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Signature	
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IMPLEMENTATION REPORT

Party	Republic of Lithuania
National Focal Point	Evelina Daugirdaitė
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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

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

The main part of the report was prepared by the specialists of the Ministry of the Environment of the Republic of Lithuania (hereinafter “MoE”) and its subordinate institution Environmental Protection Agency (hereinafter “EPA”) responsible for the implementation of the Convention. National legal acts, international agreements, information provided on the websites of state and municipal institutions and other information available to them or provided by them was used for the preparation of the report. The report has been published in the national and regional press. Responses from non-governmental organisations, comments and suggestions were presented during the public consultation, which were assessed and used in the preparation of the report.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

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

Decision III/6d on compliance by Lithuania was adopted at the third meeting of the parties to the Aarhus Convention held in Riga on 11–13 June 2008. In the course of implementation of Decision III/6d, a working group was set up by Order No 362 of the Prime Minister of 1 October 2008 to analyse and evaluate legal acts implementing the provisions of the Aarhus Convention related to the decision on compliance by Lithuania adopted at the third meeting of the parties to the Aarhus Convention. The Action Plan for the Implementation of the Decisions Concerning Lithuania Adopted by the Third Meeting of the Parties to the Aarhus Convention was approved by Resolution No 979 of the Government of the Republic of Lithuania of 26 August 2009.

A new translation of the Aarhus Convention was published in Official Gazette Valstybės Žinios No 8-273 of 22 January 2009.

A working group was set up by Order No 150 of the Prime Minister of 22 April 2009 to analyse the application of Aarhus Convention provisions in Lithuanian national law and the Action Plan for the Implementation of Aarhus Convention Provisions. In its letter No 150-6 of 31 December 2009, the working group presented the Lithuanian Government with the Action Plan for the Implementation of Aarhus Convention Provisions. The working group considered Lithuanian legal acts and amendments to legal acts presented to it that were made under the first Action Plan. During the consideration of the legal acts that had to be amended under the first Action Plan (approved by Resolution No 979 of the Government of the Republic of Lithuania of 26 August 2009), this working group's proposals conformed to the approved Action Plan under implementation.

The Action Plan for the Implementation of the Decisions Concerning Lithuania Adopted by the Third Meeting of the Parties to the Aarhus Convention, approved by Resolution No 979 of the Government of the Republic of Lithuania of 26 August 2009, has been fully implemented, i.e. all legal acts have been drafted, with three of them not approved yet as they are considered by the Parliament of the Republic of Lithuania.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

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

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

- (a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to paragraph 3, measures taken to promote education and environmental awareness;
- (c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, and the Almaty Guidelines, indicating whether the measures to coordinate are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which the access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting NGO members to participate in the Party's delegations in international environmental negotiations or involving NGOs in forming the Party's official position for such negotiations) including the stages at which the access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.

(a) The nature, scope and main conditions of the provision of information are governed by the Law of the Republic of Lithuania on the Right to Receive Information from State and Municipal Institutions (Official Gazette Valstybės Žinios, 2000, No 10-236; 2005, No 139-5008, 2009, No 75-3064), the Law of the Republic of Lithuania on Public Administration (Official Gazette Valstybės Žinios, 1999, No 60-1945; 2006, No 77-2975), Government Resolution No 875 of 22 August 2007 approving the rules for considering applications of individuals and for providing services to them at public administration institutions, bodies and other public administration entities (Official Gazette Valstybės Žinios, 2007, No

94-3779) and the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864). The public must be enabled to familiarise themselves with the adopted procedures for the provision of information. As already mentioned before, information representative's offices, i.e. units or employees responsible for the provision of information according to the "one-stop shop" principle, have been established at institutions to facilitate access to information. According to the Rules for considering applications of individuals and for providing services to them at public administration institutions, bodies and other public administration entities (Official Gazette Valstybės Žinios, 2007, No 94-3779), institutions must provide a summary of environmental information available to them, indicate the form of information recording, time limits for the provision of information to inquirers, service prices, the payment procedure and other requirements.

The nature, scope and main conditions of provision of information on the air quality are governed by the Law of the Republic of Lithuania on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-75), the Law of the Republic of Lithuania on Ambient Air Protection (Official Gazette Valstybės Žinios, 1999, No 98-2813, 2010, No 54-2648), the Law of the Republic of Lithuania on Environmental Monitoring (Official Gazette Valstybės Žinios, 1997, No 112-2824; 2006, No 57-2025), Government Resolution No 130 approving the State Environmental Monitoring Programme for 2005–2010 (Official Gazette Valstybės Žinios, 2005, No 19-608), Government Resolution No 1175 of 22 October 1999 approving the procedure for the provision of information on the environment in the Republic of Lithuania to the public (Official Gazette Valstybės Žinios, 1999, 90-2660, 2005, No 26-831), Order No D1-265/V-436 of the Minister of the Environment of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 26 May 2005 approving the procedure for informing the public, institutions and bodies concerned of ambient air pollution levels (Official Gazette Valstybės Žinios, 2005, No 74-2688; Official Gazette Valstybės Žinios, 2009, No 157-7111), Order No D1-418 of the Minister of the Environment of the Republic of Lithuania of 27 July 2004 on the submission of reports on ambient air quality management plans or programmes to the European Commission (Official Gazette Valstybės Žinios, 2004, No 120-4441), Order No 323 of the Minister of the Environment of the Republic of Lithuania of 27 June 2003 on the submission of the annual report on the ambient air quality to the European Commission (Official Gazette Valstybės Žinios, 2003, No 65-2973, 2004, No 107-4012), Order No 322 of the Minister of the Environment of the Republic of Lithuania of 27 June 2003 on the provision of information and data from stations measuring ambient air pollution to the European Commission (Official Gazette Valstybės Žinios, 2003, No 65-2972).

The Law on Water of the Republic of Lithuania (Official Gazette Valstybės Žinios, 1997, No 104-2615; 2003, No 36-1544) governs the right of water users to get information on the objectives of water protection established for water bodies, measures to achieve them as well as management plans under preparation and already prepared.

The procedure for providing information on river basin districts to the public, water users and other persons concerned was approved by Government Resolution No 198 of 23 February 2004 approving the procedure for providing information on river basin districts to the public, water users and other persons concerned (Official Gazette Valstybės Žinios, 2007, No 30-984).

In order to acquaint the public with and involve it in the development of the water treatment system, in October 2006, the Environmental Protection Agency prepared and approved a schedule for preparing river basin district (RBD) management plans according to Order No V-110 of the Director of the Environmental Protection Agency of 25 October 2006 approving the schedule for preparing river basin district management plans.

One of the main tools for involving the public in water management are River Basin District Coordination Boards set up by Order No 266 of the Government of the Republic of Lithuania of 14 March 2005 approving the composition and regulations of Dauguva, Lielupė, Nemunas and Venta River Basin District Coordination Boards (Official Gazette Valstybės Žinios, 2005, No 35-1142).

Rules for the Issuance, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits approved by Order No D1-330 of the Minister of the Environment of 29 June 2005 (Official Gazette

Valstybės žiniuos, 2005, 103-3829) (hereinafter “IPPC Rules”) establish the obligation for the competent authorities preparing such permits – regional environmental protection departments (hereinafter “REPDs”) – to present the public with information on accepted applications for permits and prepared permits in accordance with the procedure set forth in Chapter XI of these Rules. Chapter XI of the Rules details the scope and nature of this information as well as the procedures of public participation in the permit issuance process:

“69. The provision of information to the public and the involvement of the public concerned in the Permit issuance process, including the cases referred to in paragraphs 35–37 of these Rules, shall be organised by REPDs.

70. Within 10 days of acceptance of applications for issuing or renewing the Permit for the equipment indicated in Annex 1 to the Rules, REPDs shall inform the public about it by available means of dissemination of information (via city, district or national press, notice boards of municipal institutions, and, if possible, via electronic media). The following shall be indicated in the notice:

70.1. Where, for what economic entity (installation) and for what economic activities the Permit is planned to be issued or renewed;

70.2. Who the operator is;

70.3. Where and when the information referred to in paragraphs 16, 17, 20 and 22 of these Rules is available;

70.4. The name of the institution participating in decision-making regarding the issuance or renewal of Permits, the addressee and deadlines for submitting proposals on the issuance or renewal of Permits.

71. The public concerned shall have the right to submit proposals and comments within 21 days of the date of publication of the notice referred to in paragraph 70 of these Rules.

72. When presenting comments and proposals on the issuance or renewal of Permits, a representative of the public concerned shall indicate his/her forename, surname (or the name of an organisation), address and telephone.

73. REPDs shall register proposals received from the public concerned and take them into account when preparing Permits.

74. Permits shall be issued only upon expiry of the deadline for the submission of comments and proposals indicated in paragraph 71 of these Rules.

75. Within 10 days of the issuance or renewal of Permits for the equipment indicated in Annex 1 to the Rules, REPDs shall inform the public thereof by available means of provision of information, presenting the following information: when, for what operator and what economic activities the Permits have been issued or renewed, where and when the public can familiarise themselves with the Permits and the conditions laid down therein as well as information and motives regarding the taking into account of comments and proposals of the public concerned when adopting decisions on the issuance or renewal of Permits.

76. At the request of an applicant, REPDs shall present information related to the issuance or renewal of Permits as well as data stored in Permit databases in accordance with the procedure laid down in laws and other legal acts.

76¹. The operator shall make the results of environmental monitoring performed by the operator available to the public.”

Annex 7 to the IPPC Rules “Public Participation in Decision-Making” governs public participation in decision-making, i.e. the possibility for the public concerned to present comments on a submitted application for a permit and a prepared draft permit, possibilities to receive additional information and replies to presented comments and proposals: “1. In the decision-making process, the public shall be informed in advance, and as soon as information can be reasonably provided at the latest (via public notices or other appropriate means, such as electronic media, where available), about the following:

(a) applications for the issuance of permits or, in relevant cases, applications for the renewal of permits or conditions of permits. The following elements shall be described:

- the installation and types of its activity;
- raw and auxiliary materials used or produced by the installation, other materials and energy;
- sources of pollutant emissions by the installation;

- local conditions of the installation;
- the expected origin and amount of pollutant emissions from the installation into each medium as well as established noticeable environmental effects of pollutant emissions;
- proposed technology and other methods for the prevention or, where this is not possible, reduction of pollutant emissions from the installation;
- where necessary, measures to prevent waste generation in the installation and tools for using them;
- further measures for the performance of the general principles of the operator's basic obligations; measures for monitoring pollutant emissions into the environment;
- main alternatives analysed, if any;

(b) if the operation of an installation may have a significant negative effect on the environment of another member state, or if requested by a member state that is likely to be strongly affected, the Ministry of the Environment shall transfer information on a new installation or an installation in which a substantial change of economic activities has been effected, which is required to be presented or published under paragraphs 35–37 of IPPC Rules, to another member state at the same time as it allows its citizens to familiarise themselves with this information;

(c) the competent authorities responsible for decision-making, those that can provide relevant information, those to which comments or questions can be presented, and data on the schedule for presenting comments or questions;

(d) the nature of potential decisions or, if there is one, the draft decision;

(e) where applicable, data on proposals to renew permits or the conditions of permits;

(f) the time, place and method for obtaining relevant information;

(g) data on the means of public participation and consultation prepared in accordance with paragraph 5 of this Annex.

2. REPDs shall ensure that the public concerned be provided, within the time limits set out in Chapter XI of the Rules, with the following:

(a) in cases provided for in legal acts, the most important reports and proposals submitted to REPDs at the time the public concerned was informed in accordance with paragraph 1 of this Annex;

(b) if any information not indicated in paragraph 1 of this Annex is important for decision-making, upon submitting an application, REPDs shall reply to applicants' requests for information as to where to find information, if any, the measurement procedure used for collecting information, including analytical methods, sampling and preparation of samples, or make a reference to the standardised procedure used.

3. The public concerned shall have the right to present comments and proposals to REPDs in accordance with the procedure set forth in Chapter XI of the Rules before a decision is taken.

4. The results of the consultation provided for in this Annex shall be taken into account when taking a decision.

5. Comprehensive means of public information (e.g., notices within a certain radius or notices in local newspapers) and consultation with the public concerned (e.g. written proposals or public opinion polls) are set out in Chapter XI of IPPC Rules.”

The State Service for Protected Areas under the Ministry of the Environment (hereinafter “the Service”) considers proposals, requests and complaints of individuals, informs land owners of the establishment of protected areas (e.g. people received letters informing of the planned establishment of Suvalkija National and Daugai Regional Parks), objects to be declared as protected natural heritage, provides information on protected areas to the entities concerned. Implementing the provisions of Article 3(2) of the Aarhus Convention, the Service and directorates provide information orally, in writing, on the website www.vstt.lt, protected area authorities provide information on their websites (addresses are provided with question 1.4) as well as during public consideration when preparing new protected area planning documents.

The public receives information on protected areas via the mass media (articles, cooperation with newspapers and magazines, e.g. newspaper Žalioji Lietuva will provide information on the EU-financed project “Management of Protected Areas. Stage I” implemented by the Service), school-age children are provided with information in schools (“green schools” operate in protected areas, lessons aimed at acquainting pupils with protected areas are given within the framework of an educational project for

pupils entitled “No Future without Nature”), with an open day organised for pupils at the Service.

The information system installed by the Service and directorates is based on visitor centres with internal exhibitions, which are arranged in state parks and reserves in order to provide more detailed information on protected natural and cultural heritage values, recreation opportunities, guide services for visitors, organise various environmental, traditional events, traditional business training, exhibitions, seminars and conferences. Information boards are installed and booklets are distributed in protected areas.

The following visitor centres were arranged in protected areas using EU Structural Fund and state support:

(1) Ten visitor centres were installed by 2006 and have operated to date: in Čepkeliai State Nature Reserve, Curonian Spit National Park (2), Žemaitija National Park, Pagramantis, Dieveniškės, Labanoras, Meteliai, Nemunas Delta and Panemuniai Regional Parks;

(2) Two visitor centres in 2006: in Gražutė and Kurtuvėnai Regional Parks;

(3) Five visitor centres in 2007: in Aukštaitija National Park; Aukštadvaris, Kaunas Lagoon, Neris and Nemunas Loops Regional Parks;

(4) Four visitor centres in 2008: in Asveja, Biržai Regional Parks, Kamanos State Nature Reserve and Žuvintas Biosphere Reserve;

(5) Five visitor centres in 2009: in Anykščiai, Krekenava, Sartai, Tytuvėnai and Varniai Regional Parks.

A total of 169 booklets, leaflets, fliers, 14 books, 6 periodicals were published, 323 cases of cooperation with the media were recorded, 173 conferences and seminars were organised, employees delivered 326 lectures and wrote 119 articles in 2008.

A total of 68,600 copies of 109 information publications were published, 117 conferences, seminars and training sessions were organised, employees gave 262 lectures and reports and 602 articles were published in 2009.

In the landscape area, officers advice the public, provide explanations on the application of legal acts, present information orally and in writing on request. Information on legal acts prepared in the landscape area is provided on the website of the Ministry of the Environment and the Parliament information system. Information on events and important developments is provided on the website of the the Ministry of Environment.

Spatial planning process publicity is regulated by the Law on Spatial Planning (Official Gazette Valstybės Žinios, 1995, No 107-2391; 2004, No 152-55311; 2006, No 66-2429) (hereinafter “the Law”) and Regulations on Public Information and Participation in the Spatial Planning Process approved by Government Resolution No 1079 (Official Gazette Valstybės Žinios, 1996, No 90-2099, 2007, No 33-1190; 2010, 78-4010) (hereinafter “Regulations”). State and municipal institutions and bodies, legal and natural persons participating in the preparation of spatial planning documents are obliged to observe these Regulations. The Regulations regulate the procedure for public participation in the spatial planning process and procedures for ensuring the publicity of preparation of general, special and detailed spatial planning documents. Pursuant to the Law on Spatial Planning and the Regulations, public participation is an integral part of the spatial planning process during preparation of general, special and detailed spatial plans. State and municipal institutions or bodies organising planning publicly announce (in the press and on websites or on a stand installed next to the area planned in the case of detailed planning) the start date of spatial planning documents, inform about possibilities to submit proposals and provide information on the strategic environmental assessment of spatial planning document solutions. The Law and Regulations establish the requirement to consult the public concerned on the implementation of solutions, acquainting the public with the solutions prepared, strategic impact assessment reports on spatial planning document solutions and solution impact assessment reports, organising public display and registering proposals received. Proposals are considered together with the author and are either taken into account or reasonably rejected. Applicants receive written replies. Proposals are considered with the public concerned at a final conference or a public meeting. A period of at least two months is allocated for familiarisation with prepared national and regional spatial planning documents, including at least one month for public display, one month for familiarisation with prepared district general and special spatial planning documents, 15 working days for public display, 20 working days for familiarisation with detailed plans,

including 10 working days for public display, and 10 working days for familiarisation with detailed and special plans prepared in accordance with the simplified procedure. Based on the abovementioned Regulations, the public is also informed of approval of spatial planning documents. In addition, one can familiarise oneself with approved spatial planning document solutions at the institution organising planning. They are published on the website of the municipality in which an area is planned. In view of the level of spatial planning, information on the approval of spatial planning documents is published in the national or local press and on the website of the institution organising planning.

The Law and Regulations also provide that individuals can file a complaint about a received reply informing them that their proposals have not been taken into account when preparing a spatial planning document with the state spatial planning supervisory authority within one month of the date of receipt of the letter sent to them (reply to their proposals). Complaints related to administrative decisions on spatial planning taken by a public administration body are considered by state spatial planning supervisory authorities within their competence in accordance with the procedure set forth in the Law of the Republic of Lithuania on Spatial Planning and the Law of the Republic of Lithuania on Public Administration (Official Gazette Valstybės Žinios, 1999, No 60-1945; 2006, No 77-2975).

(b) The National Education for Sustainable Development Programme for 2007–2015 was approved by Government Resolution No 1062 of 2007 (Official Gazette Valstybės Žinios, 2007, No 106-4348). The purpose of the National Education for Sustainable Development Programme for 2007–2015 (hereinafter “the Programme”) is to create conditions for sustainable development education, improve the quality of formal and non-formal education, self-education and public information to enable every person to contribute to sustainable development personally, via professional activities or participation in public life on a local and global scale. The objective of this Programme is to improve the educational activities of various public institutions and bodies to help the population, organisations, companies, institutions, communities and the public to better understand what sustainable development is and its importance; to nurture the skills of all members of society, moral values and determination to act democratically and responsibly, thus contributing to the achievement of sustainable development objectives; to develop the ability of institutional structures to actively participate in sustainable development processes. The National Education for Sustainable Development Programme for 2007–2015 has been prepared in view of the National Sustainable Development Strategy approved by Government Resolution No 1160 of 11 September 2003 (Official Gazette Valstybės Žinios, 2003, No 89-4029) and the State Education Strategy for 2003–2012 approved by Parliament Resolution No IX-1700 of 4 July 2003 (Official Gazette Valstybės Žinios, 2003, No 71-3216). This Programme is part of the United Nations Decade of Education for Sustainable Development action plan. Programme measures are planned in view of sustainable development priorities set out in the National Sustainable Development Strategy as well as strategic provisions for sustainable development of the European Union and the Baltic Sea region, and other important sustainable development documents. The term “sustainable development” used in this Programme is a compromise between environmental, economic and social objectives of society, which facilitates achievement of welfare for the present and future generations without increasing allowable environmental impact. By Government Resolution No 1146 of 12 August 2010 (which will enter into force on 1 January 2011), Government Resolution No 1062 of 2 October 2007 approving the National Education for Sustainable Development Programme for 2007–2015 was declared null and void. By this Resolution, the Ministry of Education and Science was charged with approving the National Education for Sustainable Development Programme for 2011–2015 by 31 December 2010.

A project entitled “Public Information about the Environment in Educational Programmes, Press, Films and a Portal” (hereinafter “the Project”), which was developed under the Cohesion Promotion Operational Programme measure “Creation and Development of a System for Public Information about the Environment” and approved by Order No D1-610 of the Minister of the Environment of 13 October 2009, will contribute to the implementation of the task of this measure to promote the preservation of natural resources in order to improve public awareness of environmental protection, i.e. publicity actions will be taken to improve public awareness of environmental protection by 2.33% per year or by 9% within four years of project implementation.

Project objectives and tasks were established in view of the Cohesion Promotion Operational Programme, the interests and specific features of the environmental sector, the National Sustainable Development Strategy, UN Aarhus Convention and other programme documents. Lithuanian residents tend to look for information in the mass media which is highly trusted among them. Therefore, the Project provides for the most popular publicity measures among Lithuanian citizens, namely television, press and radio. There is a lack of magazines, films and documentaries on environmental topics, which are part of the Project as well. Information campaigns are the most effective where there is an appropriate variety of means of information: information will also be published on the Internet. The Project is expected to generate greater interest of the public in environmental problems and broaden their global understanding of environmental protection itself. Project activities: a series of TV and radio broadcasts on relevant environmental issues on the national television and radio; a series of educational broadcasts on the environment on the national television, film making and a film festival on Lithuanian nature; dissemination of relevant sustainable development and climate change issues during national television broadcasts, in the national press and on the Internet; a periodical on relevant environmental issues and a supplement on sustainable urban development to an existing specialised periodical; installation of a portal on environmental and sustainable development issues on an existing website.

The following Project priorities have been established when planning actions aimed at improving public information on environmental protection and sustainable development and ensuring the accessibility of all target groups, so that the means of information and publicity help to establish a public attitude facilitating better implementation of sustainable development:

- Expedient provision of information to the public on the most relevant environmental and sustainable development issues and solutions to them;
- Establishment of a feedback mechanism between the information disseminator and recipient;
- The public is provided with the latest, correct, understandable and professionally prepared information on environmental protection and sustainable development.

Upon implementing the Project, publicity by means provided for in the Project will be continued, with the Ministry of the Environment performing the functions of coordination and organisation of public education in the area of environmental protection. Funds under the Environmental Support Programme are annually allocated by order of the Minister of the Environment for the provision of information to the public. These funds will be used for further financing of Project publicity measures. There will be a lower need for funds because: (1) TV and radio broadcasts as well as press articles will have been created, so one will only have to broadcast and publish them or use existing good practice, innovations and ideas to update their content; (2) the installed news portal will be further developed, as it will become an integral part of the news website over four years of implementation, and its infrastructure will only have to be maintained and upgraded; (3) in the event of a lack of funds or more complex projects – films and the festival – EU structural support from the balance for the 2007–2013 period will be requested.

An action plan for using funds under the Product or Packaging Waste Management Programme in 2010, under which 5% of funding under the Product or Packaging Waste Management Programme must be allocated for public education and training, was approved by paragraphs 14, 26 and 36 of Order No D1-94 of the Minister of the Environment of the Republic of Lithuania of 4 March 2004 approving the procedure for using funds under the Product or Packaging Waste Management Programme and the Rules of Procedure of the Board and the composition of the Board (Official Gazette Valstybės Žinios, 2004, No 41-1346; 2010, No 65-3260) (hereinafter “the Procedure”).

All Lithuanian residents are regularly informed about the ambient air quality on the Internet at <http://oras.gamta.lt>.

Meetings with the Nemunas River Basin District Coordination Board were organised during preparation of Nemunas River Basin District Management Plan (hereinafter “Nemunas RBD Management Plan”) and Operational Programme (hereinafter “the Programme”). The meetings were held to discuss the Nemunas RBD Management Plan and Programme under preparation, to hear comments and adjust the documents based on which water body management will be performed in 2010–2015 according to them.

Project preparation was coordinated by a supervisory committee consisting of representatives of the Environmental Protection Agency, the Ministry of the Environment, Lithuanian Geological Survey, the

Ministry of Agriculture and non-governmental organisations. The Nemunas RBD Management Plan and Programme have been placed on the website of the Environmental Protection Agency, with letters inviting to comment on the presented documents sent to various institutions and members of the Coordination Board. The Nemunas RBD Management Plan and Programme have also been discussed with the Board for Water Issues of the Lithuanian Academy of Sciences consisting of Lithuanian scientists working in the area of water protection.

A meeting with representatives of Pakruojis municipality was held on 16 March 2010. Lielupė River Basin District Management Plan and Operational Programme were presented and measures were proposed at the meeting.

A meeting with the Coordination Board has been organised to discuss Lielupė, Venta and Dauguva River Basin District Management Plans and Operational Programmes.

One of the tasks of the project “Preparation of Lielupė, Venta and Dauguva River Basin District Management Plans” is to raise the level of public awareness and involvement in water management based on river basins. A film entitled “How we take care of our water” and a booklet entitled “Rivers and I” have been created for this purpose. The film “How we take care of our water” tells about Lithuanian lakes, rivers, the Baltic Sea, the main water pollution problems and ways to solve them. The booklet “Rivers and I” is a small pocket publication, which briefly presents Lithuanian water management policy principles and tells how everyone of us can contribute to water conservation. There is also an interactive map containing information on the condition of surface and ground water as well as measures applied to improve the condition of water bodies.

One of the tasks of the project “Preparation of Lielupė, Venta and Dauguva River Basin District Management Plans” is to strengthen institutional capacity in the area of water management based on RBD. A series of seminars and training sessions for the institutions concerned has been organised for this purpose on the following topics: “Theoretical and practical training in river and lake water and bottom sediment and sewage sludge sampling”, “Economic aspects of the Water Framework Directive”, “Statistical analysis of water monitoring data”, “Assessment of the state of surface water bodies, hydro-morphological characteristics, physico-chemical conditions and biological components, physico-chemical properties and hazardous substances as indicators of the state of water bodies”, “The effect of diffuse pollution control measures on the state of water bodies”.

Articles 87 and 88 of the Rules for the Issuance, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits approved by Order No D1-330 of the Minister of the Environment of 29 June 2005 (Official Gazette Valstybės Žinios, 2005, No 103-3829) implement the provision of Article 3(3) of the Convention regarding access to justice in environmental matters: “87. The operator or the public concerned may file a complaint about actions or inaction of REPDs related to the issuance, renewal, correction or cancellation of Permits with a court in accordance with the procedure established by law.

88. REPDs shall, within their competence, ensure that the public can access practical information on the right to file a complaint about decisions, actions or inaction, including public involvement, with a court or other competent authorities.”

Pursuant to the Law on Water of the Republic of Lithuania (Official Gazette Valstybės Žinios, 1997, No 104-2615; 2003, No 36-1544), the public shall be informed of preparation of river basin district management plans. The institution responsible for river basin district administration must allocate at least six months for the public to express comments and proposals on river basin district management plans under preparation.

Periodic consultations in the landscape area with non-governmental organisations, science and education institutions on the Lithuanian landscape policy and its implementation are organised during special events, exchanging opinions on relevant issues. Pursuant to paragraph 3 of the Government Resolution on Government Resolution No 909 of 22 August 2005 approving measures for the implementation of the landscape policy of the Republic of Lithuania, there is a number of measures to promote the understanding of the country’s landscape, training of specialists and development of public awareness of the value and role of the landscape.

(c) The establishment and activities of associations and other community-based organisations is governed by the Law on Associations of the Republic of Lithuania (Official Gazette Valstybės Žinios, 2004, No 745-26). Article 7 of the Law of the Republic of Lithuania on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-75) stipulates the rights of citizens, community-based organisations, other legal and natural persons corresponding to all the rights described in the Convention. Cooperation with environmental NGOs is also provided for in various legal acts governing environmental protection, construction, spatial planning and other areas of activity, plans and strategies of the Ministry of the Environment and other documents of state and municipal institutions. Funds for environmental education and information of the public are allocated under the Environmental Support Programme of the Republic of Lithuania. The Ministry of the Environment closely cooperates with NGOs. Representatives of nature protection NGOs are members of the Board of the Ministry of the Environment on equal terms with environmentalists and representatives of science and education institutions. This is an advisory body. The Board considers the most important issues of the Ministry's activity, the main areas and tasks of the Ministry's activity, listens to reports of institutions subordinate to the Ministry of the Environment, etc. NGO projects can also be financed under municipal special environmental support programmes defined by Law of the Republic of Lithuania on Municipal Special Environmental Support Programmes No IX-1607 of 10 June 2003 (Official Gazette Valstybės Žinios, 2003, No 61-2760) providing for the sources of funds of this programme and the procedure for using them. Just like in the case of general special programmes, the sources of financing of municipal special programmes are fees for pollutant discharges into the environment, fees paid by part of hunting area users for using game resources, voluntary contributions and other legally obtained funds. Based on Order No 533 of the Minister of the Environment of 2003 approving the form of the municipal special environmental support programme report on the implementation of programme measures, instructions for completing it and the list of environmental measures (Official Gazette Valstybės Žinios, 2004, No 50-1682), each municipality must submit reports on the use of these funds.

All Lithuanian institutions, bodies and community-based organisations concerned receive ambient air quality reports by e-mail every day.

The Environmental Protection Agency has signed cooperation agreements with six active NGOs operating in the area of water: Nature Research and Environmental Education Station (Marijampolė), the Lithuanian Green Movement, ECAT Lithuania (both organisations are located in Kaunas), environmental club Žvejonė (Klaipėda), public institution Vandens Namai and the Baltic Environmental Forum (Vilnius). These organisations have become water information centres.

Paragraph 5.14 of the Rules for the Issuance, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits approved by Order No D1-330 of the Minister of the Environment of 29 June 2005 (Official Gazette Valstybės Žinios, 2005, No 103-3829) defines the public concerned in the context of issuance of integrated pollution prevention and control permits: "5.14. The public concerned is the public which may be affected by the adoption of a decision to issue or renew a Permit or the conditions of a Permit, or which has interest in it. Within this definition, non-governmental organisations promoting environmental protection and meeting requirements under the law of the Republic of Lithuania are deemed organisations concerned."

Associations, organisations or groups are partners helping to implement environmental objectives. They participate in educational and informational conferences, seminars, protected area system employees read reports, offer advice on relevant environmental issues, they are informed of ongoing processes, encouraged to present their opinions and conclusions before taking administrative decisions, with joint projects implemented as well.

For instance, a project entitled "Let's Create Values Together" was implemented in 2008. A conference on the adjustment of protected areas for the disabled was organised in 2009 (in association with the Lithuanian Union of Persons with Disabilities). The State Service for Protected Areas under the Ministry of the Environment (hereinafter "the Service") helped to organise a campaign entitled "Let's Do It 2010". Good Practice seminars at protected area directorates and at the Service, a conference with the Lithuanian Ornithological Society, the Lithuanian Green Movement, information tours with the "green" media and seminars on biodiversity issues with the Baltic Environmental Forum (BEF) have been organised. A

seminar dedicated to European Heritage Days (in association with the Council for the Protection of Ethnic Culture) will be held on 23 September 2010. The Service has organised a series of meetings of the Service director with rural communities and the public concerned.

The Law on Water of the Republic of Lithuania (Official Gazette Valstybės Žinios, 1997, No 104-2615; 2003, No 36-1544) governs the coordination of preparation and implementation of river basin district management plans and programmes of measures. A coordination board is formed for each river basin district for this purpose. It includes representatives of state and municipal institutions and non-governmental organisations concerned. Decisions of the river basin district coordination board are advisory in nature.

Formulating the Lithuanian landscape policy, the Landscape Division of the Ministry of the Environment gives much attention to the provision of information to and education of society. Employees of the Division regularly participate in, support and help to organise forums, discussions, seminars, conferences and competitions organised by non-governmental organisations, science and education bodies, read information reports, act as mediators in search for financing, etc. The Coalition of Environmental Non-Governmental Organisations is regularly consulted on protected area management issues.

Support for applicants (including environmental non-governmental organisations) preparing and implementing the European Community's Financial Instrument for the Environment LIFE + projects is provided in accordance with the procedure approved by Order No D1-265 of the Minister of the Environment of 11 May 2009.

(d) The provisions of the Convention are applied to both domestic and international activities. The provisions of the Convention apply to EU member states (e.g. on 1–2 June 2010, Lithuania hosted the Baltic Development Forum (BDF), also known as “the Baltic Davos”, where influential business, political and academic figures gathered together to discuss the current economic situation and possibilities to improve it, the EU policy towards the Baltic Sea region and look for cooperation opportunities).

The procedure for informing the institutions and society of an EU member state that is to experience significant environmental effects is agreed during cross-border consultations. Such a procedure should ensure that the institutions and society of an EU member state that is likely to experience significant environmental effects are informed of possibilities to express their opinion on a decision planned to be taken and are provided with information as to where they can familiarise themselves with an approved spatial planning document, reasons for the selection of an alternative solution, measures for monitoring the effects of implementation of the spatial planning document as well as with information on the inclusion of environmental issues in the spatial planning document, taking into account of information contained in the Strategic Environmental Assessment Report, findings by strategic environmental assessment entities, public proposals and the results of cross-border consultations, if any.

Ambient air quality data are sent to the European Environment Agency (EEA) in the NRT (near real time) mode.

Programmes of transboundary river basin district measures are coordinated with foreign countries according to international agreements. The procedure for coordination of programmes of measures is established by the Government of the Republic of Lithuania or an institution authorised by the Government.

Exchange of information on cross-border surface water body monitoring and data on the state of water bodies and the pollution load passing from Lithuania to Latvia is regularly performed and joint sampling in transboundary surface water bodies and interlaboratory comparative tests are performed with Polish environmental institutions in accordance with various cooperation agreements.

When preparing River Basin District (hereinafter “RBD”) Management Plans and Operational Programmes, information was exchanged and experience in preparing RBD Management Plans was shared with representatives of various Polish institutions. Information on the state of water bodies was exchanged and experience in preparing RBD Management Plans was shared with representatives of various Belarusian institutions. Environmental aspects in planning economic activities are also discussed at meetings with representatives of the neighbour states.

The issuance of a permit for an installation that may affect the environment of another country should be

considered to be an international decision in the area of environmental protection. Such cases are governed by paragraphs 35–37 of the Rules for the Issuance, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits approved by Order No D1-330 of the Minister of the Environment of 29 June 2005 (Official Gazette Valstybės Žinios, 2005, No 103-3829):

“35. If, based on a reasoned decision of REPD, operation of the installation indicated in Annex 1 to the Rules may have a negative impact on the environment of another EU member state, the REPD shall immediately present the Ministry of the Environment with the information referred to in Annex 7 to these Rules in relation to the accepted application for a Permit.

Upon receiving the information indicated in the first subparagraph of this paragraph from the Regional Environmental Protection Department or an application from an EU member state likely to be strongly affected, the Ministry of the Environment shall present any information required to be presented or announced under Annex 7 to the Rules to another member state at the same time as it is presented to the public of the Republic of Lithuania for familiarising with this information.

Upon receiving similar information from another EU member state, the Ministry of the Environment shall transfer this information to the Environmental Protection Department of a relevant region, which shall, in accordance with Chapter XI of the Rules, acquaint the public concerned with it within the territory of the region.

36. The REPD shall ensure that the public concerned of the Republic of Lithuania and the other member state has access to information on the planned operation of an installation or a major change in operation and has the right to express its opinion and submit applications before the REPD or the competent authority of the other member state has taken its decision.

37. The Ministry of the Environment shall notify each member state consulted on the issuance or renewal of a Permit about the decision taken in respect of the issuance or renewal of the Permit and shall send it the information referred to in paragraph 75 of the Rules. Upon receiving similar information from another member state, the Ministry of the Environment shall transfer this information to the Environmental Protection Department of a relevant region, which shall, in accordance with paragraph 75 of the Rules, acquaint the public concerned with it within the territory of the region.”

Regulations on Public Information and Participation in the Spatial Planning Process approved by Government Resolution No 1079 (Official Gazette Valstybės Žinios, 1996, No 90-2099, 2007, No 33-1190; 2010, 78-4010) (hereinafter “Regulations”) also establish a requirement to agree on a detailed procedure for informing the institutions and society of an EU member state that is to experience significant environmental effects during cross-border consultations. Such a procedure should ensure that the institutions and society of EU member states likely to experience significant environmental effects are informed of possibilities to express their opinion on a decision planned to be taken, an adopted decision and are provided with information as to where they can familiarise themselves with an approved spatial planning document, reasons for the selection of an alternative solution, measures for monitoring the effects of implementation of the spatial planning document as well as with information on the inclusion of environmental issues in the spatial planning document, taking into account of information contained in the Strategic Environmental Assessment Report, findings by strategic environmental assessment entities, public proposals and the results of cross-border consultations, if any.

(e) Pursuant to Article 25 of the Constitution of the Republic of Lithuania, a human being must not be hindered from seeking, receiving and imparting information and ideas.

Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honour and dignity, private life and morals of a human being or to defend the constitutional order. Pursuant to Article 30 of the Constitution, a person whose constitutional rights or freedoms are violated shall have the right to apply to court.

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

Pursuant to Article 5(1) of the Code of Civil Procedure of the Republic of Lithuania, each person concerned has the right to apply to court in accordance with the procedure established by law to defend a violated or disputed right or lawful interest of the person.

It should be pointed out that the Code of Civil Procedure provides for negative procedural consequences in the event of an unreasonable claim or abuse. In such a case, after consideration on the merits, the court shall reject the unreasonable claim (in such a case, the claimant shall cover the other party's litigation costs). Pursuant to Article 95 of the Code of Civil Procedure, a party that has brought an unreasonable claim in bad faith or has knowingly acted against fair and speedy hearing and settlement of a case may be obliged by the court to compensate the other party for losses incurred by it. In addition, in the event of establishing any cases of abuse, the court may impose a fine of up to LTL 20,000 on a person. In an effort to ensure effective judicial defence, by Resolution No 1464 of 11 November 2009, the Government of the Republic of Lithuania submitted to the Parliament of the Republic of Lithuania a bill amending and supplementing the Code of Civil Procedure whereby it was proposed to establish that no stamp duty shall be levied on parties' applications and claims for compensation for losses caused by abuse of procedural rights.

Therefore, during each process, the court must assess the validity of the claim, proportionality of claims, etc., and in the event of establishing that the claim is aimed at restricting the rights of one of the parties, may apply the aforementioned procedural measures.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

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

Economic (e.g. money from funds is absorbed gradually and therefore it is not possible to arrange visitor centres at all directorates at once), public awareness (public indolence, reluctance to cooperate, inappropriate implementation of their rights and a nihilistic approach), civil society (civil society is still forming in Lithuania, many society groups do not have their associations to operate more efficiently) problems and problems related to cooperation with other institutions are encountered during implementation of the aforementioned provisions of Article 3 of the Aarhus Convention.

There is poor NGO activity.

The Provisional Law on the Acquisition of Agricultural Land and the Law on Land Reform strongly limit the possibilities of non-governmental organisations contributing to the implementation of environmental objectives to acquire state-owned land needed for environmental activities, particularly agricultural land, as they are not on the list of entities receiving state support for land acquisition.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide further information on the practical application of the general provisions of article 3.

Assistance for persons wishing to exercise their rights is provided primarily by approaching an information representative of a state or municipal institution (for instance, the functions of the information representative of the Ministry of the Environment are performed by the Public Information Division), who provides information on the phone, at the institution or by e-mail. If any special information is required, citizens can consult specialists in a relevant area. For instance, the information representative publishes contact information of the Ministry of the Environment on its website, provides it to all information agencies on the phone and publishes it in information publications. In some places, information on the environment and centre functions is provided by Regional Environmental Protection Departments, city and district agencies located closest to each Lithuanian territorial unit. They also provide various information by phone, e-mail, direct consultation or in writing. The service procedure and information telephone numbers are available on noticeboards of many municipal and other public institutions or on the Internet.

The information representative or press service of an institution is not the only source of information on the environment for the public. The provision of information is also initiated via environmental education projects and the media. Every year, the Ministry of the Environment publishes overviews of the state of the environment, information publications and posters. Thematic campaigns according to approved priorities and information campaigns are performed. Environmental information is disseminated via the

Internet, press, at conferences, seminars and by other means of information. The Ministry of the Environment and institutions subordinate to it also participate in educational projects organised by other organisations or institutions (e.g. ecology schools, “green key”, etc.).

In 2004, Arūnas Kundrotas, the Minister of the Environment, signed agreements on cooperation in environmental quality management between the Ministry of the Environment and ten science and education institutions of the country. The purpose of these agreements is to increase the applied importance of science, create more favourable conditions for effective use of available information in the areas of the state of the environment and environmental protection and to encourage science and education institutions to participate in the activities of international environmental information networks more actively. The agreements establish the parties’ obligations in the areas of collection, analysis and scientific assessment of environmental data and information, information exchange and examination. The parties have cooperated before as well, but these agreements have created a legal basis for their cooperation.

Municipal and other public authorities prepare environmental education projects according to approved priorities and participate in them. They are financed under municipal special environmental support programmes and from other sources. Municipal activity in this area is very different.

A few guides have been published, namely the Environmental Impact Assessment Guide and the Guide for the Strategic Environmental Assessment of Plans and Programmes. The purpose of the guides is to disseminate information on the transposition of the provisions of environmental impact assessment and strategic environmental impact assessment directives into Lithuanian law. The guides diagrammatically depict individual stages and procedures of the assessment process and clearly describe methods of environmental impact assessment and strategic environmental impact assessment.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web site addresses, if available:

The website of the Ministry of the Environment: <http://www.am.lt>

<http://www.vstt.lt>; <http://www.anp.lt>; <http://labanoras.am.lt>; <http://www.dzukijosparkas.lt>;

<http://www.cepkeliai.lt>; <http://www.zemaitijosnp.lt>; <http://www.anyksciuparkas.lt>;

<http://www.asvejosparkas.lt>; <http://www.arp.lt>; <http://birzuparkas.lt>; <http://dirpd.am.lt>;

<http://dubysosrp.am.lt>; <http://www.grazute.lt>; <http://www.kaunomarios.lt>; <http://krpd.am.lt>;

<http://www.kurtuva.lt>; <http://www.meteliuparkas.lt>; <http://www.nemunodelta.lt>;

<http://www.nemunokilpos.lt>; <http://www.neriesparkas.lt>; <http://www.prparkas.tinkle.lt>;

<http://www.pajuris.info>; <http://www.prpdp.lt>; <http://www.rambynoparkas.lt>; <http://www.salanturp.lt>;

<http://www.sartai.info>; <http://www.sirveta.lt>; <http://www.trp.lt>; <http://www.varniuparkas.lt>;

<http://www.veisiejuparkas.lt>; <http://www.ventosparkas.lt>; <http://www.vistytis.lt>; <http://zagaresrp.am.lt>;

<http://www.kamanos.lt>; <http://www.viesvile.lt>; <http://www.zuvintas.lt>; <http://www.pavilniai-verkiai.lt>;

<http://www.seniejitrakai.lt>; <http://www.kernave.org>; <http://www.vilniauspilys.lt>;

<http://gamta.lt/cms/index?rubricId=266d9067-c315-4045-a548-0150f9e9196a>.

www.upiubaseinai.lt; www.gamta.lt.

A list of institutions, bodies and community-based organisations concerned that are informed of ambient air pollution levels every day is provided at <http://oras.gamta.lt>.

Ambient air quality data are provided on the Internet at <http://eyeonearth.eu> in the NRT (near real time) mode.

Information on spatial planning is provided on the websites of all Lithuanian municipalities, e.g. www.vilnius.lt.

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

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

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

particular, describe:

- (a) With respect to paragraph 1, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;
- (c) With respect to paragraphs 3 and 4, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

State and municipal institutions and bodies are defined in Article 2(4) of the Law of the Republic of Lithuania on Civil Service (Official Gazette Valstybės Žinios, 2002, No 45-1708, 2009, No 75-3065) “State and municipal institutions and bodies are representative, head of the state, executive and judicial authorities, law enforcement institutions and bodies, institutions and bodies performing audit and control (monitoring), other state and municipal institutions and bodies financed from state or municipal budgets and state funds, which have been granted public administration powers in accordance with the procedure set forth in the Law on Public Administration”.

Paragraph 4 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864) defines this term as follows: “Institution: the Government, municipal or another authority; other natural or legal persons performing public administration functions, whose decisions have or may have an effect on the environment; natural or legal persons subordinate to the indicated institutions or controlled by those institutions, whose activities have or may have an effect on the environment.”

The term “environmental information” used in national legal acts corresponds to that defined in the Convention. In Lithuania, this term is defined in Article 1(11) of the Law of the Republic of Lithuania on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-75) and paragraph 2 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864).

The term “public” used in documents governing the provision of information corresponds to the term used in the Convention. According to paragraph 4 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), “The public means one or several natural or legal persons, their associations, organisations or groups”.

The term “public concerned” is defined in Article 1(22) of the Law of the Republic of Lithuanian on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-57): “public concerned shall mean one or more natural or legal persons affected or likely to be affected by decisions, acts or omissions in the field of the environment and protection thereof as well as utilisation of natural resources or having an interest in the process of adoption of these decisions. According to this definition, associations and other public legal entities (with the exception of legal entities established by the state or a municipality or institutions

thereof) established in accordance with the procedure laid down in legal acts and promoting environmental protection shall in any case be deemed the public concerned.”

Article 3(9) of the Convention. Paragraph 4 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864) defines the term “applicant” which is very broad and does not limit the person applying for information: “Applicant means a natural or legal person who has submitted an application for information on the environment.” Article 2(6) of the Law of the Republic of Lithuania on the Right to Receive Information from State and Municipal Institutions and Bodies (Official Gazette Valstybės Žinios, 2000, No 10-236; 2005, No 139-5008) defines the applicant as follows: “Applicant means a citizen of the Republic of Lithuania, a citizen of a country that has signed the European Economic Area Agreement, a foreign national having a residence permit in the Republic of Lithuania or a group of these persons, a legal entity of the Republic of Lithuania, legal entities or other organisations registered in a country that has signed the European Economic Area Agreement or representative offices and branches thereof established in the Republic of Lithuania.” Pursuant to Article 10 of the Law of the Republic of Lithuania on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-75), foreign citizens and stateless persons shall perform the duties of the citizens of the Republic of Lithuania established by this Law and shall hold all the rights of the citizens of the Republic of Lithuania stipulated in this Law, unless other laws of the Republic of Lithuania provide otherwise.

(a) (i) Pursuant to paragraph 7 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), information must be provided to inquirers without demanding to indicate the purpose for which this information is required.

(ii) Pursuant to Article 17(1) of the Law on the Right to Receive Information from State and Municipal Institutions and Bodies (Official Gazette Valstybės Žinios, 2000, No 10-236; 2005, No 139-5008), “In view of the applicant’s application, the applicant may be provided with information orally, allowing the applicant to familiarise himself with a document, presenting a certificate, an extract or copy of a document, an electronic medium, an audio, video or audio and video record and access to information files. If no form of provision of information is indicated in the application, the body must provide it in the same form as the application received.”

(iii) According to paragraphs 8 and 9 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), information must be provided in the form requested by the applicant. If the applicant does not indicate the form of provision of information or the information cannot be provided in the form indicated by the applicant for technical reasons, or if the information has already been provided to the public in another form, or the body reasonably believes that the information should be provided in another form, the information must be provided in a form selected by the body (indicating the reasons).

(b) According to paragraphs 11 and 13 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), information must be provided to the applicant within 14 calendar days of the date of receipt of the application. If an institution cannot reply to the applicant within 14 calendar days due to the scope and complexity of the information requested, the head of the institution may extend the time limit for replying by up to 14 calendar days, but the entire time limit may not be longer than a month of

the date of receipt of the application.

(c) (i) Chapter III of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864) provides a list of cases when public authorities may not provide information on the environment. This list basically coincides with the list provided in the Convention. Information may not be presented if: an applicant applies for information which the institution does not have and is not obliged by legal acts to have it; if an inquiry is very abstract or illogically formulated and the applicant fails to correct it upon a written request; an application is related to information and data that are still being accumulated, prepared or unprocessed, provided that this does not violate public interest.

Pursuant to paragraph 18 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), institutions also must not provide information if the submission thereof: would disclose information which, under the law, is a state or official secret; would violate the interests of state security and defence protected by law; would have a negative effect on international relations; would violate the right to a fair trial protected by law or would be deemed, under the law, an obstacle for judicial or public authorities to conduct an investigation or hearing of a criminal, civil or administrative case (procedure); would disclose information which, under national or European Union law, is a commercial (industrial) secret or would violate the confidentiality of statistical data and data on taxpayers protected by law; would violate intellectual property rights protected by law; would undermine the legal protection of personal data, except for the cases provided for in the Law of the Republic of Lithuania on Legal Protection of Personal Data (Official Gazette Valstybės Žinios, 1996, No 63-1479; 2003, No 15-597; 2008, No 22-804), the Law of the Republic of Lithuania on Provision of Information to the Public (Official Gazette Valstybės Žinios, 1996, No 71-1706; 2006, No 82-3254) and the Law of the Republic of Lithuania on Documents and Archives (Official Gazette Valstybės Žinios, 1995, No 107-2389; 2004, No 57-198); would have a negative effect on the protection of the environment to which such information relates, e.g. would harm rare species and communities protected by law, their habitats, finding sites and growth sites; is related to internal administration and institutional cooperation, provided that this does not violate public interest; would have a negative effect on the interests of persons who have voluntarily presented information without being obliged by laws or other legal acts to present such information or would pose a threat to their security.

The confidentiality of commercial and industrial information is governed by the Law on Competition of the Republic of Lithuania (Official Gazette Valstybės Žinios, 1999, No 30-856) which defines commercial secrets.

In the context of preparation of integrated pollution prevention and control permits, environmental information, including information on pollutant emissions from an industrial installation into the environment, is public and freely available to the public in the Republic of Lithuania. Cases in which an operator applying for an Integrated Pollution Prevention and Control Permit does not want to publicly disclose commercial, technological and similar information are discussed in paragraph 21 of the Rules for the Issuance, Renewal and Cancellation of Integrated Pollution Prevention and Control Permits approved by Order No D1-330 of the Minister of the Environment of 29 June 2005 (Official Gazette Valstybės Žinios, 2005, No 103-3829): “The operator can specify what data the operator considers to be a commercial (industrial) secret. Such information shall not be included in the application but shall be provided in a special envelope and shall be stored by the REPD in accordance with the procedure established by legal acts. Data indicated by the operator as a commercial (industrial) secret may not be distributed or otherwise provided to third parties without the written consent of the operator.”

(ii) According to paragraph 19 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175

of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), in all cases where information is not provided, it is necessary to make sure that it is more important to protect the interests specified in paragraph 18 of this Specification than to ensure the applicant's right to get information. Paragraph 20 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public also emphasises the need to ensure the publicity of information related to environmental pollution.

(d) According to paragraph 10 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), if a written request is received by an institution that does not have the requested information, the institution shall, within three working days of the date of receipt of the request, send the request to the competent authority having the requested information, notifying the applicant thereof. If a part of the requested information is at another institution, the institution that has received the request shall approach the institution having the information with a request for such information and shall notify the applicant thereof.

(e) According to paragraph 20 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), if a part of information can be segregated from the information not to be provided that is specified in paragraph 18 of the Specification, the institution shall present the part of the requested information that can be provided without prejudice to confidentiality requirements for the information not to be provided upon notifying the applicant thereof.

(f) According to paragraph 19 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), the applicant shall be informed, within 14 calendar days of the date of receipt of the application, that information related to the exceptions referred to in paragraphs 16 and 18 of the Specification will not be provided, indicating the reasons for the refusal to provide the information and the procedure for filing a complaint about the decision in accordance with paragraph 15 of the Specification. In all cases where information is not provided, it is necessary to make sure that it is more important to protect the interests specified in paragraph 18 of this Specification than to ensure the applicant's right to get information.

(g) According to Article 6(6) of the Law of the Republic of Lithuania on Provision of Information to the Public (Official Gazette Valstybės Žinios, 1996, No 71-1706; 2006, No 82-3254), paragraphs 11 and 12 of Government Resolution No 1391 approving the procedure for the registration and provision of official information of state and municipal, government and administration institutions and other state-financed organisations to people or public information producers (Official Gazette Valstybės Žinios, 1996, No 116-2720), and paragraph 26 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), information available to or intended for the institutions is free of charge. Pursuant to Article 2(3) of the Law of the Republic of Lithuania on the Right to Receive Information from State and Municipal Institutions (Official Gazette Valstybės Žinios, 2000, No 10-236; 2005, No 139-5008, 2009, No 75-3064; 2010, No 63-3088), all information on the activities of an institution in performing the functions assigned by legal acts shall be available to all and shall be provided free of charge. Article 8 of this Law details the charging procedure: "1. Institutions shall provide information free of charge, except in cases where a state duty or a statutory fee is charged for the provision of information. 2. A fee for the provision of information must not exceed the costs of preparation and provision of information with a reasonable return on investment. 3. The institution shall publish on its website the conditions for the provision and use of

information established in accordance with laws and other legal acts, indicate the amount of state duties or a fee for the provision of information if the information is provided for a fee. 4. At the applicant's request, institutions shall provide justification for the calculation of a state duty or a fee for the provision of information." According to paragraph 27 of the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), the applicant shall cover only the costs of provision of information in accordance with the procedure laid down in laws and other legal acts (pay for copying, publishing, etc.). Government Resolution No 1039 of 1 September 2000 approving the procedure for reimbursing the costs of document copying (Official Gazette Valstybės Žinios, 2000, No 10-236) establishes the procedure for paying for copies. This is consistent with the provisions of the Convention.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

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

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

Provide further information on the practical application of the provisions on access to information in article 4, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

As already mentioned before, information representative's offices, i.e. units or employees responsible for the provision of information according to the "one-stop shop" principle, have been established at institutions to facilitate access to information. According to the Rules for considering applications of individuals and for providing services to them at public administration institutions, bodies and other public administration entities (Official Gazette Valstybės Žinios, 2007, No 94-3779), institutions must provide a summary of environmental information available to them, indicate the form of information recording, time limits for the provision of information to inquirers, service prices, the payment procedure and other requirements. Ministry of Environment unit responsible for the provision of information according to the "one-stop shop" principle collects information.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web site addresses, if available:

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

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

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

- (a) With respect to paragraph 1, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

- (c) With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in paragraph 5;
- (f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in paragraph 7;
- (h) With respect to paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

All information regarding the definitions in Article 2 and Article 3(9) is provided above (see Article 4).

(a) (i) The obligation of state government, administration and control institutions (within their competence) to collect and disseminate environmental information is established by Article 8 of the Law of the Republic of Lithuania on Environmental Protection (Official Gazette Valstybės Žinios, 1992, No 5-75). State government, administration and control institutions must, within the sphere of their competence: observe changes in the quality of the environment and inform the public thereof, establish ecologically sound and technically feasible environmental quality regulations and standards; comply with or reasonably reject the proposals of citizens, the public concerned, other legal and natural persons concerning environmental protection issues; make public economic activity projects which may have a harmful effect on the environment; prevent economic entities from violating environmental laws, regulations and standards; evaluate and give due consideration to proposals of the public regarding the mandatory nature of environmental impact assessment of proposed economic activities; evaluate and give due consideration to proposals of the public regarding environmental impact assessment of proposed economic activities and potential environmental impact of proposed economic activities; ensure compensation for damage or negative impact on the environment and punishment of the persons responsible for causing damage to the environment through unlawful activities; organise environmental education and training, provide information on the environment in accordance with the established procedure; encourage citizens, the public concerned, other legal and natural persons to participate in the adoption and implementation of decisions in the field of environmental protection; demand, in accordance with the established procedure, that the responsible persons take preventive, environmental restoration or other environmental protection measures as well as control the implementation of these measures.

(ii) The Law of the Republic of Lithuania on Environmental Monitoring (Official Gazette Valstybės Žinios, 1997, No 112-2824; 2006, No 57-2025) provides for the structure of environmental monitoring. Under this Law, the system of environmental monitoring consists of state, municipal and economic entity environmental monitoring. A State Environmental Monitoring Programme is being prepared in accordance with the Law of the Republic of Lithuania on Environmental Monitoring (Official Gazette Valstybės Žinios, 1997, No 112-2824; 2006, No 57-2025) and State Environmental Monitoring Regulations approved by Order No 160 of the Minister of the Environment of 2002 (Official Gazette Valstybės Žinios, 2002, No 40-1514; 2007, No 4-179). Under this Programme, many different government and academic institutions in Lithuania collect data and information on the state of different elements of the natural environment, analyse this information and provide data to relevant state institutions. The State Environmental Monitoring Programme for 2005–2010 was approved by Government Resolution No 130 on 7 February 2005 (Official Gazette Valstybės Žinios, 2005, No 19-608; 2008, No 104-3973). The State Environmental Monitoring Programme for 2005–2010 defines environmental objectives and main tasks, the implementation of which requires monitoring of the state of

the natural environment on a national scale, provides for measures of implementation of these tasks, their scope and operators, the measure financing system, the need for funds and distribution over the indicated period.

In accordance with the General Municipal Environmental Monitoring Regulations approved by Order No D1-436 of the Minister of the Environment of 2004 (Official Gazette Valstybės Žinios, 2004, No 130-4680; 2007, No 76-3035), municipal institutions organise and perform environmental monitoring and accumulate data on it within their territories. A specific procedure for performing municipal environmental monitoring (monitoring sites, objects, parameters, frequency, monitoring methods, etc.) is established in municipal environmental monitoring programmes prepared by municipal executive bodies, agreed in accordance with the procedure laid down in legal acts and approved by municipal councils. Municipal environmental monitoring data meeting the requirements established for state environmental monitoring data may be used for state environmental monitoring purposes.

Based on the Procedure for performing economic entity environmental monitoring approved by Order No 230 of the Minister of the Environment of 2003 (Official Gazette Valstybės Žinios, 2003, No 50-2240) and other legal acts, economic entities perform pollution source monitoring and environmental monitoring as well as provide monitoring data to relevant authorities.

Therefore, the existing legal framework enables state government and administration institutions to constantly accumulate, disseminate and update environmental information.

(iii) The provision of information in extraordinary environmental situations is governed by the Law of the Republic of Lithuania on Civil Protection (Official Gazette Valstybės Žinios, 1998, No 115-3230; 2009, No 159-7207). Order of the Minister of the Environment amending Order No 248 of the Minister of the Environment of 20 May 2003 on actions in extraordinary environmental and other emergency situations and accidents, and management of elimination of the consequences thereof (Official Gazette Valstybės Žinios, 2008, No 129-4937) is observed as well. In the event of an extraordinary environmental situation, a brief report on the environmental situation and its environmental effects must be prepared. Relevant and urgent information is published on the websites of the Ministry of the Environment and the Environmental Protection Agency.

Order No D1-631 of the Minister of the Environment of the Republic of Lithuania of 29 December 2006 on the provision of data and information in accordance with Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC governs the provision of data and information to public authorities and the European Commission. Paragraphs 2.1, 2.2 and 2.3 of Order No D1-631 stipulate the procedure for the provision of operator data to public authorities:

“2.1. In accordance with the requirements of Article 5 of the Regulation, operators obliged to provide data and information on facilities shall provide the data and information to the Regional Environmental Protection Department which controls the territory wherein the respective facilities are located;

2.2. Operators shall provide only those data and information referred to in the Regulation that have not been provided when reporting in accordance with the requirements of the Procedure for state statistical accounting and provision of data on the use of water resources and the Procedure for the monitoring and reporting of pollutant release into the ambient air, approved by Order No 408 of the Minister of the Environment of the Republic of Lithuania of 20 December 1999 approving the procedure for monitoring pollutant release into the environment, and the Waste Management Rules approved by Order No 217 of the Minister of the Environment of the Republic of Lithuania of 14 July 1999;

2.3. Operators shall submit data and information for the past calendar year to a relevant REPD by 1 March of the current year.”

In accordance with paragraphs 2.5, 2.6 and 2.7 of Order No D1-631 (2.5. REPDs shall evaluate the quality of data and information provided by operators in accordance with Article 9(2) of the Regulation; 2.6. Evaluating the quality of data and information provided by operators, REPDs shall have the right to ask operators to specify or correct the data and information provided or to provide additional data and information; 2.7. REPDs shall present the EPA with all data and information on facilities required by

Annex III of the Regulation by 1 June every year), Regional Environmental Protection Departments shall check the data and information received and shall submit them to the Environmental Protection Agency responsible for presenting Pollutant Release and Transfer Register data to the public and the European Commission.

(b) The nature, scope and main conditions of provision of information are governed by the Law of the Republic of Lithuania on the Right to Receive Information from State and Municipal Institutions (Official Gazette Valstybės Žinios, 2000, No 10-236; 2005, No 139-5008, 2009, No 75-3064) and Government Resolution No 875 of 22 August 2007 approving the rules for considering applications of individuals and for providing services to them at public administration institutions, bodies and other public administration entities (Official Gazette Valstybės Žinios, 2007, No 94-3779). The public must be enabled to familiarise themselves with the adopted procedures for the provision of information. As already mentioned before, information representative's offices, i.e. units or employees responsible for the provision of information, have been established at institutions to facilitate access to information. According to the Rules for considering applications of individuals and for providing services to them at public administration institutions, bodies and other public administration entities (Official Gazette Valstybės Žinios, 2007, No 94-3779), institutions must provide a summary of environmental information available to them, indicate the form of information recording, time limits for the provision of information to inquirers, service prices, the payment procedure and other requirements. The website of the Ministry of the Environment provides a summary of environmental information indicating what environmental information is available to the state and municipal institutions and bodies that provided the data based on which the summary has been drawn up.

According to the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), institutions must make all necessary efforts to make the environmental information available to them or intended for them easily accessible to the public through public telecommunications (Internet networks, electronic databases) or ensure that the information is stored in a form or format facilitating immediate information recovery or receipt by means of computer telecommunications or other electronic means.

A lot of environmental information is available on the websites of the Ministry of the Environment and subordinate bodies. Available environmental information is also presented in written, electronic or another form or provided on request by other state and municipal institutions. A thematic index helps to find information on the website of the Ministry of the Environment.

Pollutant Release and Transfer Register data are placed on the website of the Environmental Protection Agency at <http://gamta.lt> and are free of charge and freely available to the public. The website also provides a link to the European Pollutant Release and Transfer Register containing data and information on the largest polluters of other EU member states and Norway, Iceland and Liechtenstein. The persons concerned wishing to get additional information may contact Regional Environmental Protection Departments responsible for the completeness, consistency and reliability of information. Contact details of Regional Environmental Protection Departments are provided in the Pollutant Release and Transfer Register for each facility separately.

Ambient air quality data analyses are carried out in accordance with Order No 596 of the Minister of the Environment of the Republic of Lithuania of 12 December 2001 on ambient air quality assessment ([Official Gazette Valstybės Žinios, 2001, No 106-3828; 2002, No 81-3499, 2010, No 42-2042, No 70-3496](#)).

(c) In order to ensure the growth of the amount and accessibility of information using the latest technology and the Internet, on 18 April 2003, the Government of the Republic of Lithuania approved Resolution No 480 approving the Specification of general requirements for the websites of state and municipal institutions and bodies (Official Gazette Valstybės Žinios, 2003, No 38-1739; 2006, No 115-4376; 2009, No 154-6976). The purpose of the specification is to enable the public to get all public information on state and municipal institutions, bodies and their functions, drafted laws, other standard legal acts and

related legal information on the Internet, equalise the websites of bodies, ensure their efficiency, the relevance and reliability of information contained on them, search options, website development and regular updating of information. The provided information must be structured and regularly updated in view of the frequency of exchange.

According to the Specification of the procedure for the provision of information on the environment in the Republic of Lithuania to the public approved by Government Resolution No 1175 of 22 October 1999 (Official Gazette Valstybės Žinios, 1999, No 90-2660; 2005, No 26-831, 2010, No 19-864), institutions must make all necessary efforts to make the environmental information available to them or intended for them easily accessible to the public through public telecommunications (Internet networks, electronic databases) or ensure that the information is stored in a form or format facilitating immediate information recovery or receipt by means of computer telecommunications or other electronic means. This condition is fulfilled because all state and municipal institutions have their websites.

All bodies subordinate to the Ministry of the Environment and Regional Environmental Protection Departments have their websites providing all information related to the activities of these bodies. All information accumulated by the Environmental Protection Agency in accordance with the procedure laid down in legal acts (information on river basins, the quality of water bodies, reports on various international projects, conference overviews, reports on research in the area of environmental monitoring, state air monitoring measurements, material related to integrated pollution prevention and control, maps, various schemes, etc.) is regularly published and updated on the website of the Agency at <http://aaa.am.lt>.

In 2008, ten main state institutions, including the EPA and the State Service for Protected Areas under the Ministry of the Environment, managing spatial data on the environment were implementing a project entitled Development of Lithuanian Geographic Information Infrastructure (LGII). This project is aimed at developing an open interoperable state geographic data repository and electronic services that would enable citizens, companies and public authorities to get the latest geographic data from primary sources effectively. The purpose of the National Geographic Information Infrastructure is to link data of different data providers and electronic services as well as make them simultaneously available to an as wide range of users as possible. This project includes creation of a long-term Lithuanian Geographic Information Management Strategy and a methodological framework for collecting, managing, coordinating state geographic data and providing them to all users. A single Lithuanian geographic information infrastructure will be created in the course of implementation of this strategy: the information structure covering the whole country, which connects managers of various geographic data sets, will gradually be expanded.

Seeking to start the implementation of information technology projects in the environmental sector as soon as possible, by Order No D1-276 of 27 May 2008, the Ministry of the Environment approved the Programme for the Installation and Development of Registers, Cadastres and Information Systems Using Information Technology in the Environmental Sector. The purpose of the programme: seeking to ensure the implementation of the tasks of measures “E-Government Services” and “Intelligent Management Systems” of the Economic Growth Action Programme priority “Information Society for All”, to create favourable conditions for the provision of public electronic services in spatial planning, urban development, housing construction, forestry and environmental sectors, as well as improve their accessibility by developing spatial information systems. The programme provides for the development of functionality of the Integrated Environmental Information Management Computer System (IEIMCS).

The IEIMCS project, i.e. development of new electronic environmental information services, is underway to ensure expeditious collection, organisation and availability of environmental information to the users concerned and to the public via the Internet. Project implementation will be beneficial to all target groups of this project: will enable economic entities providing data to environmental agencies to provide the data electronically; will enable the staff of the Ministry of the Environment and subordinate bodies to get and manage information on environmental pollution more expeditiously; will ensure access to this information for specialists, scientists, project developers and the public, thus improving the environmental education of the public. The implementation of the project will facilitate abandonment of the provision of data in writing, thus reducing the likelihood of errors and improving the collection, organisation, accessibility and faster provision of information on the state of the environment to users and the public. It will be possible

to integrate environmental self-monitoring data in the state environmental quality control system. An environmental information portal integrating data management, use and provision environments for registered users and publicising of environmental information for the public is being developed in order to achieve the project objectives. The environmental information portal will create technical conditions for informing the public and institutions concerned of the quality of the environment and its changes.

Pollutant Release and Transfer Register data are placed on the website of the Environmental Protection Agency at <http://gamta.lt> and are available free of charge. Lithuanian residents are regularly informed about the ambient air quality on the Internet at <http://oras.gamta.lt>.

All Lithuanian institutions, bodies and community-based organisations concerned receive ambient air quality reports by e-mail every day. A list of institutions, bodies and community-based organisations concerned that are informed of ambient air pollution levels every day is provided at <http://oras.gamta.lt>.

The State Service for Protected Areas under the Ministry of the Environment has created and maintains a public Internet access to the data of the State Cadastre of Protected Areas at <http://stk.vstt.lt/stk/>. The Service also regularly publishes information on prepared and approved protected area planning documents and publishes these documents on its website.

(d) Every year, the Ministry of the Environment publishes a publication on the state of the environment in Lithuania (State of the Environment), which provides information on the state of the environment and the main environmental problems. The publication is distributed to the public, government and academic institutions.

A digital version of this publication is provided on the websites of the Ministry of the Environment and the Environmental Protection Agency. Analyses of all environmental quality data are available on the Internet, e.g. annual ambient air quality reports are published on the Internet at <http://oras.gamta.lt>.

(e) The measures specified in the previous paragraph (c) are used when disseminating the information referred to in Article 5(5) of the Convention. The information indicated in the list is available on the websites of the Ministry of the Environment and subordinate bodies as well as the Parliament of the Republic of Lithuania. Laws and other legal acts are published in Official Gazette Valstybės Žinios, which is available to the public, in accordance with the procedure established by legal acts.

All information on international agreements signed (within the competence) is provided on the websites of the Ministry of the Environment, the Environmental Protection Agency and other institutions.

(f) Acting in accordance with the Economic Entity Environmental Monitoring Regulations approved by Order No D1-546 of the Minister of the Environment of 2009, economic entities perform pollution source monitoring and environmental monitoring, provide monitoring data to the relevant authorities and inform the public in established cases. For instance, economic entities performing regular measurements of emissions from sources of pollution into the air and surface water are obliged to publish the results of regular measurements of pollutant emissions/discharges on the Internet and update them regularly. Other economic entity environmental monitoring data are provided to the public in accordance with the procedure laid down in legal acts governing the provision of information to the public (see Article 3).

Participation by organisations in a Community eco-management and audit scheme (EMAS) is governed by Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS). A Government resolution on the application of this Regulation has been adopted and a scheme implementation programme has been approved in Lithuania. Companies that have installed EMAS inform the public about their results every year. These companies and companies marking their products with an eco-label are enabled to inform the public by disseminating information on the website of the Environmental Protection Agency.

Economic entities performing monitoring of activities, introducing advanced technology and participating in a Community eco-management and audit scheme on a voluntary basis are encouraged by letters of thanks of the Ministry of the Environment.

(g) The Ministry of the Environment and subordinate bodies publish various factual and analytical information on the environment and international agreements, a list of which is available at www.am.lt under the rubric of News. It has been decided not to publish periodic information handouts (e.g. the information publication Ministry of the Environment for the Public) any more, as other more effective distribution channels – the media and the Internet – have been chosen.

(h) Implementing the Convention on access to information, public participation in decision-making and access to justice in environmental matters in respect of the award of the Community Ecolabel, the Environmental Protection Agency follows Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (hereinafter “the Regulation”) and the criteria for the award of the Community Ecolabel for relevant product groups. The Regulation and the criteria for the award of the Community Ecolabel for relevant product groups are published on the website of the Environmental Protection Agency at <http://gamta.lt> under the rubric of “Pollution Prevention: Environmental Labelling” and are available to the public. The rubric of “Pollution Prevention: Environmental Labelling” has been regularly supplemented since the European Commission Directorate General for the Environment announced new criteria for the award of the Community Ecolabel. The Control Organisation and Pollution Prevention Division of the Environmental Protection State Control Department of the Environmental Protection Agency organises seminars and invites industry, science and community-based organisation representatives to provide them with information on the opportunities and benefits of the award of the Commission Ecolabel. A report entitled “Product Group Eco-Labeling System” was read at a seminar “Eco-design of products and the EuP Directive, national effective consumption competition Energy Trophy Lietuva’09” organised by Kaunas Chamber of Commerce, Industry and Crafts on 5 March 2009. In 2010, information on the award of the Ecolabel for shampoos was provided to Naujoji Ringuva and information on the award of the Ecolabel for personal computers was provided to Komparsa.

(i) On 21 May 2003, the European Community and other countries, including Lithuania, signed a Protocol on Pollutant Release and Transfer Registers (hereinafter “the Protocol”). Under the Protocol, each party to the Protocol shall establish a National Pollutant Release and Transfer Register. The European Pollutant Emission Register started functioning in February 2004. Based on the provisions of Order No 136 of the Minister of the Environment of 2002, all companies performing respective activities and exceeding established pollutant emission thresholds in Lithuania were obliged to submit reports to the relevant authorities. The collection of data in accordance with the requirements of the European Pollutant Emission Register in Lithuania was started in 2004 as well.

Seeking public access to pollutant emission data, a new European Pollutant Release and Transfer Register (E-PRTR) was adopted in January 2006. The procedure for the provision of pollutant release and transfer data was established by Order D1-631 of the Minister of the Environment of 29 December 2006, with REPDs designated as the competent authorities to which companies had to provide data and information on pollutant release and transfer and the public could present requests. The year 2007 was established as the first reporting year.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

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

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

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

Concerning environmental labelling: Weekly Žaliasis Pasaulis (Green World), article “European

Community Eco-Label Flower” on 14 April 2005; 2005 publication “Economics and Environmental Protection. Eco-Labeling Systems in Lithuania and in the World. Prospects of Environmentally-Friendly Business”, articles “Principles and Importance of Eco-Labeling”, “Eco-Labeling Systems in Lithuania”, “Development of Eco-Labeling Systems in Various Countries”. J. Mačiūnaitė’s article “Will We Buy Eco-Friendly Lithuanian Refrigerators” was published in the weekly Žaliasis Pasaulis (Green World) on 16 November 2006. A poster “Products Awarded EU Ecolabel” was published in 2008.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

Give relevant web site addresses, if available:

Paragraph 3 of this article specifies the information to be presented, which is provided on the websites of the Ministry of the Environment, subordinate institutions and the Parliament of the Republic of Lithuania at www.am.lt and www.lrs.lt.

The Internet addresses of Lithuanian municipalities are available on the website of the Association of Local Authorities in Lithuania at www.lsa.lt.

<http://gamta.lt>

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

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

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

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

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

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

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

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

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

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

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

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

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

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

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

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

(j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or

updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

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

The following laws and regulations regulate the public participation and information of the public about decisions adopted in respect of the proposed economic activity:

- Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity (*Official Gazette*, No. 82-1965, 1996; No. 84-3105, 2005).
- Description of the Information of the Public and Participation in the Process of Environmental Impact Assessment of the Proposed Economic Activity approved by Order No. D1-370 of 15 July 2005 of the Minister of Environment (*Official Gazette*, No. 93-3472, 2005; No. 89-4732, 2010).

The Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity defines the concepts of the public and public concerned, including non-governmental organisations, provides that the public is a participant in the process of environmental impact assessment, which gets involved in the environmental impact assessment procedure at its earliest stage commencing with the publication of information about the developed programme for environmental impact assessment of the proposed economic activity or the publication of the screening conclusion.

The Law on Environmental Impact Assessment of the Proposed Economic Activity defines the concepts of the public and public concerned:

Public concerned shall mean the public affected or likely to be affected by, or having an interest in, the proposed economic activity. For the purpose of this definition, non-governmental organisations participating in the solution of environmental protection problems and meeting the requirements of laws of the Republic of Lithuania shall also be deemed to be public concerned.

Public shall mean one or more natural or legal persons and their organisations, associations or groups.

In order to implement the resolution of the third meeting of the parties to the United Nations Economic Commission Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter referred to as the Aarhus Convention) held in Riga on 11-13 June 2008, which recommended Lithuania to take all necessary legal administrative, etc., means to guarantee that the Aarhus Convention is duly implemented, the draft Law Amending the Law on Environmental Impact Assessment of the Proposed Economic Activity was prepared and submitted to the Seimas of the Republic of Lithuania for consideration, which expanded the definition of public concerned stating that public concerned was not only the public affected by the proposed economic activity but also the public having an interest in the environment impact assessment of the proposed economic activity; the draft also established that associations and other public legal persons (except for natural persons incorporated by the state or municipality or their institutions) that were incorporated as prescribed by the laws and regulations and that were promoting environmental protection shall always be deemed to be the parties concerned.

The public shall, in accordance with the prescribed procedure, submit proposals regarding environmental impact assessment of the proposed economic activity and the likely effect of this activity on the environment and its components to the developer and to the drafter of documents of environmental impact assessment, while the copies of the proposal may be submitted to the competent authority and to the entities of environmental impact assessment. All participants in the process of environmental impact assessment shall, during the carrying out of procedures of environmental impact assessment and until the competent authority adopts a decision, have the right to refer to the competent authority (the Environmental Protection Agency, 8 regional environmental protection departments) and entities of environmental impact assessment in charge of public health, protection of cultural properties, fire protection, municipalities and counties on the issues falling within the scope of their competence by submitting in writing the information on possible violation in identifying, describing and assessing the likely effect of the proposed economic activity on the environment or when carrying out the procedures of environmental impact assessment. The application of provisions of this law as well as decisions adopted by the competent authority may be appealed to court. Participants in the process of environmental impact assessment shall, in accordance with the procedure laid down by the law, be responsible for the provision

of the correct information and the conclusions and decisions made within the scope of their competence.

(a) (i) The Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity approved the following two lists:

1. The list of proposed economic activities subject to an environmental impact assessment (Annex 1);
2. The list of proposed economic activities subject to screening for environmental impact assessment (Annex 2).

Activities of both lists are subject to the procedures of environmental impact assessment. The above lists include activities listed in Annex I to the Convention.

(ii) The procedure of environmental impact assessment shall be applied when the implementation of the proposed economic activity may affect the areas of the Natura 2000 network, and the institution responsible for organisation of protection and management of protected areas establishes that this effect may be significant.

Procedures of environmental impact assessment shall also apply if the participants in the process of environmental impact assessment of the proposed economic activity require and the competent authority decides that the screening for mandatory environmental impact assessment is conducted also in respect of the proposed economic activity not included in the said lists.

Where in compliance with the procedure laid down by the laws and regulations of the Republic of Lithuania the proposed economic activity is awarded the status of an object of the State border or an object of national defence, and application of provisions of the Law on Environmental Impact Assessment of the Proposed Economic Activity to this activity may have an adverse effect on the goals of State defence, the competence authority shall decide on a case-by-case basis whether such an activity is subject to the requirements of the said law. There were no such cases in practice.

(b) A report on environmental impact assessment must contain a comprehensive analysis of all the issues provided for in the programme, analysis of the alternatives studied by the drafter of documents of environmental impact assessment and proposals of the public, environmental monitoring plan, information on the technical or practical problems encountered by the organiser (developer) of the proposed economic activity or its authorised drafter of documents of environment impact assessment in the course of environmental impact assessment, a summary of the entire information considered in the report.

When performing procedures ensuring the transparency of environmental impact assessment, all citizens and public organisations participating in the public hearing shall be registered, their speeches shall be recorded, and their proposals shall be registered and assessed according to the established procedure.

Pursuant to the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity, all information related to the provision of information of the public and making the report on environmental impact assessment public (information about announcements, announcements in newspapers, proposals submitted by the public and assessment of such proposals, report on making information available to the public, the list of participants, etc.) shall form an integral part of the report on environmental impact assessment. Therefore, when making decisions, competent authorities shall have statistical data on the involvement of the public.

Provision of information to the public and the participation of public concerned in the process of granting integrated pollution prevention and control permits (IPPC permits), and information about the data of the Permits Database on granted, updated, adjusted and annulled permits as well as limited pollutant emissions and sources of pollution is regulated by Chapter XI "Access to Information and Public Participation in the Permit Procedure", Chapter XII "Permits Database and Provision of Information" and Chapter XIV "Final Provisions" of the Rules of Granting, Updating and Annulment of Integrated Pollution Prevention and Control Permits (*Official Gazette*, No. 103-3829, 2005; No. 133-5410, 2007; No. 1-12, 2009; No. 126-5457, 2009; No. 13-634, 2010) (hereinafter referred to as the IPPC Rules).

(c) Comprehensive procedures of public participation are provided in the act implementing the law. Description of the Information of the Public and Participation in the Process of Environmental Impact

Assessment of the Proposed Economic Activity approved by the order of the Minister of Environment of the Republic of Lithuania regulates the participation of the public in the process of environmental impact assessment. Pursuant to this Description, public information and participation procedures are as follows:

1. Notice of the assessment of environmental impact of the proposed economic activity (notice of the screening conclusion as to whether the proposed economic activity is subject to mandatory environmental impact assessment, and notice of a developed programme for environmental impact assessment);
2. Granting of access to the report on environmental impact assessment of the proposed economic activity to the public;
3. Information about the decision made in reference to the proposed economic activity.

Having received the screening conclusion from the competent authority as to whether the proposed economic activity is subject to mandatory environmental impact assessment, the developer or the drafter of EIA documents must inform the public about it by announcing the following information in areas of high concentration of people, in the national newspapers and in the newspapers of the city/cities or region/regions of the proposed economic activity, in the notice board of the municipality, and, wherever possible, on the radio and TV: the name, address and telephone of the developer of the proposed economic activity; what proposed economic activity will be carried out; the location (county, city, region, village, street) of the proposed economic activity; what competent authority (the Environmental Protection Agency or a regional environmental protection department) has drawn the screening conclusion as to whether the environmental impact assessment is mandatory; where, when and until when more detailed information about the proposed economic activity can be obtained (the address and telephone of the developer is provided); to whom and until when reasoned proposals to reconsider the screening conclusion should be submitted (the address and telephone of the competent authority, the developer or the drafter of EIA documents, and the deadline (10 working days from this publication) is provided); where one can obtain more detailed information about the screening conclusion and screening documents (the address and telephone of the competent authority, the developer or the drafter of EIA documents, and the deadline (10 working days from this publication) is provided).

The competent authority (the Environmental Protection Agency or a regional environmental protection department) shall announce the approved screening conclusion on its website.

The public shall be entitled to submit reasoned proposals to reconsider the screening conclusion within 10 working days from the announcement of the screening conclusion.

Where the public submits proposals to reconsider the screening conclusion, the competent authority and entities of EIA of the proposed economic activity, the developer and the drafter of EIA documents as well as representatives of public concerned, which submitted proposals, shall consider reasoned proposals and draw the final screening conclusion within 10 working days. The developer or the drafter of EIA documents must inform the public about the final screening conclusion by publishing information of the specified form about the adopted final screening conclusion in the local or national newspapers.

The competent authority must announce the adopted final screening conclusion on its website and must provide the inquiring representatives of public concerned with a reasoned answer regarding the final screening conclusion in writing within 10 working days from the date of the adoption of the final screening conclusion.

(d) Prior to providing the programme for EIA to entities of environmental impact assessment, the developer or the drafter of EIA documents must inform the public about the developed programme for EIA by announcing information in the city/region or national newspapers (whenever possible, on the radio and TV, on the developer's website) and in the notice board of the municipality/neighbourhood. This information shall also be provided to the competent authority (in writing/by e-mail), which shall publish a notice of the developed programme for EIA on its website and shall submit it in writing to the representatives of public concerned that submitted proposals regarding the proposed economic activity and/or environmental impact assessment of such activity. The notice shall cover the following information: the name, address, telephone and fax of the developer of the proposed economic activity; the name, address, telephone and fax of the drafter of documents of environmental impact assessment of the proposed economic activity; the title of the proposed economic activity; the location (county, city, region,

neighbourhood, village, street) of the proposed economic activity; entities of environmental impact assessment that will analyse documents of environmental impact assessment falling within the scope of their competence and will submit conclusions; the competent authority that will make a decision on the permission of the proposed economic activity in the selected location; where, when and until when the programme for EIA is available (the address and time period is stated; 10 working days are recommended for making the programme for EIA available); information that reasoned proposals are submitted to the developer or the drafter of EIA documents (the address and contact persons are stated) and that copies of the proposals can also be submitted to entities of EIA and the competent authority with due consideration to the scope of their competence.

(e) The Description enables the developer and the drafter of documents of environmental impact assessment to take the initiative and additionally inform the public, to publish notices in other areas of high concentration of people (e.g. in notice boards of public organisations, shops, housing communities), to provide information using other means (such as polls, mass media, the delivery of notices to houses, sending notices by mail or e-mail, etc.).

(f) Where, prior to approval of a programme for EIA, the council of a municipality within the territory whereof an economic activity is proposed to be carried out adopts a reasoned negative decision regarding the feasibility of the proposed economic activity in accordance with the provisions of the Law on Environmental Impact Assessment of the Proposed Economic Activity, the competent authority shall promptly organise the announcement of such decision in the website of the Ministry of Environment.

Having developed the report on environmental impact assessment of the proposed economic activity, the drafter of EIA documents or the developer must publish the following information using the same mass media that was used for announcing (the development of the programme) at least 10 working days prior to the expected public meeting with the public: the name, address, telephone and fax of the developer of the proposed economic activity; the name, address, telephone and fax of the drafter of documents of environmental impact assessment of the proposed economic activity; the title of the proposed economic activity; the location (county, city, region, neighbourhood, village, street) of the proposed economic activity; entities of environmental impact assessment that will analyse assessment documents falling within the scope of their competence and will submit conclusions; the competent authority that will make a decision on the permission of the proposed economic activity in the selected location; where, when and until when the report on environmental impact assessment of the proposed economic activity is available (the venue, address, telephone and the time and schedule for making the report available is stated). This information shall also be provided in writing to the representatives of public concerned that submitted proposals regarding the proposed economic activity and/or environmental impact assessment of such activity.

The report on environmental impact assessment must be made available to the public at least 10 working days prior to the expected public meeting with the public; where and when (the venue, address and time) the report will be made available to the public; to whom (the address of the developer or the drafter of documents of environmental impact assessment is provided) and how (e.g. in writing, by e-mail, etc.) reasoned proposals regarding the report on environmental impact assessment of the proposed economic activity should be submitted before the report is made available to the public. The report on environmental impact assessment must be made available to the public and exhibited in the office premises of a municipality/neighbourhood or in any other venue selected and coordinated with the municipality/neighbourhood within the territory whereof an economic activity is proposed to be carried out, at the time convenient to the public outside the working hours (it is recommended to make the report available to the public on days other than working days). Moreover, the developer or the drafter of documents of environmental impact assessment must provide conditions to the public to access the report on environmental impact assessment at its principal office.

Chapter XI "Information of the Public" of the procedure approved by Order No. 620 of 5 December 2002 of the Minister of Environment (*Official Gazette*, No. 15-634, 2003; No. 64-2913, 2003) in line with the provisions of Directive 1999/13/EC provides that regional environmental protection departments must

ensure that at least applications for authorisation for new installations that use solvents or for substantial changes of those installations are made available for an appropriate period of time to the public, to enable it to submit proposals before regional environmental protection departments reach a decision. Information about the binding environmental provisions and rules applicable for operators of installations and the list of registered and authorised activities shall be made available to the public. The results of the monitoring of emissions of volatile organic compounds defined in Chapters VIII and IX and as required under the authorisation or registration conditions must be made available to the public. Regional environmental protection departments shall register authorisation proposals submitted by the public, and the said departments shall consider such proposals when preparing the decision regarding the authorisation. The decision of regional environmental protection departments, including at least a copy of the authorisation, and any subsequent updates in relation to the said installations, except any confidential information, must also be made available to the public.

(g) Before the commencement of or during a public meeting the developer or the drafter of EIA documents shall appoint a chairman and a secretary (the developer and the drafter of EIA documents are recommended to act as the chairman and the secretary) and register participants. Speeches delivered during a public meeting shall be included into the minutes.

During the public meeting, the developer or the drafter of EIA documents authorised by the developer shall introduce the developer and the drafter of EIA documents, describe the proposed economic activity and present the report on EIA, answer any questions and assess the proposals submitted by public concerned and received prior to the commencement of the meeting.

The minutes shall state the following: the date and venue of the public meeting; participants (the list of registered participants is enclosed); the title of the considered report on EIA; a short report delivered by the developer or the drafter of EIA documents on environmental impact assessment of the proposed economic activity; consideration and assessment of proposals submitted by public concerned and received prior to the meeting; speeches of the participants on the issue under consideration; that the participants are aware of the procedure and deadlines for making the minutes available to the public (stating where and until when the minutes will be available to the participants).

The time period for making the minutes public shall be 3 working days from the date of their signature. Comments on the minutes shall be submitted to organisers of the meeting in writing, stating the full name/corporate name and address of the person submitting the comment and the date of submission.

Having received the report on environmental impact assessment, conclusions of entities of environmental impact assessment of the proposed economic activity on the report and the permission of the proposed economic activity, and the reasoned assessment of reasoned proposals of public concerned provided by the drafter of documents of environmental impact assessment, the competent authority shall issue the announcement in the website of the Ministry of Environment. The announcement will provide the following information: the name, address, telephone and fax of the developer of the proposed economic activity; the name, address, telephone and fax of the drafter of documents of environmental impact assessment of the proposed economic activity; the title of the proposed economic activity; the location (county, city, region, neighbourhood, village, street) of the proposed economic activity; the date until when public concerned may submit written reasoned proposals on issues of environmental impact assessment of the proposed economic activity to the competent authority and to entities of environmental impact assessment on issues falling within their competence. The deadline for the referral: 10 working days from the date of this announcement).

(h) Authorities shall provide written responses to requests of the public. Prior to making a decision, the competent authority shall invite entities of environmental impact assessment, the drafter of documents of environmental impact assessment and representatives of the public that submitted reasoned proposals to participate in the consideration.

Using the established form, the developer or the drafter of documents of environmental impact assessment shall develop a reasoned assessment of reasoned proposals submitted by public concerned and shall provide a written response to the representatives of public concerned that submitted reasoned proposals

regarding the assessment of their proposals.

If the report on environmental impact assessment has to be substantially amended (e.g. new locations, technology alternatives, mitigation measures, etc., are proposed) after it has been made available to the public and after the competent authority and entities of environmental impact assessment have submitted reasoned conclusions, the competent authority shall have the right to request that the developer of the proposed economic activity repeatedly makes the corrected or amended report on environmental impact assessment available to the public.

Within 10 days after granting or updating the Permit for installations listed in Annex 1 to the Rules, regional environmental protection departments shall inform the public about it (using the available means of information) stating the following information: when, to what operator and for what economic activity the Permit has been granted or updated; where and when the public may have access to the Permit, the conditions established in the Permit as well as information and reasons regarding the consideration of comments and proposals of public concerned when making the decision to grant or update the Permit.

At the applicant's request, regional environmental protection departments shall provide information related to granting or updating a Permit as well as data stored in Permits Databases following the procedure established by laws and regulations.

The operator shall make the results of its environmental monitoring available to the public.

Data of Permits Databases, including the results of environmental monitoring, (except for information that is deemed to be commercial/trade secrecy) must be available to the public during the working hours, as provided by the Law of the Republic of Lithuania on the Right to Receive Information from Public and Municipal Authorities and Institutions (*Official Gazette*, No. 10-236, 2000; No. 139-5008, 2005).

(i) The competent authority shall announce information about the adopted decision on the permission of the proposed economic activity in the website of the Ministry of Environment within 10 working days following the adoption of the said decision. The announcement must include the content of the decision and all related conditions, the principal reasons behind the adoption of the decision; information about the provided measures to prevent, mitigate or compensate the adverse effect of the proposed economic activity on the environment. Both the decision and the announcement include aspects of the information of the public and participation in the process of environmental impact assessment. The decision form and the form of providing information about the adopted decision is approved by the law.

Having received the decision of the competent authority on the permission of the proposed economic activity in the selected location, the developer shall inform the public about it within 10 working days by announcing information about the decision of the competent authority to permit the proposed economic activity in the selected location using mass media (the same mass media that was used for announcing the screening conclusion and the development of the programme).

When the economic activity proposed to be carried out within the territory of the Republic of Lithuania is likely to have a significant adverse effect for a foreign state, which is a party to the 1991 UN Convention on Environmental Impact Assessment in a Transboundary Context, or when this foreign state requires to perform environmental impact assessment, the public shall participate in the process of environmental impact assessment in compliance with this Convention, the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity, treaties to which the Republic of Lithuania and the respective foreign states are parties, and other laws and regulations.

Provision of information to the public and the participation of public concerned in the process of granting Permits shall be organised by regional environmental protection departments (hereinafter referred to as REPD). Having received an application to grant or update the Permit for installations listed in Annex 1 to the Rules, REPD shall inform the public within 10 days using available means of dissemination of information (city, regional or national newspapers, notice boards of a municipal authority, and, whenever possible, electronic information means). The announcement shall state the following: where and for what installation/object of economic activity, for what economic activity the Permit is expected to be granted or updated; what is the operator; where and when information provided in the application under these Rules are made available to the public; the name of the authority participating in making the decision regarding the granting or updating of the Permit; to whom and until when reasoned proposals can be

submitted regarding the granting or updating of the Permit. Public concerned shall have the right to submit proposals and comments within 21 day from the date of the publishing of the said announcement.

Regional environmental protection departments shall register proposals received from public concerned and shall consider them when preparing the Permit. The Permit shall be granted only upon the expiration of the final date for the submission of comments and proposals.

Public concerned as well as non-governmental organisations that promote environmental protection and meet the requirements prescribed by the Lithuanian law, and other interested parties shall have the right to appeal decisions and acts or omissions of regional environmental protection departments related to granting, updating, adjusting and annulment of the Permit, including the participation of the public, to court as of the date of the decision to accept the application for the Permit, following the procedure established by the law.

Regional environmental protection departments shall, within the scope of their competence, ensure that practical information regarding the right to appeal decisions and acts or omissions related to granting, updating, adjusting and annulment of the Permit, including the participation of the public, to court or any other competent authorities, is made available to the public.

(j) The Law of the Republic of Lithuania on Environmental Protection (*Official Gazette*, No. 5-75, 1992) guarantees the right to obtain information on the environment; to participate in the process of environmental impact assessment of the proposed economic activity; to submit reasoned proposals on the mandatory nature of environmental impact assessment; to conduct public environmental impact assessment. The Law provides that State government, administration and control institutions shall, within the scope of their competence, comply or dismiss, on a reasoned basis, proposals of citizens, public organisations and other legal and natural persons regarding environmental issues; inform the public about projects of economic activities likely to have an adverse effect on the environment; give due consideration to reasoned proposals of the public on the mandatory nature of environmental impact assessment of the proposed economic activity; assess reasoned proposals of the public on environmental impact assessment of the proposed economic activity and the likely effect of the proposed economic activity on the environment; encourage citizens, public organisations and other legal and natural persons to participate in the adoption and implementation of decisions in the field environmental protection.

Information of the Public on Environmental Matters approved by the Government and Regulation on the Storage of Documents of the Ministry of Environment, Information of the Public upon Request, and Attending to the Visitors approved by the Ministry of Environment enable the public to receive all information related to environmental impact assessment from public authorities.

(k) Regulation for information of the public and public participation in issuing permits for use of genetically modified organisms and genetically modified products (*Official Gazette*, No. 62-2832, 2003; No. 4-127, 2006) has been drafted in accordance with Law No. IX-375 of the Republic of Lithuania on Genetically Modified Organisms of 12 June 2001 (*Official Gazette*, No. 56-1976, 2001; No. 34-1419, 2003; No. 77-2967, 2006), the Aarhus Convention, Council Directive 2001/18/EC, Council Directive 2009/41/EC. This Regulation was approved in 2003 by Order No. 299 of 2003 of the Minister of Environment of the Republic of Lithuania. This Regulation regulates information and participation of the public in issuing permits for use of genetically modified products.

Regulation applies to information and participation of the public in issuing permits and authorisation for contained use of GMM/GMO, deliberate release into the environment of GMO or placing of GMO in the market as products or as a constituent of other products.

The Ministry of Environment organises the compilation and storage of information on use of genetically modified organisms and their products in the Republic of Lithuania and making such information available to the public through the Database of Genetically Modified Organisms (<http://gmo.am.lt>), and this is done without violating any information confidentiality or intellectual property rights.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

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

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

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

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The description of the regulation for the strategic environmental assessment of plans and programmes approved by the Government of the Republic of Lithuania defines the public. Public shall mean one or more natural or legal persons and their associations, organisations or groups. Other concepts used in the Description, including the concept of ‘public concerned’, are defined by the Law on Environmental Protection (*Official Gazette*, No. 5-75, 1992; No. 70-3472, 2010): “public concerned shall mean one or more natural or legal persons affected or likely to be affected by decisions, acts or omissions in the field of the environment and protection thereof as well as utilisation or natural resources or having an interest in the process of adoption of these decisions. According to this definition, the associations and other public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) established in accordance with the procedure laid down by legal acts and promoting environmental protection shall in any case be held the public concerned.”

Article 52 of the Law on Territorial Planning (*Official Gazette*, No. 107-2391, 1995; No. 21-617, 2004): the public shall mean one or more natural or legal persons as well as their associations, organisations or groups.

Article 34 of the Law on Territorial Planning (*Official Gazette*, No. 107-2391, 1995; No. 21-617, 2004): the public concerned shall mean the public affected or likely to be affected by the solutions of the territorial planning documents being prepared or which has an interest in implementing the said solutions; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting the requirements under national law shall be deemed to have an interest.

Article 19 of the Law on Territorial Planning (*Official Gazette*, No. 107-2391, 1995; No. 21-617, 2004): organisers of planning shall mean the Government of the Republic of Lithuania (hereinafter referred to as the Government) or the entities of public administration authorised by it, the director of the municipality administrator, the director of the protected area authority, legal and natural persons organising the preparation, coordination, consulting thereon or public hearing or territorial planning documents and their submission for approval.

The Law on Equal Treatment (*Official Gazette*, No. 114-5115, 2003; No. 76-2998, 2008) establishes the duty of public and municipal authorities and institutions to implement equal treatment.

The opportunity of the public to participate in the development of plans of protected areas shall be defined by the said provisions of the participation of the public in the process of territorial planning. The public may submit proposals from the very start of the planning process. The developed plans shall be provided to the public during public hearing. If no consideration is given to proposals, the public may apply to the authority supervising the territorial planning or to court. Consolidated provisions guarantee equal opportunities for the public to participate in processes and do not create any preconditions for

discrimination under the grounds provided in Article 3(9) of the Aarhus Convention.

The description of the regulation for the strategic environmental assessment of plans and programmes ensures consulting with the public, consideration of the results of such consulting and other procedures ensuring the transparency; the public will be able to participate in the assessment of the solutions of the territorial planning documents as well as other plans and programmes, and the originators of a plan or a programme shall inform the public about the adopted decision. If it is decided that the strategic environmental assessment is not carried out, the originator of a plan or a programme shall inform where the reasons behind such decision are made available to the public. The originator of a plan or a programme shall consult the public and provide it with the report and the draft plan/programme, and – if the assessment is related to the solutions of the territorial planning documents – the report and the solutions developed at the stage of formulation of the concept of the plan. The originator of a plan or a programme shall inform the public about the adopted decision and indicate where the following is made available to the public: the approved plan or the programme; provided means for the monitoring of the implementation of the plan or the programme; the description, which briefly indicates how environmental issues are reflected in the plan or the programme; to what extent the adoption of the decision gave considered information provided in the assessment report, conclusions of the entities of the assessment, proposals submitted by the public; to what extent the adoption of the decision gave considered the results of cross-border consulting, if any; why the consideration of alternatives led to the selection of the adopted alternative of the concept of the plan, the programme or the territorial planning document.

The description of the regulation for the participation of the public in the strategic environmental assessment of plans and programmes and for the information of the entities of assessment and the Member States approved by the order of the Minister of Environment of the Republic of Lithuania ensures that that public shall be provided with the opportunity to participate in the strategic environmental assessment of plans and programmes, it shall be consulted and it shall be able to participate in a public hearing of the report of the strategic environmental assessment, and that the public shall also be provided with the opportunity to know the decisions adopted in relation to the adoption and/or approval of a plan or a programme. Pursuant to this description, public participation procedures are as follows:

1. Announcement of the strategic environmental assessment of plans and programmes;
2. Making the report on the strategic environmental assessment of plans and programmes as well as the draft plan /programme available to the public;
3. Information about the adopted decision on the approval of a plan or a programme.

When performing territorial planning, strategic environmental assessment of plans and programmes and procedures ensuring the transparency of environmental impact assessment, all citizens and public organisations participating in the public hearing shall be registered, their speeches shall be recorded, and their proposals shall be registered and assessed according to the established procedure.

Public consulting documents (certificates of the submission of proposals, minutes certifying availability to the public, the list of participants, information about announcements) shall form an integral part of the assessment report of the strategic environmental assessment. Therefore, when making decisions, competent authorities shall have statistical data on the participation of the public.

Provisions of Article 7 and Article 6(2) and (3) of the Aarhus Convention shall be implemented by:

1) informing the public about the commencement of planning in the Official Gazette, websites of the organiser of planning (State Service for Protected Areas under the Ministry of Environment) and municipalities, and in local newspapers. Information states the proposed activity (a), the nature of possible decisions /objectives of planning/ (b), the public authority responsible for making the decision /organiser of planning/ (c); also, paragraphs I, II, III (tentatively), IV, V and E of item 6;

2) informing the public about the developed plans and public hearing in websites of the organiser of planning (SSPA) and municipalities, local newspapers and notice boards of neighbourhoods. Information states the proposed activity (a), the effects of possible decisions /objectives of planning/ (b), the public authority responsible for making the decision /organiser of planning/ (c); also, paragraphs I, II, III (precise), IV, V, VI (using paragraph IV) and E of item 6.

The public is informed at the initial stage; it can submit proposals and actively participate in the process. Information is provided in writing in respect of each proposal submitted by the public when the submitted

proposals are approved; also, reasoned refuse to consider the proposals is provided. Material of procedures ensuring the transparency form an integral part of territorial planning documents; such material includes a report on the participation of the public and a summary of received proposals.

For the purpose of providing the public with the access to information about ambient air quality, ambient air quality management programmes and plans for their implementing measures, enabling the public to participate in the decision making, and for the purpose of implementing Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, Article 4(1) of the Law of the Republic of Lithuania on Ambient Air Protection (*Official Gazette*, No. 98-2813, 1999; No. 54-2468, 2010) provides that the Ministry of Environment and the Ministry of Health shall establish the procedure of informing the public, authorities and institutions concerned about the levels of ambient air pollution; Article 4(3) establishes that the ambient air quality management programmes and plans for their implementing measures developed by executive municipal authorities in order to prevent limit or other values of pollution and alert thresholds established by this law from being exceeded must be made available to the public, while Article 9 establishes that if an alert threshold is exceeded, institutions authorised by the Ministry of Environment and the Ministry of Health shall promptly inform the public and take measures to reduce a threat to human health and the environment following the procedure established by the Ministry of Environment and the Ministry of Health. For the purpose of the implementation of the provisions of this law, the new wording of the description of the procedure of informing the public, authorities and institutions concerned about the levels of ambient air pollution (*Official Gazette*, No. 157-7111, 2009; No. 82-4363, 2010) was approved by Order No. D1-803/V-1065 on 24 December 2009, while Order No. D1-284 of 12 April 2010 of the Minister of Environment (*Official Gazette*, No. 43-2071, 2010) respectively amended the description of the procedure of informing the public and public participation in the drafting of plans and programmes for ambient air and water protection and waste management approved by Order D1-381 of 26 July 2005 by the Minister of Environment.

The participation of the public in the development of special plans of natural framework and ecological network, landscape, zones of protected areas and their boundaries, management plans shall be regulated by the Law on Territorial Planning. The key legislation enabling the public to participate in the development of plans and programmes related to environmental protection are as follows: the Law on Territorial Planning (*Official Gazette*, No. 107-2391, 1995; No. 21-617, 2004), Provisions on the Participation of the Public in the Process of Territorial Planning approved by Resolution No. 1079 of 18 August 1996 of the Government of the Republic of Lithuania (*Official Gazette*, No. 90-2099, 1996; No. 112-4189, 2004; No. 33-1190, 2007).

The development of the water management system based on the river basin districts involves the cooperation with national experts and scientists, public and municipal authorities from various sectors. For the purpose of information and involvement of the public at large into the development of the water management system, the Environmental Protection Agency developed and approved the Schedule of Development of the Management Plans for River Basin Districts in October of 2006 in order to inform the public and River Basin Districts (hereinafter referred to as RBD) coordination councils about the proposed activities in the field of water management. The Schedule includes the activities for the development of management plans for RBD, deadlines for their implementation, competent authorities.

The Environmental Protection Agency and the Lithuanian Geological Survey presented the management plan for the Nemunas RBD and the programme of measures approved by Resolution No. 1098 of 21 July 2010 by the Government of the Republic of Lithuania. National and foreign experts and scientists were involved in the development of the management plan.

The development of the management plan commenced in June of 2008. The public and various authorities have been receiving information about the plan under development since the very start of the project.

A management plan is a document intended to protect and improve the aquatic environment. It assesses various effects in the Nemunas river basin district and proposes measures to solve the existing problems. It also provides information about the current condition of the Nemunas RBD, risk waters and the economic analysis of water use.

The management plan of the Nemunas river basin district (hereinafter referred to as RBD) and the

programme of measures to achieve water protection objectives in the Nemunas RBD were approved by Resolution No. 1098 “On the Approval of the Management Plan of the Nemunas River Basin District and the Programme of Measures to Achieve Water Protection Objectives in the Nemunas River Basin District” of 21 July 2010 of the Government of the Republic of Lithuania.

The Environmental Protection Agency and the Lithuanian Geological Survey drafted management plans and programmes of measures for Lielupė, Venta and Daugava river basin districts.

Management plans include the summary of water characteristics of RBD, the effects of human activity on the condition of waters, the condition of waters and environmental issues, water protection objectives and measures to achieve them.

Programmes of measures state the key and the auxiliary measures as well as cost of measures. These drafts have been submitted for coordination with the public and the parties concerned, announced in the website of the Environmental Protection Agency and in the draft registration subsystem of the legislation information system of the Seimas of the Republic of Lithuania (http://www.lrs.lt/tais_tapis/). The public and the parties concerned are encouraged to comment on the draft management plans and programmes of measures and to submit their proposals.

We would like to note that the public has the right to receive information about the quality of water, to participate in environmental impact assessment of the economic activity, to participate in the territorial planning, to initiate the drafting or amendment of legislation, to actively participate in the implementation of such legislation, to state its opinion and to submit proposals, to set up communities and to represent the opinion of such communities, and to carry out voluntary monitoring of waters.

The key legislation of the Republic of Lithuania regulating the services of drinking water supply and waste water management, being the services of general interest, is the Law of the Republic of Lithuania on Drinking Water Supply and Waste Water Management (*Official Gazette*, No. 82-3260, 2006) and the Law of the Republic of Lithuania on Local Self-government (*Official Gazette*, No. 55-1049, 1994; No. 113-4290, 2008). Pursuant to the said legislation, the abstraction and supply of drinking water and provision of waste water management facilities in the territory of a municipality is the duty of municipalities (Article 11 of the Law on Drinking Water Supply and Waste Water Management). Pursuant to Article 11(2) of the said law, municipal councils shall execute the rights and duties of the owners of the drinking water supply and waste water management infrastructure intended for water supply or members of enterprises controlled by a municipality/municipalities that own the infrastructure.

Pursuant to the provisions of Article 6(30) of the Law on Local Self-government, the organisation of drinking water supply and waste water management are independent functions of municipalities (set out (assigned) by the Constitutions and laws). Municipalities perform such functions within the scope of their competence prescribed by the Constitution and laws, and within the scope of their undertakings to the community. When implementing the said functions, municipalities shall enjoy the freedom of initiative of decisions, their adoption and enforcement as granted by the Constitution and laws, and shall be responsible for the fulfilment of the said functions. With due consideration to the above, municipalities shall, when implementing the said legislation, ensure the universality and availability of drinking water supply and waste water management services, being services of general interest, to all residents of the municipality.

For the purpose of the implementation of the provisions of Article 4 of the Law of the Republic of Lithuania on the Implementation of the Law on Drinking Water Supply and Waste Water Management (*Official Gazette*, No. 82-3261, 2006), municipalities had to develop plans for the development of water supply and waste water management infrastructure by 30 June 2008; such plans had to state infrastructure development stages within the territory of a municipality, deadlines for the completion of work, the required investments so as to provide 95% of the residents of the municipality with uninterrupted drinking water supply and waste water management services meeting the quality requirements by 31 December 2014. With due consideration to the above, it is the duty of a municipality to indicate methods (to be included in the infrastructure development plan) of drinking water supply and waste water management in cities, towns, settlements, villages, gardeners' communities, districts and other residential locations within the municipality.

Articles 30-33 of the Law on Territorial Planning (*Official Gazette*, No. 107-2391, 1995; No. 21-617,

2004) provide that territorial planning documents must be publicly presented and available to the public. Both natural and legal persons shall have the right of access to the concept of planning documents and to the planning documents themselves, and shall have the right to submit comments.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

The Statute of the Seimas of the Republic of Lithuania (*Official Gazette*, No. 15-249, 1994; No. 5-97, 1999) provides that draft laws submitted for public consideration shall be announced in the website of the Seimas. In publishing such drafts, the names of persons who prepared and initiated them must be indicated.

Legislative rules of the Republic of Lithuania approved by Resolution No. 1244 of 30 September 2009 of the Government of the Republic of Lithuania provide that in order to find out the public opinion on a problem and its solution methods, it is better to assess favourable and adverse effects of the proposed legal regulation and its implementation costs, to ensure the transparency of its regulation and to enable the public to influence the contents of a certain solution, to consult with the public. The drafter the law shall establish the time period for holding consultations. Unless the law provides otherwise, consultation methods (assemblies of the parties concerned, polls, public meetings, invitation of representatives, other methods to find out opinions) shall be selected by the drafter of the law. The following shall be stated when announcing public consultations (in the website of the institution): the scope of consultations (goals, target groups, the subject of consultations); proposed alternative solutions and their expected effects. The drafter of the law may present an auxiliary document for consultations, viz. the final list of questions to be answered by the target group/groups. Information on the summarised results of consultations are announced in the website of the institution with due consideration to the proposals, opinions and responses received during consultations.

For the purpose of the implementation of the European Landscape Convention, Lithuania seeks to increase the activity of the public in shaping the Lithuanian landscape policy and in decision making in this field. The public is informed and has an opportunity to state its opinion on all laws and regulations being drafted.

The Lithuanian landscape policy and its implementing legislation, strategic planning documents of protected areas, e.g. the progress of the development of the management programme of protected areas, shall be described in the website of the Ministry of Environment, and the public shall be invited to submit proposals. When the drafting of this document commenced, a meeting with social partners (NGOs, scientific institutions, etc.) was held regarding objects and problem issues to be analysed in the management programme of protected areas. Similar meeting with social partners is expected to be held when the drafting of the document comes to a close.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any obstacles encountered in the implementation of article 7.

Specification of compensation measures concerning property at the time of planning and strategic environmental assessment. Currently, the majority of issues raised by the public are related to property relations rather than with environmental impact assessment, environmental protection or public health. The public often disagrees with the amount of compensation payment; there were cases when the proposed activity was not carried out as a result of the failure to agree on the amount of payments.

There is a shortage of data on specific solutions and potential effects during the preparation and performance of the strategic environmental assessment of plans and programmes at their earliest stage, which affects risk assessment. It is difficult to assess alternatives.

Problems of communication among institutions. For example, information of the public about territorial planning poses a problem of announcing information in websites of municipalities; in some cases deadlines established by the legislation for announcing information are not observed.

The problem of the area of announcement: information about territorial planning is published in local

newspapers; therefore, it is more difficult for persons who own land in the planned territories and live in other areas to obtain information.

The annex to Order No. D1-210 “On the Approval of the List of Locations that Meet the Selection Criteria of Areas Important for the Protection of Natural Habitats; to be submitted to the European Commission” of 22 April 2009 of the Minister of Environment of the Republic of Lithuania included the Romainiai Oak Grove as a potential Natura 2000 area. The importance of this area is due to the presence of the hermit beetle (*Osmoderma eremite*), an especially rare species in Europe and in Lithuania. This species of beetles is entered into the Lithuanian Red List. In order to ensure the conservation of this beetle species the decision was made to include the Romainiai Oak Grove into the Natura 2000 network. However, the drafting of the detail design of Medekšinės g. 10, which is located right next to the said Romainiai Oak Grove, failed to assess the effects of the proposed shopping centre on the potential Natura 2000 area. Kaunas City Municipality approved the detail design of Medekšinės g. 10 by its Decision No. T-22 “On the Approval of the Detail Design of Medekšinės g. 10” of 28 January 2010, failing to consider the absence of the mandatory procedures regarding the assessment of solutions of selection and planning documents of the environmental effects of the proposed economic activity. The Romainiai community, being an entity of the public concerned, applied to court requesting the annulment of Decision No. T-22 of 28 January 2010 of Kaunas City Municipality as conflicting with the provisions of the Aarhus Convention and national laws and regulations.

By its decision of 17 September 2010, Kaunas Regional Administrative Court annulled Decision No. T-22 “On the Approval of the Detail Design of Medekšinės g. 10” of 28 January 2010 of Kaunas City Municipality stating that “the failure to carry out comprehensive and justified analysis of the assessment of solutions of selection and planning documents of the environmental effects of the proposed economic activity, and the mere technical statement that the effects of the solutions of documents were positive, the effects of the solutions on the natural environment and landscape were neutral and the effects on the soil, air and water were minimal, violated Article 25(4) of the Law on Territorial Planning and the procedure for the assessment of the effects of solutions established by the description of the regulation for the assessment of solutions of territorial planning documents approved by Government Resolution No. 920 of 16 July 2004, which had material effects on the interests of the applicant, being the public concerned, to live in a safe environment.” (p. 14 of the Decision of 17 September 2010)

However, the court rejected the arguments of the Romainiai community requesting to repeat environmental impact assessment of the proposed economic activity on the established Natura 2000 area nearby by stating that the said area “...is not an established Natura 2000 area” yet.

The Romainiai community disagreed with the argument provided in the decision of 17 September 2010 of Kaunas Regional Administrative Court that areas that potentially were Natura 2000 areas were not subject the mandatory assessment procedures and that only established Natura 2000 areas were subject to the assessment; therefore, pursuant to the Aarhus Convention, the Romainiai community appealed the decision of 17 September 2010 of Kaunas Regional Administrative Court to the Supreme Administrative Court of Lithuania. In its appeal the Romainiai community indicated that the court of the first instance incorrectly interpreted the Aarhus Convention and unreasonably stated in its decision that “grounds provided by Article 9 of the Aarhus Convention grant the right to the Applicant to apply to court for the purpose of protecting the public interest of community members concerning the validity of the approval of the detail design only in the field of environmental protection related to the elements of the environment, such as air, atmosphere, water, soil, ground, landscape, natural objects, biodiversity.” The court quoted only a part of the interpretation of Article 9 of the Aarhus Convention developed in the case-law, and thus unreasonably narrowed the Applicant’s right to apply to court regarding the protection of the public interest on the grounds of the Aarhus Convention.

It should be noted that the decision is not yet effective. The court of the appeal instance will investigate the motives of Kaunas Regional Administrative Court and may develop a completely different case-law on the said issue.

Another case is pending at Kaunas Regional Administrative Court; in this case the applicants claim the

violation of their rights under Articles 6 and 7 of the Aarhus Convention because the public received no information and was not included into the decision making when Decision No. T-178 “On the Approval of the Landholding Plan of Vokės g. 7A” of 25 March 2004 of Kaunas City Municipality was being considered and approved. The public concerned claims that the drafting and approval of the plan of Vokės g. 7A were performed without informing the public; thus violating the provisions of Articles 6 and 7 of the Aarhus Convention.

It should be noted that the court proceedings are pending.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

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

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web site addresses, if available:

Website of the Ministry of Environment: <http://www.am.lt> (under Environmental Impact Assessment).

Website of the State Service for Protected Areas” <http://www.vstt.lt> – the public is informed about the planning procedures of protected areas.

<http://www.vstt.lt/VI/index.php#r/60> provides data on protected areas planning documents, either drafted or being drafted.

Website of the Environmental Protection Agency: <http://www.gamta.lt>

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

In Lithuania, the participation of the public in the drafting of laws and regulations (including laws and regulations in the field of environmental policy) is regulated by general provisions stated in the Law on the Citizens’ Legislative Initiative (*Official Gazette*, No. 1-5, 1999), which guarantees the right of the citizens’ legislative initiative; the Law on Petitions (*Official Gazette*, No. 66-2128, 1999), which enables to apply to public authorities demanding or proposals to deal with important issues and, whenever necessary, to adopt, amend, supplement or repeal an applicable law or regulation. Pursuant to the Law on the Citizens’ Legislative Initiative, all citizens shall have the right to submit proposals regarding the drafting of a law or regulation, while the Statute of the Seimas (*Official Gazette*, No. 15-249, 1994; No. 5-97, 1999; No. 86-2617, 2000) (Articles 126, 143, 147 et al) provides an opportunity to submit draft laws to the public for debating. By its decision “On the Information of the Public About Draft Laws and Regulations” (*Official Gazette*, No. 109-2769, 1997), the Board of the Seimas established that draft laws and regulations registered with the Secretariat of the Seimas Sitzings would be published in the *Informaciniai pranešimai* supplement to the Official Gazette. Article 7 of the Law on Public Administration (*Official Gazette*, No. 60-1945, 1999; No. 77-2975, 2006; No. 123-4657, 2008) states that entities of public administration must consult about administrative decisions related to general legitimate public interests with organisations representing public interests in a particular field (associations, trade unions, representatives of other non-governmental organisations) and in cases provided for by laws – also with residents or groups thereof. Information about a method of consultation, its participants and results

must be announced in the website of an entity of public administration that has prepared a draft administrative decision.

The Rules of Procedure of the Ministry of Environment of the Republic of Lithuania (*Official Gazette*, No. 65-2408, 2006; No. 118-4511, 2006; No. 9-364, 2007; No. 104-4268, 2007; No. 75-2970, 2008; No. 31-1236, 2009; No. 39-1489, 2009; No. 13-635, 2010) provide that working groups may be set up by the order of the Minister for the drafting of laws and regulations; such working groups may include representatives of the administrative subdivisions of the Ministry, institutions under the Ministry or institutions subordinated to the Ministry, other ministries, public and municipal authorities and institutions as well as organisations.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any obstacles encountered in the implementation of article 8.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

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

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web site addresses, if available:

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

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

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

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

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

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

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

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

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

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

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

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

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

(a) The right of persons to receive information held by or intended for public or local self-government authorities shall be regulated by general as well as special (regulating the field of environment) laws and regulations.

The Law of the Republic of Lithuania on the Right to Receive Information from Public and Municipal Authorities and Institutions consolidates the general principle that public and local self-governing authorities and institutions must provide persons with information held by such authorities and institutions (Article 3(1) of the Law).

The procedure of provision of environmental information, the rights and duties of persons are consolidated in regulatory enactments.

Pursuant to the provisions of the Law of the Republic of Lithuania on Public Administration, entities of public administration shall consider applications (including applications to provide environmental information) submitted by persons in accordance with the Rules for the Consideration of Applications Submitted by Persons and for the Provision of Services to such Persons by Public Administration Authorities, Institutions and Other Entities of Public Administration (hereinafter referred to as the Rules) approved by Government Resolution No. 875 of 22 August 2007. Paragraph 44 of these Rules provides that if a person disagrees with the response received by his application from an authority, or if no response is provided to the person by the established deadline for the consideration of applications, such person shall have the right to lodge a complaint in accordance with the procedure established by Chapter III “Administrative Procedure” of the Law of the Republic of Lithuania on Public Administration, in accordance with the procedure established for the Administrative Disputes Commission by the Law of the Republic of Lithuania on Administrative Disputes Commissions, and in accordance with the procedure established for the Administrative Court by the Law of the Republic of Lithuania on Administrative Proceedings. A person shall have the right to file a complaint with the Seimas Ombudsman of the Republic of Lithuania about the abuse of office by and bureaucracy of public servants or other violations of human rights and freedoms in the field of public administration following the procedure established by the Law of the Republic of Lithuania on the Seimas Ombudsmen.

Similar provisions are provided by a special regulation intended for the environmental sector, viz. the Description of the Regulation for the Information of the Public About the Environment in the Republic of Lithuania approved by Resolution No. 1175 of 22 October 1999 of the Government of the Republic of Lithuania (hereinafter referred to as the Description of the Regulation). The Description of the Regulation also establishes the requirement for the contents of the provided information, the procedure of the provision of information and the rights of persons related to such procedure. Pursuant to paragraph 15 of the Description of the Regulation, if a person thinks that the provided information is false or not comprehensive, or if a person receives no response by the deadline established in the Description of the Regulation, such person shall have the right to file a complaint to the Administrative Disputes Commission regarding the failure to provide information, the provision of not comprehensive information or the refusal to provide information, as prescribed by the Law of the Republic of Lithuania on Administrative Proceedings.

The decision of the Administrative Disputes Commission may be appealed to the Administrative Court following the procedure established by the Law of the Republic of Lithuania on Administrative Proceedings.

It should be noted that, pursuant to the provisions of the Description of the Regulation, a person shall have the right to apply, first of all, to the Administrative Disputes Commission, and – only if he/she disagrees with the decision of the said Administrative Disputes Commission – to court. Such legal regulation is established in order to ensure that the person has access to an expeditious procedure established by law that is free of charge or inexpensive for review by an independent and impartial body other than a court. Pursuant to Article 13 of the Law of the Republic of Lithuania on Administrative Disputes Commissions, complaints (applications) lodged with the Administrative Disputes Commission must be considered and a decision thereon must be taken within 14 days after the receipt thereof; no duties (including stamp duty, etc.) shall be charged when lodging a complaint with the Administrative Disputes Commission; decisions

of Administrative Disputes Commissions shall be reasoned. The decision of the Administrative Disputes Commission shall be dispatched for execution on the next day after its adoption. The entity of public administration must execute the decision within the time period specified therein and where the date is not indicated – within 20 days after the receipt of the decision. Where a person disagrees with the decision of the Administrative Disputes Commission, he/she shall have the right to appeal such decision to court (Article 18 of the Law).

It should be noted that, pursuant to Article 15(1) of the Law on Administrative Disputes Commissions, effective decisions of Administrative Disputes Commissions shall have a binding effect on entities the decisions of which are appealed. Similar provisions are stated in Article 14(1) of the Law of the Republic of Lithuania on Administrative Proceedings, which provides that an effective court decision, ruling and order shall have a binding effect on all public authorities, officers and public servants, enterprises, agencies, organisations, other natural and legal persons and must be executed within the entire territory of the Republic of Lithuania. The court decision shall be in writing and shall be reasoned.

(b) Article 5(1) of the Law of the Republic of Lithuania on Administrative Proceedings provides that every entity concerned shall be entitled to apply to court, in the manner prescribed by law, for the protection of his infringed or contested right or interest protected under law, while Article 56 of the same Law states that in the cases established by law the prosecutor, the entities of administration, public authorities, agencies, organisations, services or natural persons may apply to court with a petition for the protection of the public interest or protection of the rights of the state, municipality and persons as well as the interests protected by laws.

(c) Article 5 of the Civil Code of the Republic of Lithuania provides that any interested person may apply to court for the protection of his infringed or contested right or interest protected under law, while Article 49(1) of the Code states that in the cases established by law the prosecutor, public and municipal authorities and other persons may file a claim for the protection of the public interest.

(d) Both natural and legal persons (including community-based organisations) shall have the right to apply to court for the protection of their interests protected under law or when protecting the public interest on environmental issues (e.g. in relation to decisions, acts or omissions of public or local self-government authorities, etc.). In this relation the case-law concerning the right of communities to apply to court for the protection of the public interest in the environmental field under the Aarhus Convention should be mentioned. In its ruling of 24 October 2006, the Supreme Administrative Court of Lithuania stated that on 31 October 2001 the Republic of Lithuania ratified the Aarhus Convention Article 9(2) of which regulated the right of community-based organisations to apply to courts for the protection of the public interest in the field of environment. Therefore, community-based organisations that help deal with environmental issues and that operate under the provisions of national laws and regulations shall have the right to apply to the administrative court for the protection of the public interest in the field of environment, as provided by Article 56(1) of the Law of the Republic of Lithuania on Administrative Proceedings. Thus, with due consideration to this court decision and having assessed the above provisions of the Law of the Republic of Lithuania on Administrative Proceedings and the Code of Civil Procedure of the Republic of Lithuania, a conclusion can be drawn that the laws and regulations of Lithuania guarantee the opportunity for associations and other persons to apply to courts regarding environmental issues, and in this way respective provisions of the Aarhus Convention are being implemented.

(e) As it was mentioned before, laws and regulations that regulate the right of persons to information about the environment state that any person who thinks that his request to provide environmental information was not considered or was considered improperly shall be entitled to apply to the Administrative Disputes Commission or court.

Provisions of the Law of the Republic of Lithuania on Administrative Proceedings and the Code of Civil Procedure provide an opportunity for all persons to apply to court regarding decisions, acts or omissions of public or municipal authorities or other persons.

Pursuant to Article 7(2) of the Constitution of the Republic of Lithuania, only laws which are published shall be valid in the Republic of Lithuania. The provision of the Constitution is implemented by the Law of the Republic of Lithuania on Procedure of Publication and Coming into Force of Republic of Lithuania Laws and Other Legal Acts. Pursuant to the provisions of the said law, only law and regulations which are officially published (in the Official Gazette, media and official websites of authorities) as prescribed by this law shall be valid, thus ensuring that legal entities know which law or regulation is appropriate, has access to the full version of the law or regulation and can follow it. Thus, the public is provided with information about the right to administrative and legislative review procedure.

It should also be noted that, pursuant to Article 8(2) of the Law of the Republic of Lithuania on Public Administration, an individual administrative act must specify the appeal procedure. The appeal procedure must also be specified in decisions of Administrative Disputes Commission and courts. (Article 87 of the Law of the Republic of Lithuania on Administrative Proceedings; Article 270 of the Code of Civil Procedure of the Republic of Lithuania).

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

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

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

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

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web site addresses, if available:

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

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

- (a) With respect to paragraph 1 of article 6 bis and:
- (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) Paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market, as well as the assessment report where available;
 - (iv) Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) Paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;

c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;

d. An indication of the public authority from which relevant information can be obtained;

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) Paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

(viii) Paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

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

Law No. IX-375 of the Republic of Lithuania on Genetically Modified Organisms of 12 June 2001 (*Official Gazette*, No. 56-1976, 2001; No. 34-1419, 2003; No. 77-2967, 2006);

Order No. 602 "On the Formation of a GMO Management Supervisory Committee and the Approval of Its Regulations" of 18 December 2001 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 111-4053, 2001; No. 52-2580, 2010);

Order No. 299 "On the Approval of Regulation for Information of the Public and Public Participation in Issuing Permits for Use of Genetically Modified Organisms" of 11 June 2003 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 62-2832, 2003; No. 4-127, 2006);

Order "On the Approval of the Description of the Regulation for the Database of Genetically Modified Organisms" of 18 October 2004 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 157-5735, 2004);

Order No. D1-225 "On the Approval of the Description of the Regulation for the Deliberate Release into the Environment of GMO or Placing of GMO in the Market" of 29 April 2004 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 71-2487, 2004; No. 124-4710, 2006);

The Description of the Regulation for the Information of the Public About the Environment in the Republic of Lithuania approved by Resolution No. 1175 of 22 October 1999 of the Government of the Republic of Lithuania (*Official Gazette*, No. 90-2660, 1999; No. 26-831, 2005; No. 19-864, 2010).

(a) (i) In Lithuania, the state management of genetically modified organisms is regulated by the Law on Genetically Modified Organisms (GMO) (*Official Gazette*, No. 56-1976, 2001; No. 34-1419, 2003; No. 77-2967, 2006). Article 12 of this law establishes that the public shall have the right to participate in the making of decisions relating to the use of genetically modified organisms and genetically modified products and to receive information thereon, according to the procedure established by laws and regulations. State management of activities involving the use of genetically modified organisms is performed in Lithuania by the Ministry of Environment. All draft laws and regulations concerning GMO and all applications received in relation to the use of GMO shall be considered by the GMO management supervisory committee consisting of the representatives of public authorities concerned and community-based organisations' debates are held and all opinions are considered. The GMO management supervisory committee was approved by Order No. 602 of 18 December 2001 of the Minister of Environment.

(ii) Regulation for information of the public and public participation in issuing permits for use of genetically modified organisms and genetically modified products has been drafted in accordance with

Law No. IX-375 of the Republic of Lithuania on Genetically Modified Organisms of 12 June 2001 (*Official Gazette*, No. 56-1976, 2001; No. 34-1419, 2003; No. 77-2967, 2006), the Aarhus Convention, Council Directive 2001/18/EC, Council Directive 2009/41/EC. This Regulation was approved in 2003 by Order No. 299 of 2003 of the Minister of Environment of the Republic of Lithuania. This Regulation regulates information and participation of the public in issuing permits for use of genetically modified products.

Regulation applies to information and participation of the public in issuing permits and authorisation for contained use of GMM/GMO, deliberate release into the environment of GMO or placing of GMO in the market as products or as a constituent of other products.

The Ministry of Environment organises the compilation and storage of information on use of genetically modified organisms and their products in the Republic of Lithuania and making such information available to the public through the Database of Genetically Modified Organisms (<http://gmo.am.lt>), and this is done without violating any information confidentiality or intellectual property rights.

The public is entitled to receive public information on the use of GMO and GMP by request, stating what kind of information is requested, the inquirer's full name/corporate name, address and telephone, unless the request is placed in any other form. Such information is not provided if it would violate its confidential nature and intellectual property rights.

The notifier shall organise public information and participation in the making of decisions relating to the use of genetically modified organisms or their products. The notifier shall announce in the media the intention to use GMO or GMP within 10 days from the submission of the application and/or notice to the Ministry of Environment.

The notifier shall provide the following information regarding the intention to use genetically modified organisms or their products in areas of high concentration of people (e.g. in the notice board of the municipality), in the national newspapers and in the newspapers of the city/cities or region/regions of the proposed use of genetically modified organisms or their products, on the radio or TV, following the procedure established in paragraph 9 of this Regulation:

- about the intention to deliberately release GMO into the environment in a new location;
- about the intention to place GMO or GMP in the market, unless they are intended to be used for scientific purposes and unless such information was published before;
- about safety measures to be applied in case of an accident during the contained use of GMO or GMM in classes 2-4, if an adverse effect on the environment and/or human health is likely;
- where, when and how reasoned proposals or comments on the intention to use GMO or GMP can be submitted.

If any new information regarding a threat to the environment, agriculture, human or animal health, which is likely to cause adverse effects, is obtained during the consideration of the notice, the public shall be informed about it as provided by this Regulation.

The public shall have the right:

- to submit reasoned proposals or comments to the Ministry of Environment within 30 days from the date of the announcement in the media about the intention to use GMO or GMP. The Ministry of Environment has to register them according to the form established by Annex 1 and to give due consideration to reasoned proposals and comments of the public;
- to submit comments to the European Commission within 30 days from the date of the publishing of the notice on the authorisation of placing of GMO in the market, the summary of other documents (document summary) and the assessment report;
- to submit comments to the Ministry of Environment within 20 days from the publishing of information in the Database of Genetically Modified Organisms regarding notices received by other Member States on deliberate release into the environment of GMO and placing of GMO in the market.

By submitting reasoned proposals or comments on the proposed use of genetically modified organisms or their products as well as comments on the initial conclusion, the public must state the inquirer's full name/corporate name, address, telephone and date.

Having examined the reasoned proposals submitted by the public and having made a decision on the deliberate release into the environment and/or placing of GMO/GMP in the market, the Ministry of

Environment shall inform the inquirer and publish information in the Database of Genetically Modified Organisms when:

- respective genetically modified organisms or their products can be deliberately released into the environment or placed in the market and under what conditions;
- respective genetically modified organisms or their products cannot be released into the environment and placed in the market or under what conditions.

If any unforeseen changes occur after the Ministry of Environment decides on the deliberate release into the environment of GMO or GMP and if such changes are likely to cause adverse effects threatening the environment, agriculture, human or animal health, the Ministry of Environment shall assess such information and inform the public.

(iii) Having received a decision on the deliberate release into the environment of GMO or GMP or their contained use (in class 2, 3 or 4) from the Ministry of Environment, the notifier shall inform the public about it within 10 days by publishing a short information about the decision of the Ministry of Environment on the authorisation of the use of the genetically modified organism or its product in the media of the region where the activity will be carried out.

(iv) In the announcement issued according to the regulation approved by Order No. D1-225 “On the Approval of the Description of the Regulation for the Deliberate Release into the Environment of GMO or Placing of GMO in the Market” of 29 April 2004 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 71-2487, 2004; No. 124-4710, 2006), the notifier may provide information the disclosure of which can damage its competitiveness and therefore it should be considered confidential. In such case the notifier must provide the Ministry of Environment with documents supporting the said confidential nature, and it must be possible to verify such documents.

The following information cannot be considered confidential:

- the general description of the genetically modified organism/organisms and its/their product/products, the notifier’s name/corporate name and address, the goal, location and the intended purpose of the release into the environment;
- methods and plans for monitoring of genetically modified organism/organisms and its/their product/products and for response to critical situations;
- environmental risk assessment;
- information provided in the application.

having consulted with the notifier, the Ministry of Environment shall decide which information will be considered confidential and shall inform the notifier about its decision in writing.

The Ministry of Environment shall not provide third parties with any confidential information shared or contained in announcement received according to this Regulation; it shall protect intellectual property rights related to the received data.

If for any reason the notifier recalls the announcement, the Ministry of Environment, Public Authorities Concerned, the Supervisory Committee and the Committee of Experts that receive announcements containing confidential information falling within the scope of their competence must keep the received information confidential.

(v) Pursuant to the Description of the Regulation for the Information of the Public About the Environment in the Republic of Lithuania (hereinafter referred to as the Description of the Regulation) approved by Resolution No. 1175 of 22 October 1999 of the Government of the Republic of Lithuania (*Official Gazette*, No. 90-2660, 1999; No. 26-831, 2005; No. 19-864, 2010), the adopted procedure for the provision of information must be made available to the public. Paragraph 21 of the Description of the Regulation provides that authorities must prepare and disburse (within their competences) information defined in paragraph 22 of the Description of the Regulation and help the public access such information. They ensure due information of the public about its rights provided by the Description of the Regulation and the provision of related information and advice. Authorities shall make every effort to ensure easy access for the public to information on the environment, which is available for or intended for such

authorities, using public telecommunication facilities (websites, e-databases), or to ensure that such information is stored in a form or format enabling immediate recovery or receipt by computer telecommunication or other electronic facilities.

(vi) Pursuant to paragraph 14 of Order No. 299 “On the Approval of Regulation for Information of the Public and Public Participation in Issuing Permits for Use of Genetically Modified Organisms” of 11 June 2003 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 62-2832, 2003; No. 4-127, 2006), the public shall have the right:

- to submit reasoned proposals or comments to the Ministry of Environment within 30 days from the date of the announcement in the media about the intention to use GMO or GMP. The Ministry of Environment has to register them according to the form established by Annex 1 and to give due consideration to reasoned proposals and comments of the public;
- to submit comments to the European Commission within 30 days from the date of the publishing of the notice on the authorisation of GMO marketing, the summary of other documents (document summary) and the assessment report;
- to submit comments to the Ministry of Environment within 20 days from the entry of information to the Database of Genetically Modified Organisms regarding notices received by other Member States on deliberate release into the environment of GMO and marketing of GMO.

(vii) Pursuant to paragraphs 16 and 17 of Order No. 299 “On the Approval of Regulation for Information of the Public and Public Participation in Issuing Permits for Use of Genetically Modified Organisms” of 11 June 2003 of the Minister of Environment of the Republic of Lithuania (*Official Gazette*, No. 62-2832, 2003; No. 4-127, 2006), the Ministry of Environment must give due consideration to the proposals and comments of the public before making a decision regarding a deliberate release into the environment of GMO/GMP or placing of GMO/GMP in the market.

(viii) The public is entitled to receive requested public information about the use of GMO and GMP. Such information is not provided if it would violate its confidential nature and intellectual property rights. According to the applicable national laws and regulations, public information about the use of GMO or their products using mass media shall be organised by the notifier. Paragraph 4 of the Regulation for Information of the Public and Public Participation in Issuing Permits for Use of Genetically Modified Organisms or Genetically Modified Products provides that “...the use and compilation of information about GMO or GMP and making such information available to the public through the registry and the internet database shall be organised by the Ministry of Environment, which shall not violate intellectual property rights and the confidential nature of such information.”

The description of the regulation for the database of genetically modified organisms is approved in 2004 by Order No. D1-542 “On the Approval of the Description of the Regulation for the Database of Genetically Modified Organisms” of the Minister of Environment. The following information is compiled in this database and provided in the section available to the public: EU legislation and international treaties; laws and regulation of the Republic of Lithuania; received applications and announcements regarding the release into the environment of GMO, placement of GMO in the market or contained use; issued permits regarding the release into the environment of GMO or contained use of GMO, and authorisation of the placement of GMO in the market; other related information. The said national Database of GMO (website: <http://gmo.am.lt>) is very important for ensuring the transparency of the activities of public authorities, and it ensures information and participation of public at large. It includes a section for the public, which can state its opinion directly.

(b) UNEP-GEF Project No. GFL/2328-2716-4935 „Support for the Project on the Implementation of National Biosafety Framework (NBF) for Lithuania” was implemented from 2006 to 2010. The said project financed seminars for experts (e.g. GMO environmental risk assessment), conferences, national training for specialists (e.g. for SFVS inspectors), publishing of publications (e.g. Regulation of Safe

Application of Modern Biotechnology and Administration when Implementing Biosafety Framework for Lithuania); project consultants and scientists participated in several radio and TV broadcasts, other media in relation to safe use of GMO and the effects of GMO on the environment and human health. Sociological public opinion polls were taken in 2007-2010.

For the purpose of implementation of the provisions of Regulations (EC) No. 1829/2003 and No. 1830/2003 of the European Parliament and of the Council stipulating key requirements for safe use of GMO or their products, a Molecular Biology and Genetically Modified Organism Section was established at the National Food and Veterinary Risk Assessment Institute (NFVRA) in 2003. This institution controls the placement of GMO or their products in the market and performs state laboratory control on security and use. The National Veterinary Laboratory carries out qualitative and quantitative research for identification of genetic modification of all genetically modified food products, veterinary preparations and industrial feedingstuffs.

It carries out research to assess the threat of genetically modified plants to biodiversity.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Sociological public opinion polls taken in 2007-2010 revealed that the Lithuanian public still lacked information about the safe use of GMO; therefore, knowledge was patchy. Half of the respondents indicated that they did not receive sufficient information about the safe use of GMO and GMP.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

<http://gmo.am.lt>