, new technological and/or site alternatives are planned) or substantially amended (where the report does not adequately or insufficiently assess the potential environmental impact), the drafter of the environmental impact assessment documents, obliged by the competent authority or the organiser of the proposed economic activity, shall organise repeated public hearings in accordance with the procedure laid down in paragraph 3 of this Article.

12. Where, in the cases set out in paragraph 11 of this Article, the report is substantially amended or substantially amended, the drafter of the environmental impact assessment documents shall, after repeated public hearings, acquire new conclusions of the environmental impact assessment entities in accordance with the procedure laid down in paragraphs 4 to 7 of this Article and submit to the competent authority in accordance with the procedure laid down in paragraph 9 of this Article.

## **Article 12. Decision on the environmental impact of the proposed economic activity**

1. The competent authority, having examined the proposals of the public concerned and the assessment of these proposals, having examined and evaluated the report, on the basis of the conclusions of the entities of the environmental impact assessment on the report and the impact of the proposed economic activity on the environment and taking into account the results of the meetings organised in accordance with paragraphs 8, 9 or 10 of this Article, within 25 working days from the date of receipt of the report, and within 20 working days from the date of receipt of the report on the report on a proposed economic activity classified in the overriding public interest and considered relevant to public security:

- 1) provide reasoned requests to amend or supplement the report; or
- 2) make a decision on the environmental impact of the proposed economic activity.



2. The competent authority, having identified deficiencies in a report on a proposed economic activity falling within the overriding public interest and considered important for public security, shall, before submitting reasoned requirements for the correction or completion of the report, inform, in accordance with the procedure laid down by the Minister for the Environment, at the latest by the expiry of the period laid down in paragraph 1 of this Article, of the deficiencies identified and shall, on its own initiative or at the request of the drafter of the environmental impact assessment documents, organise a meeting to discuss the deficiencies identified in the report.

3. Where, in accordance with Article 6(7) of this Law, the competent authority uses consultants, it shall carry out the actions referred to in paragraph 1 of this Article and, on the basis of the conclusions of the consultants, submit reasoned requests to amend or supplement the report or adopt a decision on the environmental impact of the proposed economic activity within 50 working days of receipt of the report. The competent authority shall take a reasoned decision to involve consultants and submit it to the organiser of the proposed economic activity and to the drafter of the environmental impact assessment documents within 10 working days of receipt of the report.

4. The time limit for taking a decision on the environmental impact of the proposed economic activity may be extended once by no more than 25 working days, and due to the overriding public interest and considered important for public security, the proposed economic activity may be extended by no more than 20 working days, for objective reasons independent from the competent authority. The competent authority must notify the organiser of the proposed economic activity and the drafter of the environmental impact assessment documents at the latest 5 working days before the expiry of the deadline of the decision to extend the deadline, stating the reasons for the extension.

5. Where the Competent authority submits reasoned requests for amendment and/or completion of the report, the drafter of the environmental impact assessment documents must amend and/or supplement the report and resubmit it to the competent authority. The Competent authority shall examine the revised and/or supplemented report within 15 working days and within 10 working days of receipt of the amended and/or amended report for economic activities classified in the overriding public interest and considered important for public security, shall take a decision or, without prejudice to the provisions of Article 6(8) of this Law, shall resubmit the reasoned need to amend or supplement the report.

6. Where a transboundary environmental impact assessment has been carried out in respect of a proposed economic activity in accordance with the provisions of Article 10 of this Law, the drafter of the environmental impact assessment documents shall prepare and submit to the competent authority an assessment of the proposals of the State affected by the environmental

impact before the decision on the environmental impact of the proposed economic activity is adopted.

7. Where a proposed economic activity is subject to the provisions of Article 10 of this Law or to the provisions of paragraph 12 of this Article concerning consultations with the European Commission, the time limit for taking a decision on the environmental impact of the proposed economic activity referred to in paragraphs 1, 2 and 4 of this Article shall not apply. Having regard to the results of the cross-border consultations, the competent authority shall take a decision on the environmental impact of the proposed economic activity no later than 10 working days from the date of receipt of the assessment of the State affected by the environmental impact referred to in paragraph 6 of this Article. Where the European Commission has been consulted in accordance with paragraph 12 of this Article, the competent authority shall take a decision on the environmental impact of the proposed economic activity no later than 10 working days after the end of the consultation.

8. Where the environmental impact assessment entities' conclusions on the environmental impact of the proposed economic activity conflict with each other and/or the conclusion of the environmental impact assessment entity on the report and the environmental impact of the proposed economic activity are not in accordance with the provisions of Article 11(5) of this Law, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a meeting in accordance with the procedure laid down by the Minister for the Environment inviting the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and the environmental impact assessment entities referred to in this paragraph to consider the conclusions of the environmental impact assessment entities.

9. On receipt of proposals from the public concerned in accordance with Article 11(10) of this Law, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a meeting in accordance with the procedure laid down by the Minister for the Environment to which the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and the representatives of the public concerned who have submitted proposals shall be invited to consider proposals from the public concerned.

10. Where the competent authority has doubts as to the compliance of the proposed economic activity with the requirements of legal acts or the potential significant adverse effects on the environment, the competent authority shall, before taking a decision on the environmental impact of the proposed economic activity, organise a public meeting in accordance with the procedure laid down by the Minister for the Environment, invite the organisers of the proposed economic activity, the drafter of the environmental impact assessment documents and, where

appropriate, the consultants, if they have been used in accordance with Article 6(7) of this Law, and the entities of the environmental impact assessment to consider changes in the scale or location of the proposed economic activity or the conditions and/or measures to avoid possible significant adverse effects on the environment.

11. If the organiser of the proposed economic activity, the drafter of the environmental impact assessment documents, the subject of the environmental impact assessment and/or the representative(s) of the public concerned, to inform about the consideration in accordance with the procedure laid down by the Minister for the Environment, does not participate in the consideration of the conclusions of the environmental impact assessment entities and/or the proposals of the public concerned, the competent authority shall consider the proposals received without their participation.

12. Where it is established that the implementation of a proposed economic activity will have significant negative effects on Natura 2000 sites of the European ecological network and there are no alternative solutions to the proposed economic activity, the competent authority shall take a decision on the environmental impact of the proposed economic activity, with the exception of the decision referred to in paragraph 18 of this Article, only where the proposed economic activity must be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. For the purposes of the decision, imperative reasons of overriding public interest, including those of a social or economic nature, shall be deemed to exist where it has been demonstrated that the proposed economic activity is necessary because of actions or plans aimed at defending the fundamental values of citizens' lives (health, security, the environment) or for basic State and public policy programmes, or for the pursuit of economic or social activities and the provision of public services. In such cases, measures to restore or improve the natural habitats, habitats or species populations of natural habitats, species or species shall be envisaged and implemented to preserve the integrity of the European ecological network in a part of the same site, an enlarged site, another site or a new site to be included in the designated ecological network, or other compensatory measures with equivalent compensatory effects, where it is demonstrated that the measures taken to such an extent will be fully effective in restoring the structure and functionality of the site in the short term or outweigh the adverse effects of the implementation of the proposed economic activity. Compensatory measures shall be designed and implemented in such a way as to precede the negative effects of the implementation of the proposed economic activity. The institution of protected areas authorised by the Minister for the Environment shall inform the European Commission of these compensatory measures in accordance with the procedure laid down by the Minister for the Environment. Where the Natura 2000 site concerned hosts a priority natural habitat type and/or a priority plant or animal species, the only possible

reasons for the existence of overriding reasons of overriding public interest relate to human health or public safety or to important environmental benefits. As regards the possibility of adapting the grounds relating to imperative reasons of overriding public interest other than those stated, it is necessary to refer its opinion to the European Commission in accordance with the procedure laid down by the Minister for the Environment.

13. The decision on the environmental impact of the proposed economic activity shall state: contact details of the organiser of the proposed economic activity and the drafter of the environmental impact assessment documents; the name, location and description of the proposed economic activity; conditions for the implementation of the proposed economic activity and measures to prevent, reduce, compensate for, and restore significant adverse effects on the environment; description of the environmental monitoring/monitoring measures, if applicable; summary of the findings of the EIA entities; information on the information and participation of the public, including a summary of the reasons on which the public's proposals were accepted and/or rejected; information on the cross-border procedures carried out, where applicable, and their outcome; the reasons on which the decision is based; which specific alternative(s) are accepted or rejected if the report examines the alternatives; the nature of the decision on the environmental impact of the proposed economic activity; the procedure for appealing against the decision on the environmental impact of the proposed economic activity. The form of a decision on the environmental impact of the proposed economic activity shall be determined by the Minister for the Environment.

14. The competent authority shall submit a decision on the environmental impact of the proposed economic activity to the entities of the environmental impact assessment, to the organiser of the proposed economic activity and to the drafter of the environmental impact assessment documents in writing. The competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a decision on the environmental impact of the proposed economic activity to the public within 3 working days of its adoption. Where the proposed economic activity has undergone transboundary environmental impact assessment procedures in accordance with the provisions of Article 10 of this Law, the competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, inform the coordinating authority of the decision within 5 working days from the date of its adoption.

15. A decision taken by the competent authority on the environmental impact of the proposed economic activity shall be valid for a period of 5 years from the date of its adoption, except for the decision referred to in paragraph 18 of this Article, which shall be valid for an indefinite period. When carrying out an economic activity, the conditions laid down by the competent authority in the decision on the environmental impact of the proposed economic activity

and/or measures to prevent, reduce, compensate and/or restore significant adverse effects on the environment must be fulfilled, even if the period of validity of the decision has expired.

16. The competent authority may, in accordance with the procedure laid down by the Minister for the Environment, adopt a decision extending the validity of the decision on the environmental impact of the proposed economic activity for a period not exceeding 5 years within 15 working days of the reasoned application submitted by the organiser of the proposed economic activity for the extension of the validity of the decision, if the organiser of the proposed economic activity has provided reasonable information that the proposed economic activity, the conditions for its execution and its location, on the basis of which the decision on the environmental impact of the proposed economic activity has not changed.

17. The competent authority shall, in accordance with the procedure laid down by the Minister for the Environment, publish a decision on the extension of the decision on the environmental impact of the proposed economic activity.

18. If the competent authority takes a decision on the environmental impact of the proposed economic activity, that the proposed economic activity does not comply with the requirements of environmental protection, public health, protection of immovable cultural heritage, fire protection and civil protection legislation, and it will have a significant negative impact on the environment, the permit referred to in Article 3(3) of this Law shall not be granted and the proposed economic activity may not be carried out.

19. The decision of the competent authority on the environmental impact of the proposed economic activity, including the conditions and/or measures laid down therein to prevent, reduce, compensate, restore the damage to the environment, shall be binding on the organiser of the proposed economic activity during the preparation of the economic activity and/or the completion of the economic activity and/or the completion of the economic activity.

#### **Article 16. Access to justice for participants in the screening process for environmental impact assessment and environmental impact assessment**

1. The public shall have the right to apply to the court if it considers that its request, submitted in accordance with the procedure laid down by the legislation governing the screening processes for environmental impact assessment and environmental impact assessment, has been unlawfully rejected, partially or fully incorrectly answered, or the request has not been duly taken into account in accordance with the legislation governing the screening processes for environmental impact assessment and environmental impact assessment.

2. The public concerned shall have the right to bring an action before the courts challenging the substantive or procedural legality of the screening of decisions, acts or omissions for the purposes of environmental impact assessment and environmental impact assessment.

3. Decisions or actions (inactions) of the competent authority relating to the adoption of decisions may be appealed in accordance with the procedure laid down in the Law of the Republic of Lithuania on the Procedure for the Pre-trial Settlement of Administrative Disputes or the Law on Administrative Proceedings of the Republic of Lithuania.

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**REPUBLIC OF LITHUANIA**  
**LAW ON**  
**ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC**  
**ACTIVITY**

15 August 1996 No I-1495  
(As last amended on 26 June 2020 – No XIII-3166)  
Vilnius

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

1. This Law shall regulate the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment of the proposed economic activity and relations between participants in these processes.
2. This Law shall have the objective of harmonising regulation of the process of environmental impact assessment of the proposed economic activity with the EU legal acts listed in Annex 3 to this Law.

**Article 2. Definitions**

1. ‘Competent authority’ means an institution authorised by the Government of the Republic of Lithuania (hereinafter: the ‘Government’) coordinating the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment, adopting screening conclusions and a decision regarding environmental impact assessment and performing other functions specified by this Law.
2. ‘Envisaged significant adverse environment impact’ means a quantitative and/or qualitative change of the environment, its elements, the natural and anthropogenic systems uniting them for the avoidance, reduction, offsetting or elimination of the consequences whereof appropriate measures must be envisaged.
3. ‘Surrounding environment of a Natura 2000 site’ means a locality of the pursuit of the proposed economic activity which is directly adjacent to or in the vicinity of a Natura 2000 site, where due to natural links among locations or the size of the proposed economic activity it is likely that the proposed economic activity may negatively affect the integrity of the Natura 2000 site or the natural habitats or species under protection therein.
4. ‘Proposed economic activity’ means an envisaged economic activity covering the execution of construction works, reconstruction of structures, manufacturing, the introduction, upgrading or changing of technological equipment and the production process, changes in production

technique, quantity or type of products, extraction of subsurface resources and exploitation of earth cavities, utilisation of other natural resources, the activity provided for in land management, forest management and water management projects and other economic activity likely to affect the environment.

5. 'Screening for environmental impact assessment of the proposed economic activity' means a process covering:

1) the preparation of the information of the organiser (developer) of the proposed economic activity or the drafter of environmental impact assessment documents which will determine the necessity of performance of environmental impact assessment of the proposed economic activity (hereinafter: 'screening information');

2) the examination of screening information by the competent authority in order to determine whether the environmental impact assessment of the proposed economic activity is obligatory, consultations with entities of environmental impact assessment and the public concerned, the adoption of a reasoned conclusion on screening for environmental impact assessment (hereinafter: a 'screening conclusion') and its publication.

6. 'Organiser (developer) of the proposed economic activity' means a natural person, a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof), where they are planning the economic activity which is subject to environmental impact assessment or which is included in the procedure of screening for environmental impact assessment of the proposed economic activity as specified by this Law.

7. 'Environmental impact assessment of the proposed economic activity' means the process of identification, description of and provision of conclusions on the potential environmental impact of the proposed economic activity covering:

1) the environmental impact assessment of the proposed economic activity performed by the drafter of environmental impact assessment documents, the preparation of an environmental impact assessment programme (hereinafter: a 'programme'), provided that the programme is prepared in accordance with the procedure laid down by this Law, and a report on environmental impact assessment (hereinafter: a 'report') in compliance with requirements of legal acts;

2) the examination of an evaluation of environmental impact assessment documents and of proposals of the public concerned, also the examination of the proposals of the public concerned and the preparation of conclusions on a programme and a report and the environmental impact of the proposed economic activity performed by entities of environmental impact assessment;

3) the provision of information to the public, the participation of the public concerned in the process of environmental impact assessment, as provided for in legal acts, and when performing transboundary environmental impact assessment – also consultations with other states;

4) the examination and evaluation of environmental impact assessment documents performed by the competent authority, the examination of an evaluation of proposals of the public concerned and of the proposals of the public concerned, the examination and evaluation of additional information provided by the drafter of the environmental impact assessment documents and/or the organiser (developer) of the proposed economic activity, if such information is provided in accordance with the procedure laid down by legal acts, having regard to conclusions of entities of environmental impact assessment on a report and the effect on the environment of the



proposed economic activity, to results of transboundary environmental impact assessment, if such has been performed;

5) the adoption of a decision of the competent authority regarding the environmental impact of the proposed economic activity and its publication.

8. 'Environmental impact assessment documents' means a programme, a report.

9. 'Drafter of environmental impact assessment documents' means a natural person or a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof) authorised by the organiser (developer) of the proposed economic activity and drafting the information required to determine the necessity of environmental impact assessment of the proposed economic activity and/or environmental impact assessment documents and performing other functions specified by this Law.

10. 'Entity of environmental impact assessment' means a state institution or an executive institution of a municipality analysing environmental impact assessment documents, providing conclusions within its remit and participating in the process of screening for environmental impact assessment.

11. 'Environmental impact' means a change envisaged to occur in the environment as a result of the proposed economic activity.

11<sup>1</sup>. 'Notice of the commencement of environmental impact assessment' means a notice submitted by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment that an environmental impact assessment of the proposed economic activity is commenced.

12. 'Decision regarding the environmental impact of the proposed economic activity' means a reasoned document adopted by the competent authority in accordance with the established procedure and indicating whether the proposed economic activity, by virtue of its nature, place and/or environmental impact, measures for reducing and/or offsetting the potential significant environmental impact, meets requirements of legal acts and specifying the conditions of the pursuit of the proposed economic activity related to the performed environmental impact assessment.

13. 'Strategic assessment of consequences for the environment' shall be interpreted as it is defined in the Law of the Republic of Lithuania on Environmental Protection.

14. 'Public concerned' means the public affected or likely to be affected by the taking of decisions, acts or omissions in the area of environmental impact assessment or having an interest in the process of screening for environmental impact assessment and/or environmental impact assessment. For the purposes of this definition, the public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) promoting environmental protection shall in any case be deemed the public concerned.

15. 'Public' means one or more natural and/or legal persons, their associations, organisations or groups.

### **Article 3. Screening for environmental impact assessment and environmental impact assessment in planning, changing and extending the economic activity**

1. The environmental impact assessment of the proposed economic activity which, by virtue of its nature, size or envisaged location, may have a significant effect on the environment shall be performed when:

1) the proposed economic activity is included in the List of the Proposed Economic Activities Subject to Environment Impact Assessment (Annex 1 to this Law);

2) during a screening for the environmental impact assessment of the proposed economic activity (hereinafter: a 'screening for environmental impact assessment'), it is determined that the proposed economic activity is subject to an environmental impact assessment;

3) the pursuit of the proposed economic activity may affect sites of the European ecological network "Natura 2000" and when an institution of protected areas referred to in the Law of the Republic of Lithuania on Protected Areas (hereinafter: an 'institution of protected areas') establishes, in accordance with the procedure laid down by the Minister of Environment, that this impact may be significant.

2. The significance of the impact on Natura 2000 sites, as referred to in point 3 of paragraph 1 of this Article, shall be determined taking into account the objectives of the protection of the areas, the size and extent of the impact of the proposed economic activity, the probability and nature, magnitude, duration, frequency, reversibility of the impact and the possibilities to avoid and reduce the impact. The effect on the Natura 2000 sites shall be considered significant in the cases when, in accordance with provisions of the Law of the Republic of Lithuania on Environmental Protection and having regard to objectives of the protection of specific areas, the proposed economic activity may have significant adverse impact on protected species and natural habitats and/or the integrity of Natura 2000.

3. A screening for environmental impact assessment and/or an environmental impact assessment of the proposed economic activity (hereinafter: 'environmental impact assessment') must be completed by the issue of a permit as stipulated by laws (a construction permit, an authorisation to exploit subsurface resources or cavities, an integrated pollution prevention and control permit, an emission allowance and other permits specified by the laws). Until the completion of the screening for environmental impact assessment and/or the environmental impact assessment, the permit shall not be issued.

4. When the objective of the proposed economic activity is the protection of the state border, national defence or the proposed economic activity would be carried out following an emergency event as defined by the Law of the Republic of Lithuania on Civil Protection, the competent authority may, upon receiving information from the organiser (developer) of the proposed economic activity, take a decision not to perform a screening for environmental impact assessment or an environmental impact assessment if the conduct of procedures with regards to such an activity may adversely affect the objectives of national defence, fire or civil protection.

5. When the proposed economic activity is directly prohibited by law, a screening for the environmental impact assessment of such proposed economic activity or an environmental impact assessment may not be performed.

6. Where the competent authority has adopted a screening conclusion and/or a decision regarding the environmental impact of the proposed economic activity, but before or after the

commencement of the activity the proposed economic activity is changed or extended and this change or extension is in compliance with the cases referred to in point 10 of Annex 1 or point 14 of Annex 2, a screening for environmental impact assessment or an environmental impact assessment shall be performed.

#### **Article 4. Objectives of environmental impact assessment**

The objectives of environmental impact assessment shall be as follows:

- 1) to determine, describe and assess the potential direct and indirect effects of the proposed economic activity on the following elements of the environment: soil, land surface and subsurface, air, water, climate, landscape and biodiversity, focusing in particular on species and natural habitats of Community interest, also on other species protected by the Law of the Republic of Lithuania on the Protected Species of Fauna, Flora and Fungi, material assets, immovable cultural properties and the interrelationship between these elements;
- 2) to identify, describe and assess the potential direct and indirect effects of biological, chemical and physical factors caused by the proposed economic activity on public health, also on the interrelationship between elements of the environment and public health;
- 3) to determine the potential impact of the proposed economic activity on the elements of the environment referred to in point 1 of this Article and on public health by virtue of the risk of vulnerability of the proposed economic activity due to emergency events and/or potential emergencies;
- 4) to determine the measures to be taken in order to prevent envisaged significant adverse impact on the environment and public health, to reduce it or, if possible, to offset it;
- 5) to determine whether the proposed economic activity, having assessed its nature, location and/or effect on the environment, meets the requirements of environmental protection, public health, immovable cultural heritage protection, fire and civil protection legislation.

#### **Article 5. Participants of the processes of screening for environmental impact assessment and environmental impact assessment**

1. Participants of the processes of screening for environmental impact assessment and environmental impact assessment shall be:

- 1) the competent authority – an institution authorised by the Government;
- 2) entities of environmental impact assessment: the executive institution of the municipality in the territory whereof the proposed economic activity is to be carried out, the institutions authorised by the Minister of Health, the institutions authorised by the Minister of the Interior responsible for fire and civil protection, the institutions authorised by the Minister of Culture responsible for the protection of cultural properties, and in the cases when an environmental impact assessment is performed pursuant to Article 3(1)(3) of this Law – the institutions of protected areas authorised by the Minister of Environment and other state institutions included in

the process of environmental impact assessment in accordance with the procedure established in paragraph 2 of this Article;

- 3) the organiser (developer) of the proposed economic activity;
- 4) the drafter of environmental impact assessment documents, as authorised by the organiser (developer) of the proposed economic activity, who is a natural person and holds an appropriate higher education degree or qualification in the field corresponding to the specific character of the drafted documents of a screening for environmental impact assessment or an environmental impact assessment or parts thereof or a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof) whose professionals hold an appropriate higher education degree or qualification in the field conforming to the specific character of the drafted documents of the screening for environmental impact assessment or the environmental impact assessment or parts thereof;
- 5) the public concerned;
- 6) in the process of transboundary environmental impact assessment – an institution authorised by the Government which, in accordance with the procedure established by the Minister of Environment, coordinates the process of transboundary environmental impact assessment.

2. Entities of environmental impact assessment may also be other state institutions not listed in point 2 of paragraph 1 of this Article if, during the examination of documents of environmental impact assessment, the competent authority, having regard to the nature, size or location of the proposed economic activity, invites them in accordance with the procedure established by the Minister of Environment to participate in the process of environmental impact assessment. In such cases, the competent authority shall notify in writing the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment of other state institutions participating in the process of environmental impact assessment.

## **Article 6. Functions of participants of the processes of screening for environmental impact assessment and environmental impact assessment**

1. The competent authority shall:
  - 1) coordinate the processes of screening for environmental impact assessment and environmental impact assessment;
  - 2) examine the screening information, proposals of entities of environmental impact assessment, the public concerned regarding the screening information and/or performance of environmental impact assessment and adopt a screening conclusion on environmental impact assessment, examine, evaluate and approve programmes, examine and evaluate an evaluation of the proposals of the public concerned, the proposals of the public concerned, reports, adopt a decision regarding the environmental impact of the proposed economic activity, provide information to the public. The procedure for examining the documents specified in this point shall be established by the Minister of the Environment;
  - 3) if necessary and in accordance with the procedure established by the Minister of Environment, involve consultants to evaluate a report and the conclusions of entities of environmental impact assessment accompanying it, proposals of the public concerned and evaluations thereof and to

present conclusions in the cases it lacks expertise to consider these documents. Participation of the consultants shall be organised by the competent authority at its own expense.

2. The organiser (developer) of the proposed economic activity shall organise, at its own expense, the procedures of screening for environmental impact assessment and environmental impact assessment, prepare the screening information, which will determine the necessity of performance of environmental impact assessment, a notice of the commencement of environmental impact assessment, perform the procedures of screening for environmental impact assessment procedure assigned thereto by this Law and participate in the process of environmental impact assessment in accordance with the procedure established by this Law and the Minister of Environment.

3. The drafter of environmental impact assessment documents shall prepare the screening information, which will determine the necessity of performance of environmental impact assessment, determine, describe and evaluate the potential impact of the proposed economic activity on the environment, prepare a notice of the commencement of environmental impact assessment, documents of environmental impact assessment and perform the procedures of screening for environmental impact assessment, environmental impact assessment and provision of information to the public assigned thereto by this Law.

4. Entities of environmental impact assessment shall, within their remit indicated in paragraph 5 of this Article, examine an evaluation of proposals of the public concerned, examine and evaluate documents of environmental impact assessment, submit reasoned conclusions on the documents of environmental impact assessment and the effect of the proposed economic activity on the environment and, in accordance with the procedure established in Article 7 of this Law, participate in the process of environmental impact assessment by submitting reasoned proposals.

5. Entities of environmental impact assessment shall, in performing the functions specified in paragraph 4 of this Article, provide the following conclusions:

- 1) the institutions authorised by the Minister of Health – regarding the potential impact on public health of the factors of the proposed economic activity affecting public health;
- 2) the institutions authorised by the Minister of Culture and responsible for the protection of cultural properties – in the area of the protection of immovable cultural heritage regarding the potential impact of the proposed economic activity on immovable cultural heritage;
- 3) the institutions authorised by the Minister of the Interior and responsible for fire and civil protection – regarding the incidents, emergency events, emergencies likely to occur during the pursuit of the proposed economic activity, measures for prevention or mitigation thereof and response thereto;
- 4) an institution of protected areas – regarding the effect of the proposed economic activity on Natura 2000 sites;
- 5) an executive institution of a municipality – regarding the environmental impact assessment of the proposed economic activity and the potential impact of this activity on the environment, having regard to solutions of approved and valid territorial planning documents and the possibilities of modifying them in accordance with the requirements of legal acts and to data of the municipality's environmental monitoring conducted in accordance with laws.

6. The public concerned shall, in accordance with the procedure established by the Minister of Environment, participate in the processes of screening for environmental impact assessment and environmental impact assessment, submit proposals regarding the proposed economic activity and its environmental impact assessment.

7. The competent authority, when examining the documents of the screening information and environmental impact assessment revised and/or supplemented according to its reasoned requests, and entities of environmental impact assessment, when examining the documents of environmental impact assessment revised and/or supplemented according to their reasoned requests, may not request the information and/or data which they did not indicate when examining the screening information or documents of environmental impact assessment for the first time, but could have requested them.

8. When the competent authority or an entity of environmental impact assessment is the organiser (developer) of the proposed economic activity subject to the procedures specified in Article 7 and/or Articles 8-11 of this Law, the organiser (developer), the competent authority or the entity of environmental impact assessment must, for the performance of the functions referred to in paragraphs 1, 2 and 4 of this Article, establish a procedure according to which functions are divided among divisions of the authority in order to avoid conflicts of interest in performing the duties assigned to them by this Law.

## CHAPTER II

### SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

#### **Article 7. Screening for environmental impact assessment**

1. Screening for environmental impact assessment shall have the objective of determining whether a specific proposed economic activity is subject to environmental impact assessment.

2. Screening shall be conducted in respect of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment (Annex 2 to this Law).

3. In the cases when the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment is to be pursued in a Natura 2000 site or in the surrounding environment of the site, the organiser (developer) of the proposed economic activity shall, prior to commencing the preparation of the screening information or during its preparation, refer, in accordance with the procedure established by the Minister of Environment, to an institution of protected areas for determining the significance of the impact of the pursuit of the proposed economic activity on these sites. If the institution of protected areas determines, in accordance with the procedure established by the Minister of Environment, that the pursuit of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment (Annex 2 to this Law) may affect Natura 2000 sites and this impact may be significant, an environmental impact assessment of this proposed economic activity shall be performed without screening for environmental impact assessment.

4. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall prepare information for screening for environmental impact assessment in compliance with the Methodological Instructions for Screening of the Proposed Economic Activity (hereinafter: the ‘Screening Methodological Instructions’) approved by the Minister of Environment.

5. The competent authority shall perform a screening for environmental impact assessment by assessing the screening information prepared by the organiser (developer) of the proposed economic activity or the drafter of environmental impact assessment documents in compliance with the Screening Methodological Instructions as submitted thereto and having regard to:

1) the size, nature of the proposed economic activity, its interaction with other economic activities being pursued and/or the development of economic activities in adjacent areas approved in accordance with the requirements of legal acts; the exploitation of natural resources, such as water, land (its surface and subsurface), soil and biodiversity; waste generation; the potential impact of the proposed economic activity on soil, surface and subsurface, air, water, climate, landscape and biodiversity, with a focus on species and natural habitats of Community interest, also on other species protected by the Law of the Republic of Lithuania on the Protected Species of Fauna, Flora and Fungi, material assets, immovable cultural properties and the interrelationship between these elements; the potential impact of the biological, chemical and physical factors caused by the proposed economic activity on public health and the risk of occurrence of emergency events and/or emergencies;

2) the environmental sensitivity of a locality which is likely to be affected by the proposed economic activity, characteristics of the ecosystem, the nature of areas of used land, natural and subsurface resources of the locality, their abundance, quality and regenerative capacity; the absorption capacity of the natural environment, with a focus on protected areas, also the environmental protection purposes of a Natura 2000 site, densely populated areas, wetlands, forest areas, protection zones, data of performed environmental monitoring, the territories where the permissible level of pollution has been exceeded or the territories of historical, cultural or archaeological significance;

3) the size and extent of the impact of the proposed economic activity, its probability and nature, magnitude, complexity, duration, frequency, reversibility, transfrontier nature, the combined effect with the economic activity being pursued or planned to be pursued at that location and the possibilities to avoid or to prevent the effect.

6. The competent authority shall, in accordance with the procedure laid down by the Minister of Environment, inform entities of environmental impact assessment and the public about the receipt of the screening information received and the possibility of submitting proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity not later than within three working days from the receipt of such information. The entities of environmental impact assessment within ten working days from the receipt of such information and the public concerned – from the date of publication of the information shall submit to the competent authority proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity. If no proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity are submitted to the competent authority within the specified time limit, it shall be considered that the entities of environmental impact assessments and the public concerned do not have any proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity.

7. The competent authority shall, upon examining the screening information submitted by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment, proposals of entities of environmental impact assessment, the public concerned and based on the requirements set out in paragraph 5 of this Article, adopt within 20 working days from the receipt of the screening information specified in paragraph 5 of this Article a screening conclusion on whether an environment impact assessment is obligatory and shall submit it in writing to the organiser (developer) of the proposed economic activity, the drafter of the documents of environmental impact assessment and the entities of environmental impact assessment or may request the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment to submit supplementary information required to perform a screening for environmental impact assessment. In such cases, the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall supplement the screening information and re-submit it to the competent authority, which shall, within ten working days from the receipt of the supplemented screening information, adopt a screening conclusion. The content of the screening conclusion shall be specified by the Minister of Environment.

8. The competent authority shall make an adopted screening conclusion public in accordance with the procedure established by the Minister of Environment. The screening conclusion shall become effective on the next day following its publication and shall be valid for a period of three years. Upon the expiry of validity of the screening conclusion, unless a permit referred to in Article 3(3) of this Law has been issued on the basis thereof, the procedure of screening for environmental impact assessment shall be repeated.

9. The competent authority may, in accordance with the procedure established by the Minister of Environment, decide to extend the validity of a screening conclusion for a period not longer than three years within ten working days from the receipt of a reasoned request of the organiser (developer) of the proposed economic activity for extension of the validity of the screening conclusion, provided that the organiser (developer) of the proposed economic activity has submitted the reasoned information indicating that the proposed economic activity, the conditions of its pursuit and location based on which the screening conclusion had been adopted have not changed. The competent authority shall publish a decision regarding the extension of the validity of the screening conclusion in accordance with the procedure established by the Minister of Environment.

10. Where the proposed economic activity is subject to the provisions of Article 9(1) of this Law, the time limit for the adoption of a screening conclusion as referred to in paragraph 7 of this Article shall not apply. The competent authority shall adopt the screening conclusion within five working days from the receipt of a response from an affected state indicated in Article 9 of this Law regarding transboundary environmental impact assessment.

11. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment may commence an environmental impact assessment without the procedure of screening for environmental impact assessment.

### **CHAPTER III**

### **ENVIRONMENTAL IMPACT ASSESSMENT**



## **Article 8. Programme for environmental impact assessment**

1. In the cases indicated in Article 3(1) of this Law, the organiser (developer) of the proposed economic activity shall have the right to decide whether to prepare a programme or to prepare a notice of the commencement of environmental impact assessment. The programme shall be obligatory if a transboundary environmental impact assessment of the proposed economic activity is to be performed on the grounds referred to in Article 9(1) of this Law, and the submission of the programme to another state is stipulated by international treaties concluded between the Republic of Lithuania and another state.

2. A programme shall be prepared by the drafter of documents of environmental impact assessment in compliance with the Regulations of Preparation of a Programme for and a Report on Environmental Impact Assessment approved by the Minister of Environment. The programme shall establish the content of a report and the issues to be considered therein.

3. The drafter of documents of environmental impact assessment shall submit a prepared programme to entities of environmental impact assessment for conclusions and inform, in accordance with the procedure established by the Minister of Environment, the public and the competent authority, which shall publish the information within three working days from the receipt thereof in accordance with the procedure established by the Minister of Environment. The date of receipt of information on the programme by the competent authority shall be considered the commencement of environmental impact assessment, except for the cases where a notice of the commencement of environmental impact assessment has been received in accordance with the procedure laid down in Article 8<sup>1</sup> of this Law prior to the receipt of this information by the competent authority.

4. Entities of environmental impact assessment shall examine a programme, evaluate the information contained therein and, within ten working days from the receipt thereof, provide reasoned conclusions to the drafter of documents of environmental impact assessment. Having taken account of the size, nature or location of the proposed economic activity, the entities of environmental impact assessment responsible for fire and civil protection and protection of immovable cultural properties shall have the right to indicate, when presenting conclusions on the programme, whether they will examine a report. Where the entities of environmental impact assessment responsible for fire and civil protection and protection of immovable cultural properties indicate that they will not examine the report, the report shall not be submitted thereto.

5. If, prior to the approval of a programme, but not later than within 20 working days from the receipt of the programme by an executive institution of a municipality, the council of the municipality on the territory whereof the proposed economic activity is to be pursued takes a reasoned negative decision regarding the feasibility of the proposed economic activity, the procedures of environmental impact assessment may not be continued during the period of validity of the reasoned negative decision taken by the municipal council, except for the cases when the proposed economic activity is of national importance and its pursuit is provided for in the state strategic plans approved by the Government or the proposed economic activity is necessary for the implementation of a project of national importance or a project of regional importance. The municipality's administration shall immediately, within three working days, inform the competent authority and the organiser (developer) of the proposed economic activity about the reasoned negative decision taken by the municipal council and shall present the reasoned negative decision of the municipal council. The competent authority shall, upon receiving this decision of the municipal council, provide information thereon to the public in accordance with the procedure established by the Minister of Environment.

6. Entities of environmental impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or revise a programme. In such cases, the drafter of documents of environmental impact assessment shall supplement or revise the programme and shall resubmit it to the entities of environmental impact assessment, which shall, within five working days from the receipt thereof, examine the programme, evaluate the information contained therein and present their reasoned conclusions to the drafter of documents of environmental impact assessment.

7. If entities of environmental impact assessment or the council of the municipality on the territory whereof the proposed economic activity is to be pursued fail to submit conclusions on a programme within the time limit specified in paragraph 4, 5 or 6 of this Article, the programme shall be deemed to have been approved.

8. The drafter of documents of environmental impact assessment shall submit an evaluation of proposals of the public concerned prepared in conjunction with the organiser (developer) of the proposed economic activity, conclusions of entities of environmental impact assessment and a programme to the competent authority for examination.

9. Upon examining and evaluating a programme and an evaluation of proposals of the public concerned accompanying it and based on conclusions of entities of environmental impact assessment, the competent authority shall, within ten working days from the receipt of the programme, approve the programme or submit reasoned requests to the drafter of documents of environmental impact assessment to supplement or revise the programme. Information on the approved programme shall be published by the competent authority in accordance with the procedure established by the Minister of Environment. The programme shall remain effective for a period of three years from its approval. A report shall be submitted to entities of environmental impact assessment before the expiry of the validity of the programme.

10. If the competent authority has submitted, in compliance with paragraph 9 of this Article, reasoned requests to revise or supplement a programme, the competent authority shall, upon examining and evaluating the programme, approve it within five working days from the receipt of the revised or supplemented programme.

11. Where the proposed economic activity is subject to the procedures of transboundary environmental impact assessment in accordance with Article 9 of this Law, a programme shall be approved only upon receipt of a conclusion on transboundary environmental impact assessment within the time limits specified in paragraphs 9 or 10 of this Article and in accordance with the procedure established by the Minister of Environment.

### **Article 8<sup>1</sup>. Notice of the commencement of environmental impact assessment**

1. A notice of the commencement of environmental impact assessment shall be obligatory where the environmental impact assessment of the proposed economic activity is obligatory under provisions of Article 3(1) of this Law and a programme is not prepared.

2. A notice of the commencement of environmental impact assessment shall be prepared by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment. The format and content of the notice of the commencement of environmental impact assessment shall be approved by the Minister of Environment.

3. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall, not later than within 15 working days before the provision of information to the public on the public access to a report in accordance with the procedure laid down in Article 10(3) of this Law, submit a notice of the commencement of environmental impact assessment to entities of environmental impact assessment and the competent authority (which shall publish the received information within three working days from the receipt of the notice of the commencement of environmental impact assessment) and inform the public in accordance with the procedure established by the Minister of Environment. The date of receipt of the notice of the commencement of environmental impact assessment by the competent authority shall be considered to be the date of the commencement of environmental impact assessment.

4. The competent authority and entities of environmental impact assessment shall have the right to submit reasoned proposals to the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment within ten working days from the receipt of a notice of the commencement of environmental impact assessment. The public concerned shall have the right to submit proposals to the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment and the competent authority within ten working days from the publication of the received notice of the commencement of environmental impact assessment by the competent authority. The drafter of documents of environmental impact assessment shall, together with the organiser (developer) of the proposed economic activity, present an evaluation of the proposals received in a report.

5. A report shall be submitted to entities of environmental impact assessment not later than within three years from the submission of a notice of the commencement of environmental impact assessment to the entities of environmental impact assessment and the competent authority.

6. Where the proposed economic activity is subject to procedures of transboundary environmental impact assessment, further environmental impact assessment procedures shall be carried out in accordance with the procedure laid down in Article 9 of this Law.

## **Article 9. Transboundary environmental impact assessment**

1. If, during a screening for environmental impact assessment or when submitting to the competent authority a programme in compliance with provisions of Article 8(3) of this Law or a notice of the commencement of environmental impact assessment in compliance with provisions of Article 8<sup>1</sup>(3) of this Law, it transpires that the economic activity to be pursued on the territory of the Republic of Lithuania may have significant impact on the environment of another Member State of the European Union and/or a foreign state which is not a Member State of the European Union, but is party to the 1991 United Nations Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter: the Convention') (hereinafter: a 'foreign state') or an environmental protection institution authorised by the Government and coordinating the process of transboundary environmental impact assessment (hereinafter: an 'institution authorised by the Government') has received a request from another Member State of the European Union and/or from a foreign state (hereinafter: an 'affected state') which, in their opinion, may become a significantly affected state to perform transboundary environmental impact assessment, such proposed economic activity shall be subject to the procedures of transboundary environmental impact assessment referred to in this Article in addition to other procedures specified in this Law.

2. When the proposed economic activity is subject to procedures of transboundary environmental impact assessment, an institution authorised by the Government shall, in accordance with the procedure established by the Minister of Environment, inform thereof the competent authority and the drafter of documents of environmental impact assessment requesting him to prepare and submit to the institution authorised by the Government a summary of the screening information or of a programme, information on the proposed economic activity of the scope determined by the Minister of Environment, if a notice of the commencement of environmental impact assessment has been submitted and if the submission of the programme to another State is not provided for in international treaties concluded between the Republic of Lithuania and another State, which must include information on the proposed economic activity and its potential significant transboundary impact in a bilateral agreement, if available, in the specified language, in other cases – in English, and when requested by an affected state – also in its national language. 3. An institution authorised by the Government shall, upon receiving the screening information referred to in paragraph 2 of this Article or a programme summary or information on the proposed economic activity from the drafter of documents of environmental impact assessment, dispatch a notice to an affected state accompanied by a description of the proposed economic activity, the available information on the potential significant transboundary impact of the proposed economic activity on the environment, the information on the nature of possible solutions, specify a time period (not less than 25 working days) for submission of a notice of the willingness of the affected state to participate in the process of transboundary environmental impact assessment and request the affected state to inform the competent authorities and the public of the state.

4. If an affected state fails to respond within the period specified in a notification or notifies that it will not participate in the process of transboundary environmental impact assessment of the proposed economic activity, the assessment shall be performed in compliance with national law.

5. An institution authorised by the Government shall, upon receiving a reply from an affected state concerning its participation in the process of the transboundary environmental impact assessment of the proposed economic activity, inform thereof the competent authority, the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment, who shall be instructed to submit a report, a summary of the relevant information on the proposed economic activity and its potential significant transboundary environmental impact in a bilateral agreement, if available, in the specified language, in other cases – in English and when requested by the affected state – also in its national language.

6. An institution authorised by the Government shall, upon receiving from the drafter of documents of environmental impact assessment the information referred to in paragraph 5 of this Article, provide it to an affected state together with information on the procedures of environmental impact assessment, the proposed transboundary consultations, the duration thereof and request to provide information to the public and the competent authorities of this state indicating a period of not less than 30 working days from the date of dispatch within which the affected state may submit its proposals to the institution authorised by the Government.

7. Upon receiving a reply of an affected state concerning the information indicated in paragraph 6 of this Article and/or additional information on the potential significant transboundary environmental impact of the proposed economic activity, an institution authorised by the Government shall forward it to the drafter of documents of environmental impact assessment and, if necessary, agree with the affected state on transboundary consultations regarding the potential transboundary impact of the proposed economic activity, the measures provided for to reduce or eliminate such environmental impact through a bilateral or multilateral meeting.

8. When performing a transboundary environmental impact assessment, this Law, the Convention, international treaties concluded by the Republic of Lithuania and another state shall be complied with.

9. In the cases when an institution authorised by the Government has received information from another Member State of the European Union and/or a foreign state on the economic activity to be pursued on its territory that could have significant transboundary impact, the institution authorised by the Government shall organise the provision of information to the public and the state and/or municipal institutions concerned and obtaining of conclusions from them in accordance with the procedure established by the Minister of Environment. The publication of the information received from another Member State of the European Union and/or a foreign state on the economic activity to be pursued on its territory shall be subject to the restrictions which are in force in that Member State of the European Union or in the foreign state.

10. In the case referred to in paragraph 9 of this Article, an institution authorised by the Government may, in compliance with provisions of the Convention, request transboundary consultations of another Member State of the European Union and/or a foreign state on the likely transboundary effect on the environment of the proposed economic activity to be pursued on their territory.

#### **Article 10. Report on environmental impact assessment**

1. A report shall be drawn up by the drafter of documents of environmental impact assessment on the basis of a programme approved by the competent authority or having regard to the proposals received, where a notice of the commencement of environmental impact assessment has been submitted, and in compliance with the Regulations of Preparation of a Programme for and a Report on Environmental Impact Assessment approved by the Minister of Environment.

2. The drafter of documents of environmental impact assessment may use the up-to-date information received in the course of performance of a strategic environmental impact assessment or other assessment performed in accordance with the requirements of other legal acts.

3. The drafter of documents of environmental impact assessment shall, not later than 20 working days before granting to the public of access to a report, inform the public about the granting to the public of access to the report in accordance with the procedure established by the Minister of Environment.

4. The drafter of documents of environmental impact assessment together with the organiser (developer) of the proposed economic activity shall evaluate proposals of the public concerned and, based thereon, revise a report, which shall be submitted to entities of environmental impact assessment together with the evaluation of the proposals of the public concerned.

5. Entities of environmental impact assessment shall examine and evaluate a report and an evaluation of proposals of the public concerned enclosed therewith and, within 20 working days from the receipt thereof, submit to the drafter of documents of impact assessment their reasoned conclusions regarding the report and the environmental impact of the proposed economic activity. In the reasoned conclusions, the entities of environmental impact assessment must indicate: motives as to the approval or disapproval of the proposed economic activity based on requirements of legal acts; the specific alternative which is subject to the approval or

disapproval, provided that alternatives have been considered in the report; the conditions to be met before the commencement of the activity, provided that such conditions can be determined in accordance with the requirements of the legal acts, and provide a reasoned opinion on the evaluation methods, results, the quality of the report and the measures envisaged to reduce and/or offset envisaged significant adverse environment impact.

5<sup>1</sup>. If a programme has not been prepared and if, prior to the taking of a decision regarding the proposed economic activity, but not later than within 20 working days from the receipt of a report by an executive institution of a municipality, the council of the municipality on the territory whereof the proposed economic activity is to be pursued takes a reasoned negative decision regarding the feasibility of the proposed economic activity, the procedures of environmental impact assessment may not be continued during the period of validity of the reasoned negative decision taken by the municipal council, except for the cases when the proposed economic activity is of national importance and its pursuit is provided for in the state strategic plans approved by the Government or the proposed economic activity is necessary for the implementation of a project of national importance or a project of regional importance. The municipality's administration shall immediately, within three working days, inform the competent authority and the organiser (developer) of the proposed economic activity about the reasoned negative decision taken by the municipal council and shall present the reasoned negative decision of the municipal council. The competent authority shall, upon receiving this decision of the municipal council, provide information thereon to the public in accordance with the procedure established by the Minister of Environment.

6. Entities of environmental impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or revise a report. The drafter of documents of environmental impact assessment must supplement or revise the report and resubmit it to the entities of environmental impact assessment. The latter shall examine the report and, within ten working days from the receipt thereof, provide reasoned conclusions on the report and the environmental impact of the proposed economic activity to the drafter of documents of environmental impact assessment.

7. If entities of environmental impact assessment fail to submit conclusions on a report and the environmental impact of the proposed economic activity within the time limit set forth in paragraph 5 or 6 of this Article, it shall be deemed that they approve of the report.

8. The drafter of documents of environmental impact assessment shall submit to the competent authority a report revised and/or supplemented in accordance with conclusions of entities of environmental impact assessment, conclusions of the entities of environmental impact assessment on the report and the environmental impact of the proposed economic activity and an evaluation of proposals of the public concerned.

9. The competent authority shall, within three working days from the receipt of a report, publish to the public a notice on the report and access thereto in accordance with the procedure established by the Minister of Environment. The public concerned shall have the right to submit to the competent authority, within ten working days from the publication of the notice, written proposals on the environmental impact assessment of the proposed economic activity and the report.

10. If a report is substantially amended, revised or supplemented (new locations, technological alternatives are proposed) due to the reasoned conclusions received from entities of environmental impact assessment and/or the reasoned requests received from the competent authority to revise or supplement the report, the competent authority must obligate the drafter of

documents of environmental impact assessment to repeatedly grant to the public access to the report.

11. If after the repeated granting to the public of access to a report or comments of the competent authority the report is substantially amended, revised or supplemented, the drafter of documents of environmental impact assessment shall be required to receive new conclusions of entities of environmental impact assessment in accordance with the procedure set forth in paragraphs 4, 5 and 6 of this Article.

### **Article 11. Decision regarding the environmental impact of the proposed economic activity**

1. Upon examining an evaluation of proposals of the public concerned, the proposals received in writing from the public concerned, upon examining and evaluating a report and based on conclusions of entities environmental impact assessment on the report and the environmental impact of the proposed economic activity, the competent authority shall, within 25 working days from the receipt of the report:

1) provide reasoned requests to revise or supplement the report, or

2) adopt a decision regarding the environmental impact of the proposed economic activity. The content of the decision regarding the environmental impact of the proposed economic activity shall be established by the Minister of Environment.

2. Where, pursuant to Article 6(1)(3) of this Law, the competent authority involves consultants to examine a report, the said authority shall, upon performing the actions referred to in paragraph 1 of this Article and based on conclusions of the consultants, submit reasoned requests to revise or supplement the report or adopt a decision regarding the environmental impact of the proposed economic activity within 50 working days from the receipt of the report. The competent authority shall adopt a reasoned decision to involve consultants and submit it to the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment within five working days from the receipt of the report. The time limit for adoption of a decision regarding the environmental impact of the proposed economic activity may be extended once for a period of up to 25 working days for objective reasons beyond the control of the competent authority. The competent authority must give a notice of the adopted decision to extend the time limit not later than five working days before the expiry of the time limit to the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment and indicate grounds for extending the time limit.

3. Where the competent authority submits reasoned requests to revise and/or supplement a report, the drafter of documents of environmental impact assessment must supplement or revise the report and resubmit it to the competent authority. The competent authority shall examine the report and, within 15 working days from the receipt of the report, adopt a decision or, without prejudice to provisions of Article 6(7) of this Law, resubmit reasoned requests to revise or supplement the report.

4. Where a transboundary environmental impact assessment of the proposed economic activity has been performed in accordance with provisions of Article 9 of this Law, the drafter of documents of environmental impact assessment must prepare and, before the adoption of a decision regarding the environmental impact of the proposed economic activity, submit to the

competent authority an evaluation of proposals of another Member State of the European Union and/or a foreign state likely to be significantly affected.

5. When the proposed economic activity is subject to provisions of Article 9 of this Law or provisions of paragraph 8 of this Article regarding consultations with the European Commission, the time limit for the adoption of a decision regarding the environmental impact of the proposed economic activity referred to in paragraph 1 of this Article shall not apply. The competent authority shall, having regard to the results of transboundary consultations, take a decision regarding the environmental impact of the proposed economic activity not later than within ten working days after the completion of the procedures of transboundary environmental impact assessment upon submission by the drafter of documents of environmental impact assessment an evaluation of proposals of another Member State of the European Union and/or a foreign state likely to be significantly affected. If the European Commission has been consulted in accordance with paragraph 8 of this Article, the competent authority shall take a decision regarding the environmental impact of the proposed economic activity not later than within ten working days after the completion of the consultations.

6. When the conclusions of entities of environmental impact assessment regarding the environmental impact of the proposed economic activity are in conflict with each other and/or a conclusion of an entity of environmental impact assessment on a report and the environmental impact of the proposed economic activity does not meet the requirements set forth in Article 10(5) of this Law and/or the competent authority has received proposals of the public concerned in accordance with Article 10(9) of this Law, the competent authority shall, before adopting a decision regarding the environmental impact of the proposed economic activity, invite the organiser (developer) of the proposed economic activity, the drafter of documents of environmental impact assessment, entities of environmental impact assessment to consider their conclusions and/or the proposals of the public concerned. In addition, the representatives of the public concerned who have submitted their proposals shall also be invited.

7. If the organiser (developer) of the proposed economic activity, the drafter of documents of environmental impact assessment, an entity of environmental impact assessment and/or a representative/representatives of the public concerned, having been informed of a consideration in accordance with the procedure established by the Minister of Environment, fail to appear at the consideration of conclusions of entities of environmental impact assessment and/or proposals of the public concerned without valid reasons, the competent authority shall consider the received proposals in the absence thereof.

8. If it is established that the pursuit of the proposed economic activity will cause significant adverse effects to Natura 2000 sites and there are no alternative solutions for the proposed economic activity, the competent authority shall adopt a decision regarding the environmental impact of the proposed economic activity, except for the decision referred to in paragraph 11 of this Article, only in the cases when it must be pursued for imperative reasons of overriding public interest, including social or economic reasons. When adopting the decision, the imperative reasons of overriding public interest, including social or economic reasons, shall be deemed to exist when it has been proved that the proposed economic activity is necessary due to the actions or plans the purpose whereof is to protect the fundamental values of citizens' life (health, safety, the environment) or due to the implementation of major state and public policy programmes or due to the pursuit of economic or social activities and provision of public services. In such cases, the measures for repopulation of natural habitats, habitats of species or species or improvement of these habitats in a part of the same area, an extended area, another area or a new area to be included in the indicated ecological network or other compensatory measures whose compensatory effect would be proportional to the damage caused by the pursuit of the proposed



economic activity shall be envisaged and implemented in order to preserve the integrity of Natura 2000. The compensatory measures shall be envisaged and implemented in such a way that their impact would emerge earlier than the damage caused by the pursuit of the proposed economic activity. An institution of protected areas shall inform the European Commission of these compensatory measures in accordance with the procedure established by the Minister of Environment. When the relevant Natura 2000 site hosts a priority natural habitat type and/or a priority plant or animal species, the only considerations which may be raised shall be those related to human health or public safety or to beneficial consequences of primary importance for the environment. As regards the possibility to adapt the considerations related to other imperative reasons of overriding public interest than indicated, it shall be necessary, in accordance with the procedure established by the Minister of Environment, to refer to the European Commission for its opinion on such a matter.

9. The competent authority shall present a decision regarding the environmental impact of the proposed economic activity to entities of environmental impact assessment and the organiser (developer) of the proposed economic activity in writing. The decision of the competent authority regarding the environmental impact of the proposed economic activity, including the conditions specified therein, shall be binding on the organiser (developer) of the proposed economic activity in pursuing the proposed economic activity.

10. A decision regarding the environmental impact of the proposed economic activity adopted by the competent authority shall, with the exception of the decision referred to in paragraph 11 of this Article, be valid for a period of five years from the adoption thereof. The competent authority may, in accordance with the procedure established by the Minister of Environment, take a decision to extend the validity of a decision regarding the environmental impact of the proposed economic activity for a period not exceeding five years within 15 working days from a reasoned request of the organiser (developer) of the proposed economic activity for extending the validity of the decision, provided that the organiser (developer) of the proposed economic activity has submitted the reasoned information indicating that the proposed economic activity, the conditions of its pursuit and location based on which the decision regarding the environmental impact of the proposed economic activity had been taken have not changed. The competent authority shall, in accordance with the procedure established by the Minister of Environment, publish to the public a decision regarding the extension of the validity of the decision regarding the environmental impact of the proposed economic activity.

11. If the competent authority takes a decision regarding the environmental impact of the proposed economic activity and states that the activity does not meet the requirements of legal acts of environmental protection, public health, protection of immovable cultural heritage, fire safety and civil protection, a permit referred to in Article 3(3) of this Law shall not be issued, and this proposed economic activity may not be pursued.

12. The competent authority shall, in accordance with the procedure established by the Minister of Environment, publish to the public a decision regarding the environmental impact of the proposed economic activity and grant it access thereto. When the proposed economic activity has been subject to transboundary environmental impact assessment procedures in accordance with provisions of Article 9 of this Law, the competent authority shall, in accordance with the procedure established by the Minister of Environment, provide information on the decision to the institution authorised by the Minister of Environment, which shall inform thereof an affected state participating in the process of transboundary environmental impact assessment.

## CHAPTER IV

### **PUBLICITY OF AND AVAILABILITY OF INFORMATION ON THE PROCESSES OF SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**

#### **Article 12. Submission of document for a screening for environmental impact assessment and an environmental impact assessment**

All participants of the processes of screening for environmental impact assessment and environmental impact assessment shall have the right to submit documents to the competent authority, entities of environmental impact assessment in accordance with the procedure established by the Government and to receive replies from them at a distance, by electronic means through a point of contact, as stipulated in the Law of the Republic of Lithuania on Services, or by directly contacting the competent authority and the entities of environmental impact assessment, with the exception of the cases when there are no technical possibilities to reproduce or to read the information provided in such manner.

#### **Article 13. Publicity of the processes of screening for environmental impact assessment and environmental impact assessment**

1. In the course of a screening for environmental impact assessment and an environmental impact assessment, the public concerned shall have the right to obtain, in accordance with the procedure laid down by laws, information on the potential environmental impact of the proposed economic activity from other participants of the processes of screening for environmental impact assessment and environmental impact assessment.
2. A procedure for providing information to the public and participating in the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment shall be established by the Minister of Environment.
3. The competent authority and entities of environmental impact assessment shall protect the confidentiality of the information provided by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment where such information may not be disclosed according to legal acts of the Republic of Lithuania.

## CHAPTER V

### FINAL PROVISIONS

#### **Article 14. Liability of participants of the processes of screening for environmental impact assessment and environmental impact assessment**

Participants of the processes of screening for environmental impact assessment and environmental impact assessment shall be held liable for infringements of provisions of this Law in accordance with the procedure laid down by laws.

#### **Article 15. Right of the public to refer to court**

1. The public shall have the right to refer to court if it considers that its application filed in accordance with the procedure laid down by the legal acts governing the processes of screening for environmental impact assessment and environmental impact assessment has been unlawfully dismissed, has been provided with a partially or completely inappropriate response or has not been given proper regard in accordance with the legal acts governing the processes of screening for environmental impact assessment and environmental impact assessment.

2. The public concerned shall have the right to refer to court disputing the substantive or procedural legitimacy of decisions, acts or omissions in the areas of screening for environmental impact assessment and environmental impact assessment.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

**LIST OF THE PROPOSED ECONOMIC ACTIVITIES SUBJECT TO  
ENVIRONMENTAL IMPACT ASSESSMENT**

**1. Agriculture and aquaculture:**

- 1.1. Intensive rearing of pigs with 3 000 and more places for pigs (over 30 kg);
- 1.2. Intensive rearing of sows with 900 and more places for sows;
- 1.3. Intensive rearing of poultry:
  - 1.3.1. with 85 000 and more places for broilers;
  - 1.3.2. with 60 000 and more places for hens;
- 1.4. Dams and other installations designed for the holding back or permanent storage of water (where the amount of water is equal to or exceeds 5 million cubic metres or the area of water surface is equal to or exceeds 250 hectares).

**2. Extractive and processing industry:**

- 2.1. Extraction of conventional hydrocarbons (petroleum) in the mainland territory of the Republic of Lithuania (where the amount of oil extracted in the oil field exceeds 500 tonnes of oil per day);
- 2.2. Extraction of conventional hydrocarbons (gas) in the mainland territory of the Republic of Lithuania (where the amount of gas extracted in the gas field exceeds 500 000 cubic metres of gas per day);
- 2.3. Extraction of conventional hydrocarbons (oil or gas) in the maritime area of the Republic of Lithuania;
- 2.4. Extraction of dispersed hydrocarbons (gas or oil);
- 2.5. Peat extraction (where the surface of the site is equal to or exceeds 150 hectares);
- 2.6. Other mineral extraction (where the surface of the site is equal to or exceeds 25 hectares);
- 2.7. Exploration of dispersed hydrocarbons in boreholes by injecting, through hydraulic rock splitting, of more than 10 000 cubic metres of water, sand or artificial solids and a mixture of chemicals into a borehole during the whole process of splitting;

2.8. Refining of traditional hydrocarbons (oil) (excluding manufacturing of lubricants from crude oil).

### **3. Energy industry:**

3.1. Thermal power stations and other combustion installations, including industrial installations for the production of electricity, steam or hot water (with the rated thermal input of 150 megawatts or more);

3.2. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors \* (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load);

3.3. Reprocessing of nuclear fuel;

3.4. Production, enrichment, storage or final disposal of nuclear fuel;

3.5. Gasification or liquefaction of coal or bituminous shale (with the output of 500 tonnes or more per day).

### **4. Production and processing of metals:**

4.1. Initial smelting of steel and cast-iron;

4.2. Production of non-ferrous crude metals from ore, concentrates or secondary raw materials by chemical, metallurgical or electrolytic processes.

### **5. Mineral construction materials industry:**

Extraction or processing of asbestos, production of products containing asbestos (for asbestos-cement products, with an annual production of more than 20 000 tonnes; for friction material, with an annual production of more than 50 tonnes; for other processing or use of asbestos, utilisation of more than 200 tonnes of asbestos).

### **6. Chemical industry:**

6.1. Production on an industrial scale using chemical conversion processes of organic chemicals (hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic); oxygen-containing organic compounds: alcohol, aldehydes, ketones, carboxylic acids, esters and mixtures thereof, acetates, ethers, epoxy resins; sulfur-containing organic compounds; nitrogen-containing organic compounds: amines, amides, nitros and nitro compounds or nitrates, nitriles, cyanates, isocyanates; phosphorus-containing organic compounds; halogenated hydrocarbons; metallic organic compounds; plastic materials (polymers, synthetic fibers and cellulose fibers); synthetic rubber, dyes and pigments; surface-active agents and surfactants, etc.);

6.2. Production on an industrial scale using chemical conversion processes of inorganic chemicals (gases such as ammonia, chlorine or chlorine hydrogen, fluorine or fluorine hydrogen, carbon oxides, sulfur compounds, nitrogen oxides, hydrogen, sulfur dioxide, carbonyl chloride

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\*\* Nuclear power stations and other nuclear reactors shall no longer be classified as this type of installation when nuclear fuel and other parts contaminated with radionuclides are permanently removed from the installation site.

(phosgene), acids such as chromic acid, hydrogen fluoride acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids; ammonium hydroxide, potassium hydroxide and sodium hydroxide; ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate; non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide, etc.);

6.3. Production of phosphorous-, nitrogen- or potassium-based fertilisers (including compound fertilisers) and/or production of other agrochemical products on an industrial scale using chemical conversion processes;

6.4. Production of biocides on an industrial scale using chemical conversion processes;

6.5. Production of pharmaceutical products on an industrial scale using a chemical or biological process;

6.6. Storage of petroleum, petrochemical, or chemical products in storage facilities with a capacity of 200 000 tonnes or more;

6.7. Production of explosives.

## **7. Wood and paper industry:**

7.1. Production of paper or board (with a production capacity of 200 tonnes and more per day);

7.2. Production of pulp from timber or similar fibrous materials.

## **8. Engineering structures:**

8.1. Construction of sea ports (including terminals for loading and unloading) or piers, including terminals for loading and/or unloading, which can take vessels of 1 350 tonnes and more, excluding ferry piers;

8.2. Construction of inland waterways, ports (including terminals for loading or unloading) which can take vessels of 1 350 tonnes and more;

8.3. Construction of main or national roads;

8.4. Construction of a new road of four and more lanes, or realignment and/or widening of an existing road of less than four lanes so as to provide four or more lanes (where such a new road, or realigned and/or widened section of road would be 10 km or more in a continuous length);

8.5. Construction of main public railways;

8.6. Construction of airports or airfields (with a basic runway length of 2 100 metres or more);

8.7. Construction of pipelines for the transport of gas, oil, chemicals (with a diameter of 800 mm and more and a length of 40 km and more);

8.8. Construction of overhead electrical power lines (with a voltage of 220 kilowatts or more and a length of 15 km and more);

8.9. Construction of pipelines for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including associated booster stations (with a diameter of 800 mm and more and a length of 40 km and more).

**9. Other proposed economic activities:**

9.1. Groundwater abstraction (where the annual volume of water abstracted is equivalent to or exceeds 10 million cubic metres);

9.2. Artificial groundwater recharge schemes (where the annual volume of water recharged is equivalent to or exceeds 10 million cubic metres);

9.3. Works for the transfer of water resources, other than potable water, between river basins (where the amount of water transferred is equivalent to or exceeds 100 million cubic metres/year and/or where the multi-annual average flow of the basin of abstraction is equivalent to or exceeds 2 000 million cubic metres/year and where the amount of water transferred is equal to or exceeds 5 % of this flow);

9.4. Waste water treatment plants of cities, towns or rural locations (with a capacity equivalent to or exceeding 150 000 population equivalent);

9.5. Processing, recovery, storage, dumping, disposal of radioactive waste or termination of such activity;

9.6. Disposal or recovery of hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques;

9.7. Disposal or recovery of hazardous waste by means of chemical treatment;

9.8. Disposal of hazardous waste in a hazardous waste landfill;

9.9. Disposal or recovery of non-hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques in installations with a daily capacity of 100 tonnes and more;

9.10 Recovery or disposal of non-hazardous waste by means of chemical treatment in installations with a daily capacity of 100 tonnes and more;

9.11. Storage of carbon dioxide (CO<sub>2</sub>) in geological repositories;

9.12. Installations for the capture of carbon dioxide (CO<sub>2</sub>) stored in geological repositories from the installations used for the activities referred to in this Annex or installations which capture 1.5 million tonnes or more of carbon dioxide (CO<sub>2</sub>) per year.

10. Any change to or extension of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Environmental Impact Assessment or the List of the Proposed Economic Activities Subject to Screening for Environmental impact Assessment, where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

**LIST OF THE PROPOSED ECONOMIC ACTIVITIES SUBJECT TO SCREENING  
FOR ENVIRONMENTAL IMPACT ASSESSMENT**

**1. Agriculture and aquaculture, silviculture:**

1.1. Intensive rearing of animals or poultry in structures with the following number of places for them:

1.1.1. for pigs over 30 kg – with more than 1 500 but less than 3 000 places;

1.1.2. for sows (with sucking piglets) – with more than 450 but less than 900 places;

1.1.3. for piglets from 7 up to 30 kg (3 months) – with 25 000 or more places;

1.1.4. for cows, bulls – with 250 or more places;

1.1.5. for calves under 1 year – with 1 000 or more places;

1.1.6. for livestock growth from 1 to 2 years – with 350 or more places;

1.1.7. \* for sheep, goats – with 2 500 or more places;

1.1.8. for horses from 1 year – with 250 or more places;

1.1.9. for foals under 1 year – with 500 or more places;

1.1.10 \* for rabbits – with 5 000 or more places;

1.1.11 \* for chinchillas – with 25 000 or more places;

1.1.12 \* for minks/martens – with 3 500 or more places;



- 1.1.13 \* for foxes – with 1 500 or more places;
- 1.1.14 \* for coypu – with 2 500 or more places;
- 1.1.15. \* for ostriches – with 250 or more places;
- 1.1.16. for hens – with less than 60 000 but more than 20 000 places;
- 1.1.17. for broilers – with less than 85 000 but more than 20 000 places;
- 1.1.18. \* for ducks – with 12 000 or more places;
- 1.1.19. for turkeys grown for up to 70 days – with 15 000 or more places;
- 1.1.20. for turkeys grown for up to 133 days – with 7 500 or more places;
- 1.1.21. \* for geese – with 7 500 or more places;
- 1.1.22 \* for quails – with 20 000 or more places;
- 1.2. Fish farming or breeding (in the sea or in ponds with the total area equal to or exceeding 5 hectares);
- 1.3. Water management projects for agriculture, including irrigation and land drainage projects (with the area drained equal to or exceeding 5 hectares or with 50 cubic metres of water or more used daily for irrigation);
- 1.4. Dams and other installations designed for the holding back or permanent storage of water (the amount of water exceeding 200 000 cubic metres, but less than 5 million cubic metres or the area of water surface less than 250 hectares, but exceeding 10 hectares);
- 1.5. Use of uncultivated naturally-grown land areas (meadows and natural pastures, plantings of trees and bushes, swamps and bushes) for intensive agricultural activities with the used area of 0.5 hectares or more;
- 1.6. Land survey projects for rural development (with the area of the planned territory of 1 hectare or more) according to which agricultural land will be changed to other (non-agricultural) land for the purpose of implementation of planned solutions, except for:

1.6.1. determination of the construction zone of structures of a farmstead – a single-apartment residential building with ancillary farm structures;

1.6.2. afforestation in the areas where afforestation is provided for according to land survey schemes for forest layout in territories of municipalities;

1.6.3. the cases when the economic activities indicated in Annex 1 to this Law or in this Annex are to be pursued in a planned area;

1.7. Afforestation, except in the areas where afforestation is provided for according to land survey schemes for forest layout in territories of municipalities, or deforestation for the purposes of conversion to another type of land use, except in the cases when open natural habitats or species habitats of Community interest are restored (deforestation in cities – in all cases, in rural areas – when an area equal to or exceeding 1 hectare is subject to afforestation or deforestation);

1.8. Reclamation of land from the sea.

## **2. Extractive and processing industry:**

2.1. Peat extraction (with an area less than 150 hectares, but exceeding 0.5 hectares);

2.2. Extraction of conventional hydrocarbons (petroleum) in the mainland territory of the Republic of Lithuania (where the amount of oil extracted in the oil field is 500 tonnes of oil per day or less);

2.3. Extraction of conventional hydrocarbons (gas) in the mainland territory of the Republic of Lithuania (where the amount of gas extracted in the gas field is 500 000 cubic metres of gas per day or less);

2.4. Other mineral extraction (where the surface of the site is less than 25 hectares but more than 0.5 hectares);

2.5. Extraction of minerals or organic matter by marine or fluvial dredging;

2.6. Deep drillings (geothermal, water supplies, mineral water extraction, direct exploratory wells of dispersed and traditional hydrocarbons, etc.) with the depth of 300 metres and more, with the exception of the activities referred to in subpoint 2.7 of Annex 1 to this Law and drillings for investigating the stability of the soil;

2.7. Underground mining.

### **3. Energy industry:**

3.1. Thermal power stations and other combustion installations, including industrial installations for the production of electricity, steam or hot water (with the rated thermal input of less than 150 megawatts but more 5 megawatts);

3.2. Construction of pipelines for carrying steam or hot water (with a length of 2 km or more);

3.3. Storage of natural gas (with a capacity of 10 000 cubic metres or more);

3.4. Underground storage of combustible gases (with a capacity of 10 000 cubic metres or more);

3.5. Storage of other fossil fuels in structures (warehouses or storage areas) (with a capacity of 1 000 tonnes or more), except for the activities referred to in subpoints 3.3 and 6.6 of this Annex;

3.6. Briquetting of coal or lignite;

3.7. Water power plants (hydroelectric power plants, mills, sawmills using accumulated water energy);

3.8. Wind power plants where:

3.8.1. three wind power plants are installed, with the height of at least one of them being 50 metres (measured to the highest point of the structure) or more;

3.8.2. a wind power plant is located at a distance of less than 1 km from a protected area, except for the installation of not more than one wind power plant with the height of not more than 25 metres (measured to the highest point of structure) in a farmstead or near farm buildings;

3.9. Installations for the capture of carbon dioxide (CO<sub>2</sub>) stored in geological repositories from the installations other than indicated in subpoint 9.12 of Annex 1 to this Law.

### **4. Processing of metals:**

4.1. Processing of metal ores;

4.2. Production of ferrous metals (including pig iron and steel) by primary or secondary fusion or continuous casting;

4.3. Processing of ferrous metals, including hot-rolling mills, forging, pressing, stamping, roll-forming and application of protective fused metal coats;

4.4. Smelting or casting of non-ferrous metals, including recovered products (refining, foundry casting, etc.) (with a production capacity of 15 tonnes per day or more);

4.5. Surface treatment of metals and plastic materials using an electrolytic or chemical process (with a production capacity of 50 000 square metres or more per year);

4.6. Production and assembly of motor vehicles;

4.7. Shipbuilding, ship conversion or repair;

4.8. Construction or repair of aircraft;

4.9. Manufacture of railway equipment (with a capacity of 5 tonnes or more per day);

4.10. Forging, stamping and pressing of metals by explosives.

#### **5. Mineral construction materials industry:**

5.1. Coke ovens (dry coal distillation);

5.2. Processing of asbestos, production of products containing asbestos other than activities indicated in point 5 of Annex 1 to this Law;

5.3. Manufacture of glass or glass fibre;

5.4. Smelting of mineral substances (for example, production of asphalt), including the production of mineral fibres;

5.5. Production of man-made mineral fibres;

5.6. Manufacture of ceramic products from clay, such as roofing tiles, blocks, bricks, tiles, including porcelain, by firing (with a capacity of 3 tonnes or more per day);

5.7. Manufacture of cement.

#### **6. Chemical industry:**

6.1. Treatment of intermediate chemicals and production of chemicals other than the activities indicated in subpoints 6.1 and 6.2 of Annex 1 to this Law, with a production capacity of 5 tonnes per day or more;

6.2. Production of pesticides (with a production capacity of 5 tonnes per day or more);

6.3. Production of paint and varnishes (with a production capacity of 5 tonnes per day or more);

6.4. Production of peroxides (with a production capacity of 5 tonnes per day or more);

6.5. Production of elastomers (with a production capacity of 5 tonnes per day or more);

6.6. Storage of petroleum, petroleum products and chemicals in structures (warehouses or storage areas) (with a capacity of less than 200 000 tonnes, but more than 5 000 tonnes).

## **7. Food and tobacco industry:**

7.1. Manufacture of vegetable or animal fats and oils (with a capacity of 5 tonnes per day or more);

7.2. Canning or packing of vegetable or animal products (with a capacity of 5 tonnes per day or more);

7.3. Production of dairy products (with a production capacity of 50 tonnes per day or more);

7.4. Malting or brewing (with a production capacity of 10 tonnes of malt per day or more or 10 000 litres of beer per day or more);

7.5. Confectionery or syrup manufacture (with a capacity of 5 tonnes per day or more);

7.6. Sugar factories;

7.7. Processing of meat or fish, including slaughter of animals or slaughter of poultry (with a production capacity of 5 tonnes per day or more);

7.8. Manufacture of starch (with a production capacity of 5 tonnes per day or more);

7.9. Processing of fish, including production of fish oil (with a production capacity of 5 tonnes per day or more).

**8. Textile, leather, wood and paper industries:**

8.1. Production or processing of cellulose;

8.2. Production of paper or board (with a production capacity of less than 200 tonnes, but more than 20 tonnes per day);

8.3. Pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles (where the dyeing or treatment capacity is 100 000 square metres of textile per year or more; where the dyeing or treatment capacity is 5 tonnes of fibre per day or more);

8.4. Tanning of skins or hides (with a production capacity of 500 square metres per day or more).

**9. Rubber industry:**

Manufacture or treatment of elastomer-based products (with a production or treatment capacity of 10 tonnes per day or more).

**10. Engineering and other structures**

10.1. Construction of overhead electrical power lines (with a length of 3 km or more), with the exception of the activities referred to in subpoint 8.8 of Annex 1 to this Law;

10.2. Urban development projects (with the exception of residential buildings, where their construction is provided for in municipal-level general plans), including the construction of shopping or entertainment centres, bus or trolleybus parks, car parks or garage complexes, sports and fitness complexes (with an area under development of more than 1 hectare together with area with solid tracks, sidewalks, pedestrian walkways, cycle paths);

10.3. Construction of railways, with the exception of the main public railways (with a length of 2 km or more);

10.4. Construction of intermodal transshipment facilities and terminals (with an area of 0.5 hectares or more);

10.5. Construction of airports or airfields (with a runway length of less than 2 100 metres);

10.6. Construction of regional roads (with a length of 2 km or more);

10.7. Construction of roads of four or more lanes, or realignment and/or widening of roads of less than four lanes so as to provide four or more lanes (where such new road, or realigned and/or widened section of road would be less than 10 km, but more than 2 km in a continuous length);

10.8. Construction of seaports or inland ports (including fishing harbours, terminals for loading or unloading) which can take vessels of less than 1 350 tonnes, or with the land and water area of 0.5 hectares or more;

10.9. Construction of inland waterways which can take vessels of 1 350 tonnes and more;

10.10. Dredging of sea port water areas;

10.11. Construction of flood-relief hydrotechnical structures;

10.12. Construction of tramways, surface or underground railways, suspended lines or other means of transport used exclusively or mainly for passenger transport (with a length of 2 km or more);

10.13. Construction of ski runs, ski lifts, cable cars or other similar facilities (with a length of 500 metres or more);

10.14. Construction of pipelines for the transport of oil or chemicals (with a diameter of 800 mm or more, and a length of less than 40 km);

10.15. Construction of pipelines for the transport of gas (with a diameter of 800 mm or more, and a length of less than 40 km, but more than 5 km);

10.16. Construction of pipelines for the transport of gas (with a diameter of less than 800 mm, and a length of 5 km or more);

10.17. Construction of aqueducts (with a length of 0.5 km or more);

10.18. Construction or installation of coastal structures or facilities capable of altering the coast to combat erosion (e.g., dykes, moles, etc.);

10.19. Groundwater abstraction (where the annual volume of water abstracted is less than 10 million cubic metres, but more than 350 000 cubic metres);

10.20. Construction of pipelines for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including booster stations (with a diameter of 800 mm and more and a length of 40 km or less).

**11. Other proposed economic activities:**

11.1. Construction of permanent racing or test tracks for motorized vehicles (with an area of 1 hectare or more);

11.2. Recovery or disposal of non-hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques in installations with a daily capacity of less 100 tonnes;

11.3. Recovery or disposal of non-hazardous waste by means of chemical treatment in installations with a daily capacity of less than 100 tonnes;

11.4 Recovery of non-hazardous waste by means of biological treatment in installations with a daily capacity of 10 tonnes or more;

11.5. Storage of non-hazardous waste, including its preparation for recovery, but excluding preparation for re-use, or disposal with 100 tonnes or more of waste stored simultaneously;

11.6. Disposal of non-hazardous waste other than referred to in subpoints 11.2-11.5 of this Annex;

11.7. Disposal or recovery of hazardous waste, with the exception of:

11.7.1. Activities referred to in subpoints 9.6, 9.7 and 9.8 of Annex 1 to this Law;

11.7.2. Storage of hazardous waste, including preparation for recovery or disposal, with not more than 10 tonnes of waste stored simultaneously;

11.7.3. Preparation of hazardous waste for re-use, including storage of such waste;

11.8. Production of biogas;

11.9. Waste water treatment plants;



11.9.1. urban or rural waste water treatment plants (with a capacity of less than 150 000, but more than 2 000 population equivalent);

11.9.2. run-off water treatment plants (designed for the treatment of the run-off water collected by sewage networks from the area of 50 hectares and more);

11.10. Storage or disposal of sludge in specially equipped areas;

11.11. Artificial groundwater recharge schemes (where the annual volume of water recharged is less than 10 million cubic metres);

11.12. Works for the transfer of water resources, other than potable water, between river basins (where the amount of water transferred is less than 100 million cubic metres per year and/or where the multi-annual average flow of the basin of abstraction is less than 2 000 million cubic metres per year and where the amount of water transferred is less than 5 % of this flow);

11.13. Storage facilities for scrap metal, including end-of-life vehicles (with a total storage area of 0.5 hectares or more or the total storage capacity of 500 tonnes or more);

11.14. Test benches for engines, turbines or reactors (with a testing area of 500 square metres or more);

11.15. Construction of facilities for the destruction of explosives or the recovery of their waste, decontamination;

11.16. Disposal or destruction of fallen or sick cattle, with the exception of the destruction of fallen or sick cattle in an epidemiologically affected area in order to prevent the spread of communicable diseases;

11.17. Dredging of riverbeds and/or reshaping of coastline, including the building or digging-up of islands, dams;

11.18.\*\* Development of industrial and industrial objects intended to carry out activities excluded from Annex 1 to this Law and this Annex within the territories of industrial and warehouse objects with an area of 1 hectare or more.

## **12. Tourism and leisure:**

12.1. Construction of marinas (with an area of 0.2 hectares or more);

12.2. Construction of holiday homes, hotel complexes, rural tourism farmsteads or similar objects outside urban areas (with 100 beds or more and without centralised infrastructure of engineering networks);

12.3. Construction of camping grounds with a plot area of 1 hectare or more;

12.4. Construction of theme parks (for example, zoos, golf courses, tennis courts, shooting galleries, etc.) with an area of 1 hectare or more.

13. A proposed economic activity included in the List of Proposed Economic Activities Subject to an Environmental Impact Assessment, where it has the purpose of experimental development or trial and is pursued for a period not exceeding two years.

14.\*\*\* Any change or extension in the proposed economic activity included in the List of Proposed Economic Activities Subject to Environmental Impact Assessment or in the List of Proposed Economic Activities Subject to Screening for Environmental Impact Assessment, including reconstruction of existing structures, upgrading or replacement of production processes and technological equipment, changes in production techniques, production quantities (volumes) or types, introduction of new technologies, where the change or extension in the proposed economic activity may have adverse environmental impact, with the exception of the cases referred to in point 10 of Annex 1 of this Law.

\* One place shall correspond to one adult animal or bird, i.e. excluding juveniles.

\*\* Subpoint 11.18 of this Annex shall not apply to the activities listed in Annex 1 to this Law or in this Annex.

\*\*\* Point 14 of this Annex 2 applies to the following proposed economic activities included in the List of Proposed Economic Activities Subject to Screening for Environmental Impact Assessment:

- the activities for which threshold values have not been set – if the change or extension in the proposed economic activity may have adverse environmental impact;
- the activities for which threshold values have been set – if the change or extension in the activity is less than the floor values set in the List, and following the change or extension it will meet the floor values;
- the activities for which threshold values have been set – where the change itself complies with or exceeds the floor values set in this List.

Annex 3  
to the Republic of Lithuania  
Law on Environmental Impact  
Assessment of the Proposed  
Economic Activity

**LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 2004 special edition, Chapter 15, Volume 2, p. 102) with the latest amendments adopted by Council Directive 2013/17/EC of 13 May 2013 (OJ 2013 L 158, p. 193).
2. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ 2012 L 26, p. 1), as last amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 (OJ 2014 L 124, p. 1).

APPROVED

By the Order of the Minister of  
the Environment of the  
Republic of Lithuania of  
23 May 2023 No D1-157

## **PROCEDURAL SCHEDULE FOR PUBLIC INFORMATION AND PARTICIPATION IN THE PROCESS OF ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC ACTIVITY**

### **CHAPTER I GENERAL PROVISIONS**

1. Procedural schedule for public information and participation in the process of environmental impact assessment of the proposed economic activity (hereinafter - the Procedural Schedule) establishes the procedures for public information and participation in the process of environmental impact assessment of the proposed economic activity (hereinafter - EIA) and the relations between the participants of this process.

2. The Procedural Schedule shall be binding for all participants in the EIA process, specified in Article 5 of the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania.

3. The functions of the competent authority referred to in Article 5(1)(1) of the Law on Environmental Impact Assessment of the Proposed Economic Activity shall be performed by the Environmental Protection Agency (hereinafter referred to as the Agency) in accordance with the powers conferred by the Government of the Republic of Lithuania in point 2 of the Government of the Republic of Lithuania's Resolution of 28 July 2000 No. 900 "On the Granting of Powers to the Ministry of the Environment and Institutions Subordinate to the Ministry of the Environment".

4. The terms used in the Procedural Schedule shall be understood as defined in the Law on Environmental Impact Assessment of the Proposed Economic Activity, Law on Crisis Management and Civil Protection of the Republic of Lithuania.

### **CHAPTER II GENERAL REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

5. During the EIA process, the concerned public shall have the right to receive information on the potential environmental impact of the proposed economic activity from other participants in the EIA process in accordance with the procedure established by law.

6. During the EIA process of the proposed economic activity, the concerned public shall have the right to submit to the Agency, the preparer of the EIA documents, the organiser of the proposed economic activity, and the EIA entities, in accordance with the procedure set out in the Procedures, proposals, questions, comments, information, analyses, or opinions on the proposed economic activity and its EIA (hereinafter referred to as proposals).

7. In carrying out the duties set out in the Procedural Schedule, the Environmental Protection Agency, the EIA document preparer, the organiser of the proposed economic activity and the EIA entities shall process personal data in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the "General Data Protection Regulation"), as well as with other legal acts regulating personal data protection.

8. The concerned public may submit proposals in writing, by e-mail or by other electronic means. Proposals shall include:

8.1. if the proposals are submitted by natural persons - the name and contact details (address, telephone, e-mail); if the proposals are submitted by legal persons - the name of the legal person and contact details (registered office address, telephone, e-mail);

8.2. the date of submission.

9. Members of the public who wish to receive a copy of the EIA report made available to the public or submitted to the Agency shall be required to pay the copying costs.

### **CHAPTER III**

#### **INFORMING ABOUT THE ENVIRONMENTAL IMPACT ASSESSMENT PROGRAMME**

10. The preparer of the EIA documentation, after preparing the EIA programme, shall inform the public about the possibility to get acquainted with it and to submit proposals by publishing the information referred to in point 12 of the Procedural Schedule:

10.1. submit the information by means of electronic communications to the Agency and to the administration of the municipality(ies) in whose territory(s) the economic activity is proposed, and if the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea - to the Agency and to the administrations of municipalities bordering the Baltic Sea. The authorities shall publish the information received within 3 working days on their websites;

10.2. submit the information in writing to the administration(s) of the municipality(ies) in whose territory(ies) the economic activity is proposed and to the district(s) authority(ies) in whose territory(ies) the economic activity is proposed, and if the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea - to the administrations of the municipalities bordering the Baltic Sea. The authorities shall publish the information received within 3 working days on their notice boards;

10.3. publish it on the website of the preparer of the EIA documentation and/or the organiser of the proposed economic activity;

10.4. publish in a local newspaper published periodically and distributed in the municipality(ies) in whose territory(ies) the proposed economic activity is proposed, or, if there is no such newspaper, in a regional or national newspaper. If the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea, publish the information in local newspapers published periodically and distributed in the municipalities bordering the Baltic Sea, or, if there is no such newspaper, in a regional or national newspaper.

11. It is recommended that the information referred to in point 12 of the Procedural Schedule to be published additionally by one or more of the following methods of informing the general public: by erecting information boards at the location of the proposed economic activity; by posting notices on the notice boards of public organisations, shops, residential houses or other buildings; by sending it to public organisations, chairpersons of multi-apartment houses or gardeners' associations, chairpersons of communities by e-mail; by publishing it in social networks; and by conducting surveys of residents.

12. The information to be made available to the public is prepared by filling out on the form set out in Annex 1 to the Schedule and shall include:

12.1. contact details of the organiser of the proposed economic activity;

12.2. contact details of the preparer of the EIA documentation;

12.3. the name and location of the proposed economic activity;

12.4. the EIA entities which examine the EIA programme within their competence, submit conclusions and provide information to the public on the potential environmental impact of the proposed economic activity, and the competent authority that approves the EIA programme and takes decision on the environmental impact of the proposed economic activity;

12.5. to whom, by when and at what address proposals, including the opportunity to ask questions and obtain information, on the EIA programme and the EIA being carried out may be submitted. It shall be specified that the concerned public shall submit proposals on the EIA

programme to the Agency and shall have the right to submit them to the preparer of the EIA documentation or to the organiser of the proposed economic activity. The deadline for submitting proposals shall be specified as at least 10 working days from the date of publication of the information on the EIA programme received by the Agency, starting from the day following the publication;

12.6. an active web link of the published EIA programme on the website of the preparer of the EIA documentation or the organiser of the proposed economic activity, which must be up and running until the Agency approves the EIA programme. In the event of a revision or addition to the EIA programme, the organiser of the EIA documentation or the organiser of the proposed economic activity shall publish an updated version of the EIA programme on its website within one working day;

12.7. information on the likely nature of the decision.

13. The concerned public shall submit proposals on the EIA programme to the Agency and shall have the right to submit proposals to the preparer of the EIA documentation or the organiser of the proposed economic activity by the deadline specified in the information published by the preparer of the EIA documentation for the public, which shall be at least 10 working days from the date of publication of the information on the EIA programme, received by the Agency, counting from the day following the date of publication of the information.

14. The Agency, having received the concerned public's proposals on the EIA programme within its competence directly from the representatives of the concerned public, shall reply to them in writing within 10 working days. The Agency, having received the concerned public's proposals on the EIA programme that are not within its competence, shall, within 5 working days, submit a depersonalized (anonymized) copy of the proposals to the preparer of the EIA documentation and inform the representatives of the concerned public who submitted the proposals that the proposals have been received, that they shall be forwarded to the preparer of the EIA documentation and that an evaluation of the concerned public's proposals will be prepared and published on the Agency's website, together with the approved EIA programme.

15. The organiser of the proposed economic activity, upon receipt of the concerned public's proposals on the EIA programme, shall submit a copy of the proposals to the preparer of the EIA documents.

16. The preparer of the EIA documentation, having received the proposals of the concerned public on the EIA programme directly from the representatives of the concerned public or from the organiser of the proposed economic activity, shall inform the representatives of the concerned public in writing that the proposals have been received and that an evaluation of the proposals of the concerned public will be prepared and published on the Agency's website together with the approved EIA programme.

17. The preparer of the EIA documentation shall register the proposals of the concerned public on the EIA programme received from the Agency, the organiser of the proposed economic activity and directly from the representatives of the concerned public in accordance with the form for registration of the proposals of the concerned public set out in Annex 2 to the Procedural Schedule and, together with the organiser of the proposed economic activity, shall prepare an evaluation of the proposals of the concerned public by completing the form set out in Annex 3 to the Procedural Schedule. The proposals shall be evaluated, indicating whether they have been accepted, partially accepted or rejected. Information shall be provided on how the accepted proposal has been taken into account. In the event of rejection or partial rejection of a proposal, reasons shall be given for the rejection or partial rejection.

18. When approving the EIA programme, the Agency shall evaluate the proposals of the public concerned and the evaluation of the proposals made by the EIA document preparer and shall inform the public about the approved EIA programme within 3 working days after the approval of the EIA programme by publishing on its website the letter on the approval of the EIA programme, the evaluation of the proposals of the public concerned and the approved EIA programme.

19. Participants of the EIA process referred to in point 13 of the Procedural Schedule, upon receipt of the concerned public's proposals on the EIA programme, which were submitted after the

deadline for submission of proposals on the EIA programme referred to in point 13 of the Procedural Schedule, shall perform the actions referred to in points 14 to 17 of the Procedural Schedule, however, the proposals shall be examined by preparing an assessment of the concerned public's proposals, which shall be included into the annex to the EIA report on public information and participation in the EIA procedures, and shall be made available at the Agency's website.

20. If, prior to the approval of the EIA programme, the Agency receives from the municipal administration a negative reasoned decision of the municipal council on the feasibility of the proposed economic activity, it shall, within 3 working days of receipt of this decision, inform the public by publishing the decision of the municipal council on its website and by notifying, that the environmental impact assessment procedures may not be continued as long as the negative reasoned decision taken by the municipal council remains in force, except in cases where the proposed economic activity has been recognised as a project of national importance or is a project of regional interest or the proposed economic activity is necessary for the implementation of a project of national importance or regional interest.

#### **CHAPTER IV**

### **PUBLICATION OF A NOTICE OF COMMENCEMENT OF AN ENVIRONMENTAL IMPACT ASSESSMENT**

21. If the EIA programme is not being prepared, the organiser of the proposed economic activity or the preparer of the EIA documents, has to prepare a notice on the commencement of the EIA according to the form specified in the Procedural Schedule for Conducting the Procedures of Environmental Impact Assessment of the Proposed Economic Activity, and to publish it by the means of the public information referred to in point 10 of the Procedural Schedule. The public concerned shall submit proposals on the commenced EIA to the Agency and shall have the right to submit them to the preparer of the EIA documentation or the organiser of the proposed economic activity within 10 working days from the date of publication of the notice of commencement of EIA by the Agency.

22. The Agency, having received proposals from the concerned public within its competence concerning the commenced EIA, shall reply in writing within 10 working days to the representatives of the concerned public who submitted them. The Agency, having received proposals from the concerned public on the EIA which are not within its competence, shall, within 5 working days, submit a depersonalised copy of the proposals to the preparer of the EIA documentation and inform the representatives of the concerned public who submitted the proposals that the proposals have been received, that they shall be forwarded to the preparer of the EIA documentation and that an evaluation of the proposals from the concerned public will be prepared and included in the EIA report.

23. The organiser of the proposed economic activity, having received the proposals of the concerned public concerning the EIA, shall submit copies thereof to the preparer of the EIA documents.

24. The preparer of the EIA documentation, having received the proposals of the concerned public on the EIA, either directly from the representatives of the concerned public or from the organiser of the proposed economic activity, shall inform the representatives of the concerned public that the proposals have been received and that an evaluation of the proposals of the concerned public will be prepared and presented in the EIA report.

25. The preparer of the EIA documents shall register the proposals of the concerned public concerning the EIA, received from the Agency, the organiser of the proposed economic activity and directly from the representatives of the concerned public, in accordance with the form for registration of the proposals of the concerned public, set out in Annex 2 to the Procedural Schedule and, together with the organiser of the proposed economic activity, shall prepare an evaluation of the proposals of the concerned public by completing the form set out in Annex 3 to the Procedural Schedule.

## **CHAPTER V**

### **INFORMING THE PUBLIC ABOUT THE PREPARED EIA REPORT AND PUBLIC HEARINGS ON THE EIA REPORT**

26. The preparer of the EIA documentation, after preparing the EIA report, shall:

26.1. make the EIA report available to the public at its registered office (during working hours) and on its own website and/or the website of the organiser of the proposed economic activity;

26.2. ensure that the EIA report is made available to the public at the administrative premises of the district(s) authority(ies) in whose territory(s) the economic activity is proposed. Where there is no district authority in the territory(s) of the municipality(ies), or where the economic activity is proposed in the territory(s) of more than one municipality, the EIA report shall be made available to the public at the administrative premises of the municipality(ies) in whose territory(ies) the economic activity is proposed. Where the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea, the EIA report shall be made public in the administrative offices of the municipalities bordering the Baltic Sea.

27. The preparer of the EIA documentation shall, at least 20 working days prior to the public hearings on the EIA report, inform the public about the possibilities to get acquainted with it, to submit proposals and to take part in the process of the public hearings on this report, and shall make available to the public the information referred to in point 29 of the Procedural Schedule:

27.1. submit the information by e-mail to the Agency and to the administration of the municipality(ies) in whose territory(s) the economic activity is proposed, and if the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea - to the Agency and to the administrations of the municipalities bordering the Baltic Sea. The authorities shall publish the information received on their websites;

27.2. submit the information in writing to the administration(s) of the municipality(ies) in whose territory(ies) the economic activity is proposed and to the district(s) authority(ies) in whose territory(ies) the economic activity is proposed, and if the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea - to the administrations of the municipalities bordering the Baltic Sea. The authorities shall publish the information received on their notice boards;

27.3. publish it on the website of the preparer of the EIA documentation and/or the organiser of the proposed economic activity;

27.4. in a local newspaper published periodically and distributed in the municipality(ies) in whose territory(ies) the economic activity is proposed, or, if there is no such newspaper, in a regional or national newspaper. If the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea, it shall publish the information in local newspapers published periodically and distributed in the municipalities bordering the Baltic Sea, or, if there is no such newspaper, in a regional or national newspaper.

28. It is recommended that the information referred to in point 29 of the Procedural Schedule would be published additionally by one or more of the following methods of informing the general public: by erecting information boards at the location of the proposed economic activity; by posting notices on the notice boards of public organisations, shops, residential houses or other buildings; by sending it to public organisations, chairpersons of multi-apartment houses or gardeners' associations, chairpersons of communities by e-mail; by publishing it in social networks; and by conducting surveys of residents.

29. The information about the public hearings on the EIA report, which shall be made available to the public by using in the form set out in Annex 4 to the Procedural Schedule, shall include:

29.1. details of the organiser of the proposed economic activity;



29.2. details of the preparer of the EIA documentation;

29.3. the name and location of the proposed economic activity;

29.4. the EIA entities, which will provide conclusions on the EIA report in accordance with their competence and provide information to the public on the potential environmental impact of the proposed economic activity in accordance with the procedure laid down by law, and the competent authority, which will make a decision on the environmental impact of the proposed economic activity;

29.5. the website of the preparer of the EIA documentation or the organiser of the proposed economic activity, with a direct active link to the published EIA report, which shall remain active until the Agency has taken a decision on the environmental impact of the proposed economic activity. In the event of a revision or addition to the report, the updated version of the report must be published within one working day of the revision or addition;

29.6. the address, telephone number and time of access to the EIA report of the preparer of the EIA documentation, the municipality and/or district(s) authority(ies) office(s) or other place(s) where the EIA report shall be made available to the public, taking into account the requirements of points 26, 31 and 32 of the Procedural Schedule;

29.7. to whom, by when and at what address proposals, including the opportunity to ask questions and obtain information, may be made concerning the EIA report and the EIA being carried out. It shall be specified that the concerned public shall submit proposals to the Agency and shall have the right to submit proposals to the preparer of EIA documents. The deadline for submission of proposals shall be specified, which shall be at least 20 working days before and during the public hearings on the EIA report;

29.8. where and when the public hearings on the EIA report will take place and the live webcast video link, taking into account the requirements of points 30, 31 and 32 of the Procedural Schedule.

30. The public hearings on the EIA report shall be carried out in a hybrid way:

30.1. by live webcast, allowing remote access, questions and answers;

30.2. at the administrative premises of the district authority of the territory in which the economic activity is proposed or at another place chosen by the EIA document preparer and agreed in writing with the district authority. If there is/are no district(s) authority(ies) in the territory of the municipality - at the administrative premises of the municipality in whose territory the economic activity is proposed or at another place chosen by the preparer of the EIA documentation and agreed in writing with the municipal administration.

31. If the economic activity is proposed in the territories of several district authorities and/or municipalities, the EIA report shall be made public and the public shall be informed about the possibilities to get acquainted with it, to submit proposals and to participate in the public hearings on the EIA report in all the district authorities and/or municipalities referred to in this point. The public hearings on the EIA report referred to in point 30 of the Procedural Schedule shall take place in all or in one of the district authorities and/or municipalities referred to in this point. If the public hearings are carried out in one of these district authorities and/or municipalities, technical possibilities shall be made available for representatives of the concerned public, who come to the administrative premises of the other district authorities and/or municipalities referred to in this point, to participate remotely in the public hearings of the EIA report, to ask questions and receive answers.

32. If the proposed economic activity and its related structural components, e.g. construction of related infrastructure, are proposed in the territories of different district authorities and/or municipalities, the EIA report shall be made public and the public shall be informed about the possibilities to get acquainted with it, to submit proposals and to participate in the public hearings on the EIA report in all the district authorities and/or municipalities referred to in this point. Public presentation of the EIA report shall only take place in the municipality or district authority in which the main proposed economic activity, and not its related structural components, is located.

33. If the economic activity is proposed in the territorial sea of the Republic of Lithuania and/or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea, the public

hearings on the EIA report shall be carried out in a hybrid way: live webcast, with the possibility to connect remotely, to ask questions and hear answers, and in the administrative premises of the municipalities bordering the Baltic Sea or in other places chosen by the EIA document preparer and agreed in writing with the municipal administrations. The public hearings on the EIA report shall take place in all or one of the municipalities referred to in this point. If the public hearings on the EIA report are carried out in one of the municipalities, technical possibilities shall be made available for representatives of the public concerned, who are present in the administrative premises of the other municipalities referred to in this point, to participate remotely in the public hearings on the EIA report, to ask questions and to hear the answers.

34. The public concerned has the right to submit proposals on the EIA report and the EIA process:

34.1. to the Agency and the EIA documents preparer - within the time limit provided in the information on public hearings on the EIA report published by the EIA document preparer, which shall be at least 20 working days prior to the public hearings on the EIA report;

34.2. to the preparer of the EIA documentation - during the public hearings on the EIA report;

34.3. to the Agency within the time limit referred to in point 47 of the Procedural Schedule.

35. The Agency, having received directly from the representatives of the public concerned the proposals falling within its competence, shall reply to them in writing within 10 working days. The Agency, having received proposals from the concerned public outside its competence, shall, within 5 working days, provide depersonalised copies of the proposals to the EIA document preparer and inform the representatives of the concerned public who submitted the proposals that the proposals have been received, that the proposals have been forwarded to the EIA document preparer and that an evaluation of the proposals from the concerned public will be prepared and included in the annex to the EIA report on public information and participation in the EIA procedures and published on the website of the Agency.

36. The preparer of the EIA documentation, having received the proposals of the concerned public directly from the representatives of the concerned public, shall inform them in writing that the proposals have been received and that an evaluation of the proposals of the concerned public will be prepared and included in the annex to the EIA report on public information and participation in the EIA procedures and published on the website of the Agency.

37. The preparer of the EIA documentation shall register the proposals of the concerned public received from the Agency and directly from the representatives of the concerned public in accordance with the form for registration of the proposals of the concerned public set out in Annex 2 to the Procedural Schedule, revise, if necessary, the EIA report, and, together with the organiser of the proposed economic activity, prepare an evaluation of the proposals of the concerned public according to the form set out in Annex 3 to the Procedural Schedule. The evaluation shall indicate whether the proposals have been accepted, partially accepted or rejected. Information shall be provided on how the accepted proposal has been taken into account. In the event of rejection or partial rejection of a proposal, reasons shall be given for the rejection or partial rejection.

38. During the public hearings on the EIA report, the EIA document preparer shall:

38.1. appoint a chairman and a secretary;

38.2. register the participants of the public hearings on the EIA report;

38.3. describe the proposed economic activity, present the EIA report and the results of the assessment;

38.4. inform on the evaluation of the proposals received from the concerned public before the start of the public hearings on the EIA report;

38.5. answer questions from the participants during the public hearings on the EIA report;

38.6. inform that the proposals of the concerned public received before and submitted during the public hearings on the EIA report are registered, that an evaluation of the proposals of the concerned public will be prepared and that it, as well as the minutes, will be included in the annex to the EIA report on public information and participation in the EIA procedures and published on the Agency's website along with the EIA report.

39. If no representative of the public arrive at the public hearings on the EIA report within one hour from the time set for its commencement and does not remotely connect, the chairman of the public hearings on the EIA report shall declare that the public hearings procedure has been completed. This shall be recorded in a protocol signed by the chairman of the public hearings on the EIA report and the secretary.

40. After the public hearings on the EIA report, the secretary shall, within 5 working days (counting from the next working day after the public hearings), prepare the minutes of the public hearings on the EIA report, which shall indicate the date and place of the public hearings, the information on the participants, the main summary statements of the preparer of the EIA documentation, the questions raised by the participants during the public hearings and the answers to them. The minutes may not contain personal data of the public participants. The minutes shall be signed by the chairman and the secretary.

41. In case of restriction of public access to the premises of the municipality(ies) and/or district(s) authority(ies) during an emergency situation, the EIA report shall be published only via the Internet in electronic format on the website of the preparer of the EIA documents and/or the organiser of the proposed economic activity.

42. In the event of a restriction of access to enclosed spaces during an emergency situation, the public hearings on the EIA report shall be postponed until the expiry of the restriction or prohibition, or shall be organised only by means of a live webcast, taking into account the requirements set out in points 38 to 40 of the Procedural Schedule.

43. Where, during an emergency situation, the public hearings on the EIA report is to be carried out only by means of a live webcast, the information on the public presentation referred to in point 29 of the Procedural Schedule shall include the date and time of the live webcast and a link to the live webcast. In the event of technical difficulties during the live broadcast which cannot be remedied within a reasonable time period, the public hearing shall be re-organised and the public shall be informed at least 5 working days in advance.

44. The procedures of informing the public about the prepared EIA report and public hearings on the EIA report, which started when access to the enclosed spaces was restricted, shall be completed by the same method.

## **CHAPTER VI**

### **INFORMING ABOUT THE RECEIVED ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE DECISION ON THE ENVIRONMENTAL IMPACT OF THE PROPOSED ECONOMIC ACTIVITY**

45. The Agency, having received from the preparer of the EIA documentation the EIA report, including the proposals of the concerned public registered according to the form set out in Annex 2 to the Procedural Schedule, their evaluation carried out according to the form set out in Annex 3 to the Procedural Schedule, and the conclusions of the EIA entities, shall, not later than within 3 working days from the receipt of these documents, publish on the Agency's website a notice to the public as referred to in point 46 of the Procedural Schedule.

46. The notice must include:

46.1. details of the organiser of the proposed economic activity (name of natural person or legal entity, address, website, telephone, e-mail);

46.2. details of the preparer of the EIA documentation (name of natural person or legal entity, address, website, telephone, e-mail);

46.3. the name and location of the proposed economic activity (county, municipality, district authority; city, town, village or hamlet; if available - street, building no., unique and/or cadastral no. of the land plot);

46.4. a direct active web link to the published EIA report;

46.5. the time limit for the submission of proposals to the Agency, which will take a decision on the environmental impact of the proposed economic activity; the proposals will be discussed with representatives of the public concerned before the Agency takes a decision on the

environmental impact of the proposed economic activity. The deadline for submitting proposals - 10 working days from the date of publication of the notice. Proposals received after the deadline shall not be considered.

47. The concerned public shall have the right to submit proposals to the Agency, which shall be discussed with representatives of the concerned public before the Agency takes a decision on the environmental impact of the proposed economic activity. The deadline for submission of proposals - 10 working days from the date of publication of the notice. Proposals received after this deadline shall not be considered.

48. The preparer of the EIA documentation shall organise a repeated public hearings on the EIA report in accordance with the procedure set out in Chapter IV of the Procedural Schedule, if:

48.1. the Agency obliges the preparer of the EIA documentation to carry out a repeated public hearings on the EIA report due to a violation of the procedures related to the publicity of the EIA report and the public information;

48.2. the EIA report is substantially amended (changes in the scope of the economic activity, new technological and/or location alternatives are proposed) or substantially corrected (the EIA report did not adequately or insufficiently assess the potential environmental impact) and the Agency obliges the preparer of the EIA documents to carry out a repeated public hearings on the EIA report or the hearings are organised at the initiative of the organiser of the proposed economic activity.

49. If the Agency receives proposals from the concerned public during the time period for submission of proposals referred to in sub-point 46.5 of the Procedural Schedule, after the deadline it shall organise a meeting to discuss the proposals, inviting in writing the representatives of the concerned public who have submitted the proposals, the organiser of the proposed economic activity, and the preparer of the EIA documentation to a meeting at least 5 working days before the meeting. Together with the invitation, the Agency shall send depersonalised copies of the proposals of the public concerned and inform them that, in the event of failure to attend the meeting, the minutes of the meeting and the Agency's decision on the environmental impact of the proposed economic activity will be available on the Agency's website where such information is published. The meeting may also be organised remotely.

50. If the organiser of the proposed economic activity or the preparer of the EIA documentation is unable to participate in the meeting, he/she shall, within 1 working day before the date of the meeting referred to in point 49 of the Procedural Schedule, inform the Agency that he/she will not participate and shall submit in writing the evaluation of the proposals of the concerned public.

51. If the representative(s) of the concerned public, the organiser of the proposed economic activity or the preparer of the EIA documentation is/are not present at the meeting, the Agency shall consider the proposals in his/her absence.

52. The procedure for discussing proposals from the public concerned shall be documented in the minutes. The minutes shall indicate the format of the meeting, place, date, participants (or a list of participants shall be annexed to the minutes), indicate the issues discussed and the conclusions and/or proposals adopted at the meeting. The minutes shall be drawn up and signed by a representative of the Agency.

53. If no EIA programme has been prepared and prior to the adoption of the decision on the proposed economic activity the Agency receives from the municipal administration a negative reasoned decision of the municipal council on the feasibility of the proposed economic activity, the Agency shall inform the public within 3 working days from the date of receipt of the decision by publishing on its website the decision of the municipal council and by announcing that the EIA procedures are suspended, unless the proposed economic activity has been recognised as a project of national importance or is a project of regional importance, or the proposed economic activity is necessary for the realisation of the project of national importance or of regional importance.

54. If there are uncertainties about the compliance of the proposed economic activity with the requirements of legal acts or about the possible significant negative impacts on the environment, the Agency, before taking a decision on the environmental impact of the proposed economic activity

shall, if necessary, organise a meeting, where the representatives of the concerned public can participate. The meeting shall be organised in a hybrid or remote format. At least 3 working days before the meeting the Agency shall publish on its website information on where and when the meeting will take place and, in the case of a hybrid meeting, a live webcast link.

55. After adopting a decision on the environmental impact of the proposed economic activity, the Agency shall publish the decision, the EIA report on the basis of which the decision was adopted, and the minutes of the meeting referred to in point 49 of the Procedural Schedule on its website within 3 working days of its adoption.

56. The Agency, having adopted a decision on the extension of the validity of a decision on the environmental impact of a proposed economic activity, shall publish it on its website within 3 working days.

## **CHAPTER VII**

### **INFORMING THE PUBLIC ABOUT TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES**

57. Information on transboundary EIA procedures shall be published on the websites of the Ministry of the Environment and the Agency in accordance with the procedure set out in the Procedural Schedule for Conducting the Procedures of Transboundary Environmental Impact Assessment of the Proposed Economic Activity.

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**(Form for informing the public on the prepared environmental impact assessment  
programme)**

**INFORMATION ON THE PREPARED**

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(name of the proposed economic activity)

**AN ENVIRONMENTAL IMPACT ASSESSMENT PROGRAMME**

Organiser of the proposed economic activity:

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(name of natural person or legal entity, contact address, website, telephone, email)

Preparer of environmental impact assessment documents:

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(name of natural person or legal entity, contact address, website, telephone, email)

Name and location of the proposed economic activity:

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(name of the proposed economic activity, county, municipality, district authority; city, town, village or hamlet; if any, street, building no., unique and/or cadastral no. of the land plot)

The environmental impact assessment entities that examine the environmental impact assessment programme and within their competence issue conclusions and provide information to the public on the potential environmental impact of the proposed economic activity in accordance with the procedure laid down by law:

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(names, addresses, telephone numbers, e-mail addresses of the entities involved in the environmental impact assessment process for the specific proposed economic activity)

The Environmental Impact Assessment Programme shall be approved and a decision on the environmental impact of the proposed economic activity shall be taken by the Environmental Protection Agency (A. Juozapavičiaus g. 9, Vilnius, phone +370 682 92 653, e-mail: aaa@gamta.lt).

The public submits proposals on the EIA programme (including the possibility to ask questions and receive information) to the Environmental Protection Agency and has the right to submit them to the preparer of the EIA documents or the organiser of the proposed economic activity before:

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(the deadline for submission of proposals shall be at least 10 working days from the date of publication of the information received by the Agency on the environmental impact assessment programme, counting from the day following the publication)

Online link to the published EIA programme:

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(direct active link on the website of the preparer of the EIA documentation or the organiser of the proposed economic activity)

The decision on the environmental impact of the proposed economic activity is taken by the Environmental Protection Agency. If the Agency decides that the activity complies with the requirements of the legislation on environmental protection, public health, protection of immovable cultural heritage, fire safety and civil protection and will not have a significant negative impact on the environment, the proposed economic activity may be carried out. If the Agency decides that the proposed economic activity does not comply with the requirements of the legislation on the protection of the environment, public health, the protection of immovable cultural heritage, fire safety and civil protection and will have a significant negative impact on the environment, the permits provided for in the legislation may not be granted and the activity may not be carried out.

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**(Registration form for the proposals of the concerned public)**

**PROPOSALS OF THE CONCERNED PUBLIC ON**

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(name of the proposed economic activity)

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(indicate the stage at which the proposals received are registered: EIA programme and ongoing EIA / EIA commencement / EIA report and ongoing EIA)

**REGISTRATION**

No.	Date of receipt of the concerned public's proposal	Sender of the concerned public's proposal (indicate whether the proposal was received from the Agency, the organiser of the proposed economic activity or directly from the concerned public)	Proposal of the concerned public
1	2	3	4
1.			
2.			
3.			

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**(Form for evaluation of the proposals of the concerned public)**

**PROPOSALS OF THE CONCERNED PUBLIC ON**

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(name of the proposed economic activity)

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(indicate the stage at which the proposals received are being assessed: EIA programme and ongoing EIA / EIA commencement / EIA report and ongoing EIA)

**EVALUATION**

Eil. No.	Proposal from the concerned public	Proposals by topic (e.g. water pollution, air pollution, noise, smell)	Proposal of the public concerned accepted, partially accepted or rejected	Reasons for accepting or rejecting the proposal
1	2	3	4	5
1.				
2.				
3.				

**(Form of information to be made available to the public about the public hearings on the EIA  
report)**

**INFORMATION ABOUT THE PUBLIC HEARINGS ON ENVIRONMENTAL IMPACT  
ASSESSMENT REPORT OF**

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(name of the proposed economic activity)

Organiser of the proposed economic activity:

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(name of natural person or legal entity, contact address, website, telephone, email)

Preparer of environmental impact assessment documents:

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(name of natural person or legal entity, contact address, website, telephone, email)

Name and location of the proposed economic activity:

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(name of the proposed economic activity, county, municipality, district authority; city, town, village or hamlet; if any, street, building no., unique and/or cadastral no. of the land plot)

The environmental impact assessment entities that examine the environmental impact assessment report and within their competence issue conclusions and provide information to the public on the potential environmental impact of the proposed economic activity in accordance with the procedure laid down by law:

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(names, addresses, telephone numbers, e-mail addresses of the entities involved in the environmental impact assessment process for the specific proposed economic activity)

The decision on the environmental impact of the proposed economic activity is taken by the Environmental Protection Agency (A. Juozapavičiaus g. 9, Vilnius, phone +370 682 92 653, e-mail [aaa@gamta.lt](mailto:aaa@gamta.lt)).

Online link to the published environmental impact assessment report:

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(direct active link on the website of the preparer of the EIA documentation or the organiser of the proposed economic activity)

The environmental impact assessment report is made available to the public:

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(indicate the address, telephone number and time of access to the EIA report at the premises of the preparer of the environmental impact assessment documents, the municipality and/or district authority or other place(s) where the EIA report is made available to the public)

The public shall submit proposals (including the opportunity to ask questions and obtain information) on the EIA report and the ongoing EIA to the Environmental Protection Agency, and shall have the right to submit them to the preparer of the EIA documents before:

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(indicate the deadline for submission of proposals, which shall be at least 20 working days before and at the time of the public hearings on the environmental impact assessment report)

The public hearings on the EIA report will be carried out in a hybrid format (in person and via webcast):

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(location, address, date, time and live webcast link)

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## Plan of action and progress report for decision VII/81 (Lithuania)

Through paragraph 3 (a) of decision VII/81 concerning the compliance of Lithuania, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/81 is available at: <https://unece.org/env/pp/cc/decision-vii81-concerning-lithuania>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

### **A. Description of the process by which the plan of action has been prepared**

On 16 December 2021 the Ministry of Environment of the Republic of Lithuania (hereinafter - the Ministry of Environment) informed the association Rudamina Community (the communicant) in writing about the assessment carried out by the Ministry of Environment even before the adoption of Decision VII/81 by the Meeting of the Parties, what actions should be taken to implement the recommendations, and submitted information about measures taken and still planned for the implementation of the recommendations.

On 1 March 2022 the Ministry of Environment informed the association Rudamina Community in writing about the preparation of the draft action plan, invited to actively participate in the process of preparation of the action plan and at the initial stage until 18 March 2022 (inclusive) to submit comments and / or proposals, if any, for the preliminary measures for the implementation of the recommendations, and indicated that a public consultation will be organized after the preparation of the draft action plan, in which association Rudamina Community will be invited to participate by a separate letter.

On 2 March 2022 the Ministry of Environment has published information about the start of preparation of the action plan on its website, invited to actively participate in the process of preparation of the action plan and at the initial stage until 18 March 2022 (inclusive) to submit comments and / or proposals, if any, for the preliminary measures for the implementation of the recommendations, and indicated that a public consultation will be organized after the preparation of the draft action plan, about which the Ministry of Environment will inform later (<https://am.lrv.lt/lt/naujienos/rengiamas-veiksmu-planas-rekomendacijoms-susijusioms-su-rudaminos-bendruomenes-kreipimusi-igyvendinti>).

The Ministry of the Environment supplemented the draft action plan taking into account comments for the preliminary measures for the implementation of the recommendations received from the public by 18 March 2022.

On 2 May 2022 a public consultation on the prepared draft action plan was announced (<https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-parengto-veiksmu-planu-orhuso-konvencijos-saliu-susitikime-priimtame-sprendime-lietuvai-pateiktoms-rekomendacijoms-igyvendinti>). Public consultation period - 20 working days (from 2 May to 30 May). Methods of a public consultation: (i) written proposals from 2 May to 30 May; (ii) oral proposals at a meeting held on 18 May in a hybrid manner (remotely (online) or in person at the headquarters of the Ministry of Environment).

On 3 May 2022 the Ministry of Environment has posted a message on its website (<https://am.lrv.lt/lt/naujienos/kvicciame-susipazinti-su-veiksmu-planu-rekomendacijoms-del-rudaminos-bendruomenes-kreipimosi>) informing the public that a draft action plan has been prepared, and inviting actively to participate in a public consultation and submit comments and / or proposals by 30 May 2022 in order to improve the draft action plan.

On 4 May 2022 the Ministry of Environment informed the association Rudamina Community in writing about the prepared draft action plan and the public consultation.

**Progress Report (up to 1 October 2023):**

**On 8 September 2023 the Ministry of Environment informed the association Rudamina Community in writing about the prepared draft of Progress Report, asking to provide comments until 20 September 2023.**

**The association Rudamina Community hasn't provided any comments to the draft of Progress Report, as of the date this document was sent to the Compliance Committee.**

**B. General character of the measures that will be needed to implement the recommendations in the MOP decision**

The implementation of some of the recommendations in Decision VII/81 is linked to the changes in the legal framework, therefore, in order to amend the legislation by the deadline, actions were initiated as soon as the Aarhus Convention Compliance Committee adopted its findings and recommendations with regard to communication ACCC/C/2013/98 concerning compliance by Lithuania on 7 June 2021 without waiting for the Meeting of the Parties to adopt the Decision in October 2021. The implementation of the recommendations of paragraph 2 (a) (ii) - (iii) of Decision VII/81 requires an amendment to the Law on Environmental Protection of the Republic of Lithuania, implementation of the recommendations of paragraph 2 (a) (iv) - (v) of Decision VII / 81 requires an amendment of the Law on Environmental Impact Assessment of Proposed Economic Activities of the Republic of Lithuania. In order to implement the recommendation of paragraph 2 (a) (i) of Decision VII/81, not only enforcement and / or administrative measures will be taken, but also amendments to the Law on Environmental Impact Assessment of Proposed Economic Activities for the sake of clarity will be made. Enforcement and / or administrative measures are sufficient to implement some of the recommendations set out in Decision VII / 81 (recommendations of paragraph 2 (a) (vi) and paragraph 2 (b)).

**C. Detailed plan of action**

<p><b>Recommendation: Para. 2 (a) (i) of decision VII/81</b></p>	<p>In paragraph 2 (a) (i) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <ul style="list-style-type: none"> <li>(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention: <ul style="list-style-type: none"> <li>(i) The public is notified about all time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments can be submitted;</li> </ul> </li> </ul>
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<p>Proposed measures to fulfil recommendation</p>	<p>Article 8 (3) of the Law on Environmental Impact Assessment of Planned Economic Activities (<a href="https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr">https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr</a>) states that “the drafter of documents of environmental impact assessment shall submit a prepared programme to entities of environmental impact assessment for conclusions and inform, in accordance with the procedure established by the Minister of Environment, the public and the competent authority, which shall publish the information within three working days from the receipt thereof in accordance with the procedure established by the Minister of Environment. The date of receipt of information on the programme by the competent authority shall be considered the commencement of environmental impact assessment, except for the cases where a notice of the commencement of environmental impact assessment has been received in accordance with the procedure laid down in Article 8<sup>1</sup> of this Law prior to the receipt of this information by the competent authority.” Article 8<sup>1</sup> (3) of the same Law provides that “the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall, not later than within 15 working days before the provision of information to the public on the public access to a report in accordance with the procedure laid down in Article 10 (3) of this Law, submit a notice of the commencement of environmental impact assessment to entities of environmental impact assessment and the competent authority (which shall publish the received information within three working days from the receipt of the notice of the commencement of environmental impact assessment) and inform the public in accordance with the procedure established by the Minister of Environment. The date of receipt of the notice of the commencement of environmental impact assessment by the competent authority shall be considered to be the date of the commencement of environmental impact assessment.” Article 10 of the same Law provides that: (i) “3. the drafter of documents of environmental impact assessment shall, not later than 20 working days before granting to the public of access to a report, inform the public about the granting to the public of access to the report in accordance with the procedure established by the Minister of Environment”; (ii) “8. the drafter of documents of environmental impact assessment shall submit to the competent authority a report revised and/or supplemented in accordance with conclusions of entities of environmental impact assessment, conclusions of the entities of environmental impact assessment on the report and the environmental impact of the proposed economic activity and an evaluation of proposals of the public concerned”; (iii) “9. the competent authority shall, within three working days from the receipt of a report, publish to the public a notice on the report and access thereto in accordance with the procedure established by the Minister of Environment. The public concerned shall have the right to submit to the competent authority, within ten working days from the publication of the notice, written proposals on the environmental impact assessment of the proposed economic activity and the report.”</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) (hereinafter - Regulations) provides that:</p> <p>“69.5. the time limit for the submission of proposals, which shall be not less than 10 working days from the date of publication of the information, starting from the day following the publication;</p> <p>&lt;...&gt;</p> <p>75. The drafter of EIA documents shall, not later than 20 working days before the report is made available to the public, inform the public about access to the report and possibility to submit proposals, participate in a public hearings of the report and shall make the information specified in point 77 of the Regulations available to the public by the following means:</p> <p>75.1. mass media specified in subparagraphs 67.2-67.4 of the Regulations;</p> <p>75.2. send information to the representatives of the public concerned who have submitted proposals in writing or by e-mail.</p> <p>&lt;...&gt;</p> <p>77. The information published about making a report available to the public must indicate:</p>
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77.1. the information specified in subparagraphs 69.1-69.3 of the Regulations;

77.2. EIA entities which, within their remit, will issue conclusions on the report and the competent authority which will take a decision on the environmental impact of the proposed economic activity;

77.3. The website address of the drafter of the EIA or the organiser of the proposed economic activity with specific active reference to the published report (reference must be in place before the Agency takes a decision on the environmental impact of the proposed economic activity, if the report is amended or supplemented, an updated version of the report must be published);

77.4. The time of access to the report, taking into account the requirements of paragraph 74, the address and telephone number of the drafter, municipality and/or ward's office(s) or any other place where the report is displayed;

77.5. till when (at least 20 working days should be allocated for access to the report and for submission of proposals to the public before the report is last made available to the public referred to in point 77.6) to submit proposals to the drafter of the EIA documents (to provide copies of proposals to the EIA entities and the Agency according to their competence);

77.6. where and when the report will be held public hearings (place, address, time) taking into account the requirements of paragraph 74.

<...>

83. The Agency shall, no later than within 3 working days from the date of receipt from the drafter of the EIA documents of the report, the evaluation of proposals of the public concerned, the conclusions of EIA entities, make available to the public on its website the report referred to in point 84 of the Regulations and the possibility of accessing the report and submitting proposals to the Agency no later than 10 working days from the date of publication of the notice.

84. The notice must contain the following information:

84.1. the information specified in subparagraphs 69.1 to 69.4 of this Chapter;

84.2. Website address of the drafter of the EIA or the developer of the proposed economic activity with specific active reference to the published report, information that the report is available on the premises of the Agency (indicate the address of the seat, telephone number, time of access to the report);

84.3. till when to submit proposals to the Agency that are going to be discussed with representatives of the public concerned before a decision on the environmental impact of the proposed economic activity is taken by the Agency (the deadline for submission of proposals is 10 working days from the day following publication of the notice on the Agency's website. Proposals received after the expiry of this time limit are not considered)."

In the light of the above-mentioned legal framework, other additional legislative measures to implement the recommendation in paragraph 2 (a) (i) of decision VII/81 may not be proposed, however, while implementing the recommendations in paragraph 2 (a) (iv) to (v) of decision VII/81 (Law on Environmental Impact Assessment of Planned Economic Activities will be amended) and for the sake of clarity, it is planned to make certain editorial amendments to the Law on Environmental Impact Assessment of Planned Economic Activities, as well as to transpose some provisions related to public participation in the environment impact assessment process from Regulations on Environmental Impact Assessment of the Proposed Economic to the Law on Environmental Impact Assessment of Planned Economic Activities.

On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) to the stakeholders (social partners, public, subordinates and other institutions).

It is also planned to take enforcement and / or administrative measures by providing the public with information about all the time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments could be submitted.

	<p>On 14 October 2020 the Ministry of Environment has posted a publication providing information on public participation in environmental impact assessment procedures, including time limits for the public to comment on relevant documents (<a href="https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf</a>). Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it is planned to update this publication in order to provide relevant information to the public. It is planned also to place this updated publication on the website of the Environmental Protection Agency.</p> <p>In response to the recommendations made by the Compliance Committee of the Aarhus Convention, a letter was sent to participants of environmental impact assessment on 20 July 2021, reminding them about their responsibilities in the environmental impact assessment process. Also, on 16 September 2021, an information notice on environmental impact assessment and public participation was posted on the website of the Environmental Protection Agency (<a href="https://aaa.lrv.lt/lt/naujienos/poveikio-aplinkai-vertinimo-procedurose-gali-dalyvauti-ir-visuomene">https://aaa.lrv.lt/lt/naujienos/poveikio-aplinkai-vertinimo-procedurose-gali-dalyvauti-ir-visuomene</a>).</p> <p>In addition, for better understanding of environmental impact assessment process, the schemes of environmental impact assessment procedures are available on the website of the Ministry of Environment (<a href="https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas/pav">https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas/pav</a>). Schemes of environmental impact assessment procedures are available for all participants of the environmental impact assessment process, including the public. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it is planned to prepare and place an additional scheme dedicated exclusively to public participation in the environmental impact assessment process. It is planned also to place such a scheme on the website of the Environmental Protection Agency.</p> <p>Following the update of the publication, the preparation of an additional scheme of environmental impact assessment procedures for public participation, the public will be informed about the availability of the updated publication and new scheme on the websites of the Ministry of Environment and the Environmental Protection Agency.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>Actions to be taken regarding the implementation of legislative measures:</p> <ol style="list-style-type: none"> <li>1. First of all, a draft amendment and / or supplement to the legal act needs to be prepared. Draft amendments and / or supplements to the legal acts shall be prepared and submitted for consultation in accordance with the Rules of Procedure of the Ministry of the Environment: <ol style="list-style-type: none"> <li>1.1. The draftsman of the legal act shall submit prepared and approved by the direct supervisor draft legal act for consultation to the subdivisions and (or) subordinate institutions of the Ministry of the Environment;</li> <li>1.2. Subdivisions and / or subordinate institutions of the Ministry of Environment shall submit comments and / or proposals on the draft legal act;</li> <li>1.3. The draftsman of the legal act evaluates comments and / or proposals submitted by the subdivisions and (or) subordinate institutions of the Ministry of the Environment, revises the draft legal act;</li> <li>1.4. The revised draft legal act is submitted for legal and anti-corruption assessment;</li> <li>1.5. The draftsman of the legal act evaluates the comments and (or) proposals submitted by lawyers, revises the draft legal</li> </ol> </li> </ol>



	<p>act;</p> <p>1.6. The revised draft legal act is being evaluated by the language editor;</p> <p>1.7. The draft legal act shall be submitted for consultation through the Legal Information System (TAIS) to stakeholders (social partners, the public, subordinates and other institutions);</p> <p>1.8. The draftsman of the legal act evaluates the comments and (or) proposals submitted by stakeholders (social partners, the public, subordinates and other institutions), revises the draft legal act;</p> <p>1.9. The draftsman of the legal act repeatedly submits the revised draft legal act for legal and anti-corruption assessment.</p> <p>1.10. The draftsman of the legal act evaluates the comments and (or) proposals submitted by lawyers, revises the draft legal act;</p> <p>1.11. The revised draft legal act is being evaluated by the language editor;</p> <p>1.12. The final draft legal act is signed by the Minister of the Environment and submitted to the Government of the Republic of Lithuania in accordance with its Rules of Procedure.</p> <p>2 The Government shall submit the received draft legal act (draft law) to the Seimas of the Republic of Lithuania.</p> <p>3 Draft law shall be registered with the Secretariat of the Seimas.</p> <p>4 After the submission of the draft law, it shall be discussed in the relevant committees of the Seimas, to which the stakeholders may also submit their comments and / or proposals, participate in committee meetings, hearings, etc.</p> <p>5 After consideration in the relevant committees of the Seimas, the draft law (with possible amendments made during the considerations of the committees) is considered in the plenary sitting of the Seimas, and in the next plenary sitting the draft law is adopted and submitted for signature to the President of the Republic of Lithuania.</p> <p>6 The President may exercise his right of veto or sign a draft law. If the draft law is signed, it enters into force. If the right of veto is exercised, the President shall return the draft law to the Seimas.</p> <p>7 If a draft law is returned to the Seimas, it may be improved and subsequently reconsidered, adopted and submitted for signature to the President, or the President's veto may be rejected. If the President's veto is rejected, law enters into force.</p> <p>(all the actions for the legislative measures, mentioned in points 1-7 are hereinafter referred to as “<b>Actions to be taken for the implementation of legislative measures</b>”).</p> <p>The amendment of the Law on Environmental Impact Assessment of Planned Economic Activities will be made in accordance with Actions to be taken for the implementation of legislative measures.</p> <p>Actions to be taken regarding the implementation of enforcement and / or administrative measures and the aim of providing information to the public about all the time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments could be submitted:</p> <ol style="list-style-type: none"> <li>1. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will be necessary to update the publication providing information on public participation in environmental impact assessment procedures (<a href="https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf</a>) posted on the website of the Ministry of the Environment on 14 October 2020, to place this updated publication not only on the website of the Ministry of Environment but also on the website of the Environmental Protection Agency.</li> <li>2. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will be necessary to prepare and place an additional scheme dedicated exclusively to public participation in the environmental impact assessment process. It is planned to place such a scheme not only on the website of the Ministry of Environment but also on the website of the Environmental Protection Agency.</li> </ol>
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Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate (e. g. Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective Committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of the Proposed Economic Activity (adopted on 24 November 2022), an updated publication providing information on public participation in environmental impact assessment procedures has been posted on the website of the Ministry of the Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/Visuomene%20ir%20PAV_lankstinukas_2023-07-26.pdf">https://am.lrv.lt/uploads/am/documents/files/Visuomene%20ir%20PAV_lankstinukas_2023-07-26.pdf</a></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of the Proposed Economic Activity (adopted on 24 November 2022), a new scheme, providing information on public participation in environmental impact assessment procedures and an information sheet, dedicated exclusively to public participation in the environmental impact assessment process have been drawn up and posted on the website of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/Visuomenes%20dalyvavimo%20infograma_2023.pdf">https://am.lrv.lt/uploads/am/documents/files/Visuomenes%20dalyvavimo%20infograma_2023.pdf</a></p> <p><b>On 3 August 2023, the public was informed about the availability of the updated information, a new scheme, providing information on public participation in environmental impact assessment procedures and an information sheet on the websites of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima">https://am.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima</a></p> <p><b>The same information has been posted on the website of the Environmental Protection Agency:</b>  <a href="https://aaa.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima">https://aaa.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima</a>  <a href="https://gamta.lt/visos-naujienos/naujienos/16/kaip-uztikrinti-visuomenes-teise-i-svaria-aplinka:199">https://gamta.lt/visos-naujienos/naujienos/16/kaip-uztikrinti-visuomenes-teise-i-svaria-aplinka:199</a></p>

<p><b>Recommendations:</b>  <b>Para. 2 (a) (ii) of decision VII/81</b>  <b>Para. 2 (a) (iii) of decision VII/81</b></p>	<p>In paragraph 2 (a) (ii) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <ul style="list-style-type: none"> <li>(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention: <ul style="list-style-type: none"> <li>(ii) Any international consultations concerning a specific cross-border activity by a public authority of the Party concerned prior to completion of the public participation procedure under article 6 must not, in law or in fact, preclude all options being open during the public participation procedure;</li> <li>(iii) The range of options open at each stage of decision-making is adequately reflected in the information provided to the public at each stage;</li> </ul> </li> </ul>
<p>Proposed measures to fulfil recommendation</p>	<p>The Law on Environmental Impact Assessment of Planned Economic Activities and the legal acts implementing it provides that the evaluation and selection of local and technological alternatives must be carried out, however, it is not made clear that alternatives cannot be chosen in advance, as their choice prior to the strategic environmental assessment or environmental impact assessment procedures for the proposed economic activity violates the provisions of international law, including the Aarhus Convention.</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) provides that:</p> <p>“11. The programme shall be drawn up with a view to determining the aspects of the proposed economic activity, the scope of the assessment, the content of the report and the issues to be examined. The programme must include the following:  &lt;...&gt;  11.2. information on feasible alternatives to be explored (e.g., location, time, technical and technological solutions, measures to reduce the impact on the environment), including “zero” option, i.e., without carrying out activities;  &lt;...&gt;  11<sup>1</sup>. A notification of the commencement of the EIA shall be drawn up with a view to informing about the planned economic activity subject to an environmental impact assessment of the proposed economic activity. The notification form for EIA initiation is set out in Annex 8 to the Regulations. The notification of the launch of the EIA shall specify:  &lt;...&gt;  about the envisaged analysis of reasonable alternatives (e.g., location, time, technical and technological solutions, measures to reduce the impact on the environment);  specific features of the location (alternative locations) of the proposed economic activity;  &lt;...&gt;  12. The report shall be drawn up in accordance with the Regulations adopted by the Agency or considering proposals received in accordance with the procedures set out in points 37<sup>2</sup> and 73<sup>1</sup> of the Regulations, where a notification of the launch of the EIA has been submitted. The report shall contain the following data on the determination, forecasting and characterisation of the environmental impact of the proposed economic activity and the results of the assessment:  &lt;...&gt;  12.6. analysis of the options analysed, stating the reasons for their choice, considering the best available techniques and possible environmental impacts. The report shall consider alternatives (e.g., location, time, technical and technological solutions, measures to</p>

	<p>reduce the impact on the environment, etc.), including a “zero” option that describes environmental conditions and natural changes in the environment in the event of non-performance;</p> <p>17. To ensure the quality and completeness of the EIA and its findings and conclusions, the assessment must be carried out by an appropriate choice of assessment methods, studies, alternatives to the proposed economic activity and mitigation measures.”</p> <p>In order to fulfil the recommendations, it is necessary to implement legislative measures - to amend the Law on Environmental Protection and to establish a requirement that the selection of all possible alternatives of the planned economic activity is done when planning an economic activity for which it is necessary to perform the environmental impact assessment or strategic environmental assessment.</p> <p>Following the implementation of legislative measures, it will be necessary to take enforcement and / or administrative measures by informing the institutions and (or) companies involved in attracting investors of the decisions in the planning of new economic activities.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>The amendment of the Law on Environmental Protection will be made in accordance with Actions to be taken for the implementation of legislative measures.</p> <p>Given that at the time Aarhus Convention Compliance Committee adopted its findings and recommendations with regard to communication ACCC/C/2013/98 concerning compliance by Lithuania on 7 June 2021, for other reasons a draft amendment to the Law on Environmental Protection was under preparation, it was decided to supplement the prepared draft amendment to the Law on Environmental Protection with the aim to fulfil the recommendations related to choice of possible alternatives.</p> <p>The Ministry of Environment prepared and submitted draft amendment to the Law on Environmental Protection for the consultation to the subdivisions of the Ministry of Environment, social partners, the public, subordinate and other institutions, then submitted to the Government of the Republic of Lithuania.</p> <p>Provision of the draft amendment of the Article 15(1) to the Law on Environmental Protection submitted to the Government for the implementation of the recommendations:</p> <p>“When planning an economic activity for which it is necessary to perform the procedures established in the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, no decisions regarding this activity may be taken that restrict the choice of alternatives in advance,- possible alternatives shall be considered and the most appropriate one (s) selected while carrying out strategic environmental assessment and / or environmental impact assessment procedures.”</p> <p>The Government approved (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5d58d881a36911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5d58d881a36911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi</a>) a draft amendment to the Law on Environmental Protection (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/21524b209f8911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi">https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/21524b209f8911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi</a>), which contains provisions on the choice of alternatives, and submitted it to the Seimas. The Seimas will have to consider the draft, adopt it, and after its adoption submit it to the President for signature.</p> <p>Actions to be taken regarding the implementation of enforcement and / or administrative measures: following the entry into force of the amendments to the Law on Environmental Protection, the Ministry of Environment will have to prepare and send a letter to institutions and companies whose activities are related to attracting investors, stating that decisions on the choice of alternatives for</p>

	the planned economic activity cannot be made in advance.
Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate institutions (e. g Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<b><u>IMPLEMENTED</u></b> <b>The amendment (the Article 15(1)) to the Law on Environmental Protection, determining - when planning an economic activity for which it is necessary to perform the procedures established in the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, no decisions regarding this activity may be taken that restrict the choice of alternatives in advance, - possible alternatives shall be considered and the most appropriate one (s) selected while carrying out strategic environmental assessment and / or environmental impact assessment procedures - entered into force 15 July 2022.</b>
<b>Recommendations: Para. 2 (a) (iv) of decision VII/81 Para. 2 (a) (v) of decision VII/81</b>	In paragraph 2 (a) (iv) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:  (a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:  (iv) A clear requirement is established that comments submitted by the public are sent to the competent public authority itself; (v) The obligation to take due account of the comments, information, analysis or opinions submitted by the public during the environmental impact assessment procedure is placed on the competent public authority;
	In order to fulfil the recommendations, it is necessary to implement legislative measures - to amend the Law on Environmental Impact Assessment of Planned Economic Activities and to provide that the public shall submit comments and (or) proposals regarding the EIA documents and the planned economic activity to the competent public authority. Provisions of the Law on Planned Economic Activities regarding public participation after amendment will be following: - In Article 8 (7): “7. <b>The public concerned shall have the right to submit proposals for the program to the competent authority and the organiser (developer) of the proposed economic activity or the drafter of the environmental impact assessment documents within a specified proposals submission period of at least 10 working days from the date of publication of the information received by the competent authority.</b> ” - In Article 8 (11): “11. <b>The competent authority shall, after examining and evaluating a programme, proposals of the public concerned accompanying it and the evaluation of the proposals</b> , based on conclusions of entities of environmental impact assessment, within ten working days from the receipt of the programme, approve the programme or submit reasoned requests to the drafter of documents of environmental impact assessment to supplement or revise the programme. Information on the approved programme shall be published by the competent authority in accordance with the procedure established by the Minister of Environment. The programme shall remain effective for a period of three years

from its approval. A report shall be submitted to entities of environmental impact assessment before the expiry of the validity of the programme.”

- In Article 9 (4): “4. The competent authority and entities of environmental impact assessment shall have the right to submit reasoned proposals to the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment within ten working days from the receipt of a notice of the commencement of environmental impact assessment. **The public concerned shall have the right to submit proposals to the competent authority and the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment within ten working days from the publication** of the notice of the commencement of environmental impact assessment by the competent authority. The drafter of documents of environmental impact assessment shall, together with the organiser (developer) of the proposed economic activity, present an evaluation of the proposals received in a report.”
  - In Article 11 (3): “**After preparing the report, the drafter of the environmental impact assessment documents shall organize the public acquaintance with the report in accordance with the procedure established by the Minister of the Environment, informing the public about it not later than 20 working days in advance. The public shall have the right to inspect the report and to submit proposals to the competent authority** and the drafter of the environmental impact assessment documents, **before and during this public acquaintance and before the deadline referred to in paragraph 10 of this Article.**”
  - In Article 11 (10): “The competent authority shall, within three working days from the receipt of a report, publish to the public a notice on the report and access thereto in accordance with the procedure established by the Minister of Environment. **The public concerned shall have the right to submit to the competent authority, within ten working days from the publication of the notice, written proposals** on the environmental impact assessment of the proposed economic activity and the report.”
- In Article 12 (1): “1. **The competent authority shall, after examining and evaluating proposals of the public concerned and the evaluation of the proposals**, upon examining and evaluating a report and based on conclusions of entities environmental impact assessment on the report and the environmental impact of the proposed economic activity, the competent authority shall, within 25 working days from the receipt of the report:
- 1) provide reasoned requests to revise or supplement the report, or
  - 2) adopt a decision regarding the environmental impact of the proposed economic activity. The content of the decision regarding the environmental impact of the proposed economic activity shall be established by the Minister of Environment.”

On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fd57fcb0bf9f11ec9f0095b4d96fd400?positionInSearchResults=1&searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056>) to the stakeholders (social partners, public, subordinates and other institutions). On 31 May 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted to the Government of the Republic of Lithuania.

Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will also be necessary to change the Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; <https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr>).

Outline of the steps necessary to implement the proposed measures	<p>The amendment of the Law on Environmental Impact Assessment of Planned Economic Activities will be made in accordance with Actions to be taken for the implementation of legislative measures. Also, during the preparation of the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities, public consultation was held in December 2021 (<a href="https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimo-pakeitimo">https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimo-pakeitimo</a>), some of the proposed changes have been formulated in the light of the results of this consultation.</p> <p>On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) (<a href="https://e-positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056">https://e-positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056</a>) to the stakeholders (social partners, public, subordinates and other institutions). The proposed changes have been discussed in advance with some public authorities and stakeholders.</p> <p>On 31 May 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted to the Government of the Republic of Lithuania.</p>
Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate institutions (e. g Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of	31 December 2022
recommendation will be completed	
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>The amendment of the Law on Environmental Impact Assessment of Proposed Economic Activity entered into force 1 January 2023 (enclosed).</b></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of Proposed Economic Activity, the Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017) were supplemented with Procedural schedule for public information and participation in the process of environmental impact assessment of the proposed economic activity and approved by the Order of the Minister of Environment 23 May 2023 (enclosed).</b></p>

<p><b>Recommendation: Para. 2 (a) (vi) of decision VII/81</b></p>	<p>In paragraph 2 (a) (vi) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p>(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:</p> <p>(vi) When publishing the decision, the competent public authority provides evidence to the public, either in or along with the decision, of how due account was taken of the outcome of the public participation;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>Article 11 (9) of the Law on Environmental Impact Assessment of Planned Economic Activities (<a href="https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr">https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr</a>) states that “9. The competent authority shall present a decision regarding the environmental impact of the proposed economic activity to entities of environmental impact assessment and the organiser (developer) of the proposed economic activity in writing. The decision of the competent authority regarding the environmental impact of the proposed economic activity, including the conditions specified therein, shall be binding on the organiser (developer) of the proposed economic activity in pursuing the proposed economic activity.” Article 11 (12) of the same Law provides that “12. The competent authority shall, in accordance with the procedure established by the Minister of Environment, publish to the public a decision regarding the environmental impact of the proposed economic activity and grant it access thereto [...].”</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) provides that:</p> <p>“13. The annexes to the program and report shall contain information considering the documents collected and / or prepared during the EIA:</p> <p>&lt;...&gt;</p> <p>13.3. documents on public information and participation in the EIA process: copies of the notices and notices announced on the notice boards of wards and municipalities with an information mark about the publication; copies of newspapers in which notices have been published; copies of the notices and notices published on the websites of the administration(s) of the municipality(s) in the territory(s) of which the proposed economic activity is planned; the minutes of the public hearing of the report; registration of proposals of the public concerned concerning the proposed economic activity and environmental impact assessment (Annex 2 to the Regulations); evaluation of proposals of the public concerned carried out by the drafter of the EIA documents together with the organiser of the proposed economic activity (Annex 3 to the Description of the Procedure); documents proving that a reasoned written reply has been given to the representatives of the public concerned and indicating how the proposals submitted by them have been taken into account or have not been taken into account; cross-border consultation documents;”</p> <p>&lt;...&gt;</p> <p>“87. Having adopted a decision on the impact of the proposed economic activity on the environment, the Agency shall, within working days from its adoption, publish on its website the decision, the EIA documents on which the decision on the environmental impact of the proposed economic activity was adopted and the minutes of the consideration of the proposals for public access. The decision on the environmental impact of the proposed economic activity and related information may be made available to the public concerned during the Agency’s working hours at the Agency’s premises.”</p>



	<p>During the examination of the case ACCC/C/2013/98, only the provisions on the decision to be made available to the public by the competent authority of the Law on Environmental Impact Assessment of Planned Economic Activities were in force in Lithuania. Those provisions did not specifically require the competent authority to provide the public with the decision, including the environmental impact assessment documents on the basis of which the decision was taken, including the results of public participation.</p> <p>In 2017, the provisions of the Regulations on Environmental Impact Assessment of the Proposed Economic Activity implementing the Law on Environmental Impact Assessment of Planned Economic Activities were additionally accepted, stipulating that the competent authority must submit the public with the environmental impact assessment documents based on which the decision was taken, including the results of public participation. These provisions, which are valid from 2017 and explicitly require the competent authority to provide the public with the decision, including the environmental impact assessment documents based on which the decision was taken, including the results of public participation, were not assessed at the time of Decision VII / 81 was adopted.</p> <p>In the light of the above-mentioned legal framework, no additional legislative measures are needed to implement the recommendation. However, for proper implementation of the provisions of the legislation, it is planned to conduct law enforcement training for the specialists of the Environmental Protection Agency, during which the Environmental Protection Agency would also be reminded that the decision shall be made available to the public with all the accompanying documents.</p>
Outline of the steps necessary to implement the proposed measures	Law Enforcement Training for the Environmental Protection Agency.
Actors involved	The Ministry of Environment of the Republic of Lithuania, Environmental Protection Agency
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>Law enforcement training(s) for the specialists of the Environmental Protection Agency and Fire and Rescue Department was conducted on 24 November 2022.</b></p> <p><b>Additionally, Ministry of Environment is planning to organize Law Enforcement Training for the Environmental Protection Agency in the last quarter of 2023.</b></p> <p><b>Additional information, explaining main amendments of the Law on Environmental Impact Assessment of Proposed Economic Activity has been posted on the website of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/PAV%20pasikeitimai%20nuo%202023-01-01.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV%20pasikeitimai%20nuo%202023-01-01.pdf</a></p>

<p><b>Recommendation: Para. 2 (b) of decision VII/81</b></p>	<p>In paragraph 2 (b) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p>(b) The State Security Department receives clear instructions to refrain from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>Article 3 of the Law on Criminal Intelligence of the Republic of Lithuania provides that “subjects of criminal intelligence shall be guided by the Constitution of the Republic of Lithuania, this and other laws, international treaties of the Republic of Lithuania and other legal acts”, as well as that “criminal intelligence is based on the principles of legality, <b>respect for human rights and freedoms</b>, protection of the public interest, conspiracy, confidentiality, coordination of public and secret actions”. In Article 5 of the same Law there are provisions for the protection of human rights and freedoms in criminal intelligence, such as “<b>criminal intelligence shall not violate human rights and freedoms</b>. Individual restrictions on these rights and freedoms are temporary and shall only be applied in accordance with the laws, and for the reason to protect the rights and freedoms of another person, property, public and state security [...]. In cases <b>where human rights and freedoms have been violated</b>, the subjects of criminal intelligence must, in accordance with the procedure established by law, restore the violated rights and freedoms and compensate for the damage caused thereby.”</p> <p>Article 4 (2) of the Law on Intelligence of the Republic of Lithuania enshrines the general principles of the intelligence institutions: “legitimacy”, “<b>respect for human rights and fundamental freedoms</b>”, “supremacy of public and state interests”, “accountability to the highest governing institutions, which are in charge of ensuring national security”. Article 21 of the same law provides for possible parliamentary control over intelligence institutions, as well as that the Seimas Committee of the Republic of Lithuania “prepares proposals for the improvement of legal acts related to the activities of intelligence institutions and <b>the protection of human rights in intelligence and counterintelligence</b>”.</p> <p>Pursuant to Article 24 of the Law on Intelligence, the internal control of an intelligence institution shall be organized by the head of the institution, who shall take the actions specified in this Article in order to ensure the legality, economy, efficiency, effectiveness and transparency of the institution. These include the establishment of separate units to carry out operational, management, compliance, information systems and other assessments of the intelligence services, as well as the adoption of internal legislation.</p> <p>On 23 December 2021, the Law Amending and Supplementing the Law on Intelligence was adopted (<a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.1881C195D0E2/QDeuzuJiMj">https://www.e-tar.lt/portal/lt/legalAct/TAR.1881C195D0E2/QDeuzuJiMj</a>). This Law amended the procedure for handling complaints about intelligence officers conducting intelligence and counterintelligence that had been in force until then. From 1 January 2022, the new wording of Article 23 of the Law on Intelligence came into force: “Complaints submitted by natural and legal persons regarding actions of intelligence institutions and (or) intelligence officers that <b>violate human rights or freedoms</b> in the course of intelligence and counter-intelligence shall be investigated <b>by intelligence controllers in accordance with the procedure established by the Law on Intelligence Controllers.</b>” Until then, complaints regarding intelligence officers conducting intelligence and counterintelligence were investigated in accordance with the procedure established by the Law on the Seimas Ombudsman of the Republic of Lithuania.</p> <p>Article 23 of the Law of Intelligence, as amended on 23 December 2021, was aligned with the Law on Intelligence Controllers of the Republic of Lithuania, newly adopted on 23 December 2021 (<a href="https://e-tar.lt/portal/lt/legalAct/fa177910658911eca9ac839120d251c4">https://e-tar.lt/portal/lt/legalAct/fa177910658911eca9ac839120d251c4</a>). Article 1 of the Law on Intelligence Controllers indicates the main purpose - “to establish a legal framework for the independent</p>

supervision of external intelligence institutions, **which would guarantee the independence, legitimacy and compliance of the activities of intelligence institutions with the requirements of protection of human rights and freedoms.**”

The Law on Intelligence Controllers, which entered into force on 1 January 2022, defines the purpose, tasks, principles and requirements of intelligence controllers’ activities, rights, obligations and prohibitions intelligence controllers. The activities of the intelligence controllers are regulated in detail, i. e. the procedures for dealing with complaints and reports received from applicants and intelligence officers, etc., such as Article 11, which provides that the intelligence controller “shall assess the lawfulness of the collection of intelligence information and the application of intelligence methods and other activities of intelligence bodies and / or intelligence officers, abuse of power, bureaucracy, **possible violation of human rights and freedoms** or legitimate interests or possible processing of personal data processed for the purposes of national security or defense or **other possible violations of human rights and freedoms in the field of public administration**”, Article 14 states that “the intelligence controller shall conduct investigations following a notification from an intelligence officer, or upon a complaint from an applicant, or on his own initiative, to identify indications that intelligence authorities and / or intelligence officers **may be abusing their powers or violating human rights and freedoms** or legitimate interests, or potentially violates the requirements for the processing of personal data processed for the purposes of national security or defence, **or is otherwise potentially violates human rights and freedoms in the field of public administration.**”

An Office of Intelligence Controllers will be established to ensure the work of the intelligence controllers ([https://www.lrs.lt/sip/portal.show?p\\_r=35403&p\\_k=1&p\\_t=279641](https://www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=279641)). It will consist of two intelligence controllers, civil servants and employees.

In view of the above-mentioned legal framework (in force before and after Decision VII / 81), in particular in view of the adoption of the new Law on Intelligence Controllers on the establishment of intelligence controllers and their Office, no further legislative measures are needed to implement the recommendation.

However, it will be necessary to take enforcement and / or administrative measures by providing the State Security Department with clear instructions to refrain to refrain from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.

Prior to the adoption of Decision VII / 81, the Ministry of the Environment, taking into account the provisions of the Law on Intelligence, which obliges the head of the intelligence institution to take actions to ensure the legitimacy of its activities, including respect for human rights and fundamental freedoms wrote a letter to the State Security Department. The institution was informed in writing by the Ministry of the Environment about the Aarhus Convention Compliance Committee findings and recommendations, the letter explained the grounds and reasons for the adoption of recommendation regarding the giving clear instructions to the State Security Department.

Nevertheless, taking into account Article 24 of the Law on Intelligence Controllers of the Republic of Lithuania, which entered into force on 1 January 2022, which provides that “the Intelligence Controller shall **provide methodological recommendations and / or consultations to intelligence institutions on improving their activities related to intelligence and counterintelligence.** Methodological recommendations and / or consultations shall not be linked to specific investigations conducted by the Intelligence Ombudsman and shall be **provided in order to ensure the legitimacy of the activities of intelligence institutions and compliance**

	<p><b>with the requirements for the protection of human rights and freedoms.”</b>, it is planned to contact the appointed intelligence controllers so that they could formulate methodological recommendations and / or provide advice to the State Security Department (and potentially other intelligence institutions) on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p>
	<p>It should be mentioned that a request was submitted to the Constitutional Court of the Republic of Lithuania by a group of members of the Seimas to examine whether Article 12 of the Law on the Ombudsman of the Republic of Lithuania and relevant provisions of the Law on Intelligence Controllers of the Republic of Lithuania (e.g. Article 2 (3), Article 11 (3)), insofar as they relate to the examination of complaints regarding activities of intelligence institutions and (or) officials and the transfer of the handling of complaints to the competence of the intelligence controller, are not in conflict with the Constitution.</p> <p>If the Constitutional Court finds that the transfer of the handling of complaints regarding the activities of intelligence institutions to the competence of intelligence controller is in conflict with the Constitution, the Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee shall be approached instead the new appointed intelligence controllers or its Office. Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee in accordance with its authority would contact the State Security Department on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>Pursuant to the provisions of the Law on Intelligence Controllers (e.g. Article 7, which provides that “on the proposal of the Speaker of the Seimas, after consideration by the Seimas Committee exercising parliamentary control over intelligence institutions and the Seimas Committee responsible for ensuring human rights and freedoms, the Seimas shall appoint two intelligence controllers for a term of 5 years”), it is necessary to appoint intelligence controllers and establish the Office of Intelligence Controllers.</p> <p>It is necessary to contact the appointed intelligence controllers so that they could formulate methodological recommendations and / or provide advice to the State Security Department (and potentially other intelligence institutions) on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p> <p>However, if finds that the transfer of the handling of complaints regarding the activities of intelligence institutions to the competence of intelligence controller is in conflict with the Constitution, the Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee shall be approached instead the new appointed intelligence controllers or its Office, who, in accordance with their authority, apply to the Department of Homeland Security for abstaining from conduct which may be construed as punishing, harassing or otherwise restricting persons seeking to exercise their rights to participate in decision-making or access to justice under the Aarhus Convention. Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee in accordance with its authority would contact the State Security Department on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p>
<p>Actors involved</p>	<p>Seimas of the Republic of Lithuania, Seimas Committee exercising parliamentary control over intelligence institutions (Seimas National Security and Defence Committee), Seimas Committee responsible for ensuring human rights and freedoms (Seimas Human Rights Committee), Speaker of the Seimas, who has the right to nominate intelligence controllers, intelligence controllers, the Office of Intelligence Controllers, Ministry of the Environment, State Security Department, Constitutional Court of the Republic of Lithuania,</p>

	Seimas Ombudsman's Office
Final date by when implementation of recommendation will be completed	Given that the intelligence controllers have not yet been appointed, the Office of the Intelligence Controllers has not been established, which makes it impossible to formulate methodological recommendations and / or provide advice to the State Security Department under Article 24 of the Law on Intelligence Controllers implementation of recommendation are expected to be completed by 31 December 2023 at the latest.
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>On 21 March 2023, the Parliament of the Republic of Lithuania appointed for a 5 year term a new Intelligence Controller of the Republic of Lithuania. It is intended to form three units in the newly established Office of Intelligence Controllers: the Supervision Unit would be specifically engaged in inspections, supervision of intelligence institutions and provision of methodological recommendations and consultations; the Investigations unit – for processing complaints and reports and Administration unit.</b></p> <p><b>Office of Intelligence Controllers performs continuous supervision of the legality of the activities of intelligence institutions, checks the validity and legality of the application of the methods of these institutions, investigates possible violations of human rights, checks the legality of personal data processing, examines complaints of intelligence officers, makes recommendations to intelligence institutions, upon detecting signs of a possible criminal act, applies to pre-trial investigation institution or prosecutor.</b></p>

**DETALŪS METADUOMENYS**

<b>Dokumento sudarytojas (-ai)</b>	Lietuvos Respublikos aplinkos ministerija 188602370, A. Jakšto g. 4, LT-01105 Vilnius
<b>Dokumento pavadinimas (antraštė)</b>	REGARDING THE PROGRESS REPORT
<b>Dokumento registracijos data ir numeris</b>	2023-09-29 Nr. D8(E)-5572
<b>Dokumento gavimo data ir dokumento gavimo registracijos numeris</b>	–
<b>Dokumento specifikacijos identifikavimo žymuo</b>	ADOC-V1.0
<b>Parašo paskirtis</b>	Pasirašymas
<b>Parašą sukūrusio asmens vardas, pavardė ir pareigos</b>	Laura Masiliauskaitė, Ministerijos kancleris
<b>Sertifikatas išduotas</b>	LAURA MASILIAUSKAITĖ, Lietuvos Respublikos aplinkos ministerija LT
<b>Parašo sukūrimo data ir laikas</b>	2023-09-29 09:24:39 (GMT+03:00)
<b>Parašo formatas</b>	XAdES-T
<b>Laiko žymoje nurodytas laikas</b>	2023-09-29 09:24:59 (GMT+03:00)
<b>Informacija apie sertifikavimo paslaugų teikėją</b>	ADIC CA ECC, Asmens dokumentu israsymo centras prie LR VRM LT
<b>Sertifikato galiojimo laikas</b>	2023-09-04 09:32:56 – 2027-09-03 09:32:56
<b>Informacija apie būdus, naudotus metaduomenų vientisumui užtikrinti</b>	"Registravimas" paskirties metaduomenų vientisumas užtikrintas naudojant "RCSC IssuingCA, VI Registru centras - i.k. 124110246 LT" išduotą sertifikatą "DBSIS, Informatikos ir ryšių departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos, į.k.188774822 LT", sertifikatas galioja nuo 2022-05-19 16:48:06 iki 2025-05-18 16:48:06
<b>Pagrindinio dokumento priedų skaičius</b>	4
<b>Pagrindinio dokumento priedamų dokumentų skaičius</b>	–
<b>Priedamo dokumento sudarytojas (-ai)</b>	–
<b>Priedamo dokumento pavadinimas (antraštė)</b>	–
<b>Priedamo dokumento registracijos data ir numeris</b>	–
<b>Programinės įrangos, kuria naudojantis sudarytas elektroninis dokumentas, pavadinimas</b>	DBSIS, versija 3.5.74.2
<b>Informacija apie elektroninio dokumento ir elektroninio (-ių) parašo (-ų) tikrinimą (tikrinimo data)</b>	Atitinka specifikacijos keliamus reikalavimus. Visi dokumente esantys elektroniniai parašai galioja (2023-09-29 10:46:53)
<b>Paieškos nuoroda</b>	–
<b>Papildomi metaduomenys</b>	Nuorašą suformavo 2023-09-29 10:46:54 DBSIS