

**REPORT OF LITHUANIA ON THE
IMPLEMENTATION OF THE CONVENTION ON
ENVIRONMENTAL IMPACT ASSESSMENT IN A
TRANSBOUNDARY CONTEXT**

in the period 2006–2009

Information on the focal point for the Convention

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

Law on Environmental Impact Assessment of the Proposed Economic Activity (2000, revised in 2005, amended in 2008);

Order of the Minister of Environment on Informing the Public and Public participation in the Process of Environmental Impact Assessment (2000, revised in 2005, amended in 2008 and 2010).

Order of the Minister of Environment on Investigating the Environmental Impact Assessment Documents at the Ministry of Environment and Subordinate Institutions (2000, revised in 2006, amended in 2008 and 2009).

Order of the Minister of Environment on Preparation of the Environmental Impact assessment program and report (2000, revised in 2005, amended in 2008).

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

Amendment of the Law on Environmental Impact Assessment of the Proposed Economic Activity (planned in autumn 2010).

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The EIA is performed when:

- 1) The planned economic activity is included in the List of the Types of Proposed Economic Activities that shall be subject to the Environmental Impact Assessment (activities for which the EIA process is mandatory).

- 2) During the screening procedure it is determined that EIA is obligatory.

- 3) The activity might have impact on the NATURA 2000 sites, and the institution responsible for the protected areas conservation determines that this impact might be significant.

Screening procedure: screening information prepared by the developer of the proposed economic activity or the preparer of EIA documents is submitted to the competent authority which performs screening and makes a conclusion in written form if EIA is obligatory. Screening conclusion is sent to the developer and relevant Parties of EIA (governmental institutions, responsible for health protection, fire-prevention and protection of cultural heritage, counties and municipal administrations) and announced on the website of the competent authority. After receiving the screening conclusion, developer has to inform the public about it. The public and relevant parties have right to present justified requests to reconsider the screening conclusion. In such cases the competent authority invites them to participate in preparation of the final conclusion. Competent authority announces final conclusion on its website and developer has to inform the public about final conclusion in the press.

EIA procedure: EIA program (scoping document) is prepared by the preparer of EIA documents, obligated by the organizer of the proposed economic activity. The developer informs the public and competent authority about the completion of the program, which announces this information on its website. Then the preparer of EIA documentation submits EIA program to relevant parties of EIA. The public and the relevant parties of EIA in accordance with their competence examine the EIA program and provide conclusions regarding it. These authorities and the public have right to require amendments or correction of the program. Finally, the amended program and conclusions are submitted to the competent authority which examines these documents and approves EIA program, however competent authority also has right to require for amendments and correction of the program.

After the approval of the EIA program, the EIA report is prepared by the preparer of EIA documents. The developer informs the public about its completion and the forthcoming public hearing. Public hearing is organized by the developer. The public may submit motivated proposals regarding the environmental impact assessment and EIA report. According to the justified proposals of the public, amended report is provided to EIA relevant parties, which make conclusions regarding the report and the possibilities to carry out the proposed economic activity. Then the report, conclusions of the EIA parties and justified evaluation of the public proposals are submitted to the competent authority which informs the public about this by announcing special information on the website of competent authority. After examination of the EIA documents competent authority makes justified decision if the proposed economic activity, taking into account its nature and size, may be carried in a chosen site. Competent authority also informs the public about its decision and the reasons and considerations on which the decision is based by placing such information on its website. After receiving the decision the developer also announces it to the public.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

According to the Law on Environmental Impact Assessment of the Proposed Economic Activity when the Convention provides for environmental impact assessment procedures different than those of this law, the provisions of the Convention are applied.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public*

participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;

Ministry of Environment is responsible for transboundary EIA procedure. Regional Environmental Protection Departments of the Ministry of Environment and Environmental Protection Agency are responsible for national EIA procedure.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

Yes, the Ministry of Environment.

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

In Lithuania the annexes of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC) are transposed into national legislation. So there are minor differences with the appendix I in the second amendment of Espoo Convention.

The Bilateral Agreement Between the Government of the Republic of Poland, and the Government of the Republic of Lithuania on Implementation of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context states that transboundary EIA procedures should be applied for any activity that may have significant transboundary impact and for which according to national Lithuanian or Polish legislation the EIA procedures are applied and EIA documents are prepared except the activities for national defence purposes.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

National EIA procedure is applied to any activity which is listed in Annex 1 of the Law on Environmental Impact Assessment of the Proposed Economic Activity which includes all the activities of Appendix I of the Convention. Competent authority in every case should decide whether to apply transboundary EIA procedure.

For other projects the transboundary impacts are analysed through screening procedure. If competent authority decides that project might have significant transboundary effects national and transboundary EIA procedure will be applied.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Lithuania in general conducts EIA cooperation through points of contact. Cooperation with Poland is within bilateral agreement.

- c. *How a change to an activity is considered as a “major” change;*

For the activities of Annex 1 of the Law on Environmental Impact Assessment of the Proposed Economic Activity is defined as the expansion of the activity which reaches the thresholds stated in Annex 1.

In other cases screening procedure is applied.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

The competent authority decides on a case-by-case basis taking into account the size, location and possible effects of the proposed economic activity.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

The public in our legislation is defined as one or more natural or legal persons and their organisations, associations or groups.

As a Party of origin we notify the affected Party through focal point and submit all necessary documents. The authorities of the affected Party shall make available submitted documentation for its public. The affected Party inform us about the forthcoming public hearings in their territory in order to provide the opportunity for project developer or its representatives to attend them. Under the request of the affected Party we direct the developer to translate into the official language of the affected Party some parts or even full EIA documentation and to ensure translation during public hearing meetings. The comments of the public of the affected Parties are evaluated in the same way as the comments of our public.

When Lithuania is the affected Party the similar requests are submitted to the Party of origin.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

In general the notification is send before the approval of EIA program.

When during the screening procedure it is determined that transboundary EIA is obligatory, the notification can be sent before the preparation of EIA program.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

Yes, we submit available documentation (draft EIA program or screening information).

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE/MP.EIA/2)? If not, in what format does your country normally present the notification?*

We try to follow the proposed guidelines, but when EIA program is available the notification letter is usually shorter as information for notification is included in the EIA program.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

The time frame for response to the notification is indicated in notification letter. Time frame is between 1-2 months, it depends on the stage of EIA procedure, complexity of the project, season of the year. On the motivated request of the affected Party time period is usually extended.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

We provide the draft EIA program with notification letter.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

No legal requirements. Usually we request information from the affected Party when we send notification and EIA program. Timeframe for response is indicated in the official letter. We don't wait for such information longer than three months.

14. *Please describe:*

a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

We inform the authorities of the affected parties and ask them to inform their public according the legislation of the affected Party.

b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

According to information of the affected Party.

c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

We don't receive such information from the affected Party. The affected Party inform their public in accordance with national legislation.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

The affected party is usually notified in the EIA scoping phase. The notification to the affected Party and the announcement for our public is different as in the notification letter for the affected Party we concentrate about the possible transboundary impacts of the proposed activity, the location of the proposed sites from the neighbouring municipalities and etc. This information is not so important for our public.

The following information must be included for notification of our public:

- 14.1. name, address, telephone and fax of the Developer of the proposed economic activity;
- 14.2. name, address, telephone and fax of the preparer of the EIA documents of the proposed economic activity;
- 14.3. type of the proposed economic activity;
- 14.4. location of the proposed economic activity (county, city, district, neighbourhood, village and street);
- 14.5. relevant parties of EIA that will examine the EIA documents and provide conclusions within the limits of their competence; and the competent authority that will take a decision on the admissibility or inadmissibility of implementing the proposed economic activity at the selected location;
- 14.6. where, when and until when the EIA programme for the proposed economic activity is available for public inspection (address and period of time; the recommended period of time for giving access to the EIA programme is 10 working days);
- 14.7. information that motivated proposals shall be submitted to the Developer or the preparer of the EIA documents (by stating the address and contact persons), while copies of the proposals may be additionally submitted to the relevant parties of EIA within their competences and the competent authority.

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes.

QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

The Ministry of Environment decides whether to participate in EIA process or not, mostly it depends on the kind of activity, on the distance from our national border to the site of proposed activity, and possible negative impacts on the environment of Lithuania.

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)*

According to the Law on public administration the answers to the requests shall be submitted within a month. "Reasonably obtainable" means that authorities have such information, that it can be easily distributed or information which is available on the websites of the authorities.

18. *Please describe:*

- a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

By official correspondence and soft instruments (telephone, e-mails).

- b. *How your country identifies the "public" in the affected area;*

The public in this case includes general public, NGOs, national, regional and local authorities.

The information about the received notification is submitted to national and regional authorities which may be interested in the case; information is also published online, in national newspapers, sometimes when it is clear that only part of Lithuania can be affected (for example, construction of hydropower plants) this information is published in regional or local newspapers. Authorities of local municipalities close to the proposed activity are also informed.

- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

Internet, newspapers. The notification usually include information from the notification letter of the Party of Origin (information about the developer, the preparer of EIA documentation, brief information about the project: type and size of activity, location (distance from the border), where all the received information from the Part of origin can be found, information that the comments regarding the project and its environmental impact assessment shall be submitted to the Ministry of Environment of Lithuania and etc.)

- d. *At what stage in the EIA procedure does your country normally notify its public?*

as the affected Party we notify our public in the scoping phase. The public hearing meetings are held when we receive EIA documentation (EIA report) with translation of the most important parts of it (summary EIA report and section about possible transboundary impacts) into Lithuanian language.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

According to the Law on Environmental Impact Assessment of the Proposed Economic Activity information for the screening for environmental impact assessment shall include at least the following information: characteristics of the chosen site for the proposed economic activity, and characteristics of the proposed economic activity (size, technologies and materials used, use of natural resources, dangerous substances, production and management of waste, pollution and nuisances, potential interaction with other proposed economic activities, probability and prevention of accidents). The requirements are elaborated in the

Methodological guidelines on the screening of proposed economic activity (2000, revised 2005).

According to the Law on Environmental Impact Assessment of the Proposed Economic Activity and the Regulations on Preparation of the Environmental impact Assessment Program and Report approved by the Order of Minister of Environment EIA program shall include at least the following information:

- 1) short description of the main alternatives studied by the preparer of the EIA documents;
- 2) short description of the technical characteristics, technological process and materials planned to be used, as well as needed amount of natural resources and land use (during the construction and operation phases);
- 3) short description of the territories that could be significantly affected;
- 4) information about what components of the environment and what impacts will be analysed during the environmental impact assessment;
- 5) information on what aspects the impacts of the proposed economic activity on public health will be analysed;
- 6) methods that will be used to predict and assess the effects on the environment, measures envisaged to avoid, reduce or offset negative environmental effects;
- 7) information whether proposed economic activity may cause a significant negative impact on the environment of any foreign State;
- 8) other important information.

According to the above mentioned legal acts the EIA report shall include at least the following information:

- 1) information about the organizer (developer) of the proposed economic activity;
- 2) information about the preparer of EIA documents;
- 3) detailed information according to the topics of the EIA program and also additional information:
 - description of the expected pollutants (names, calculations, hazardousness, risk group, etc.);
 - description of waste generation and management;
 - components of the environment that could be affected by the proposed economic activity;
 - description and assessment of potential impacts of the proposed economic activity on public health, fauna and flora, soil, earth surface and underground, water, environmental air, climate, landscape, biodiversity, economic conditions, cultural heritage and the interaction of these components;
 - methods that were used to predict and assess the effects on the environment;
 - a description of measures envisaged to avoid, reduce or offset negative environmental effects or to alleviate their consequences;
 - analysis of the alternatives and the indication of the reasons for the choice, taking into account the best available modes and production of potential environmental impact, at least several alternatives (e.g. Alternative locations, timings, technical and technological solutions, environmental impact mitigation measures) shall be investigated in the report, including the “zero” alternative, that refers to the environmental conditions and natural changes in the environment if the activity is not carried out and is used as the environmental baseline evaluation and a base for assessment and comparisons;
 - identification of possible emergencies and accident-avoidance and emergency measures;
 - Analysis of environmental monitoring data (if available) and plan for environmental monitoring;
 - a summary of all information considered in the report.

4) other information that shall be included in the report (a description of technical or practical problems encountered by the preparer of the EIA documents in performing the EIA).

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

The EIA program is prepared by the preparer of EIA documents, obligated by the organizer of the proposed economic activity, in accordance with the Law on Environmental Impact Assessment of the Proposed Economic Activity and the Order of the Minister of Environment on Regulations on Preparation of the Environmental Impact Assessment Program and Report. Annex of these regulations defines the recommended structure and contents of the program.

A prepared program is submitted to the relevant parties of environmental impact assessment: governmental institutions, responsible for health protection, fire-prevention, protection of cultural heritage and municipal administrations that examine EIA programs and reports, and provide conclusions in accordance with their competence. Relevant parties also have right to require for amendment or corrections of the program if the topics within the scope of their competence are not investigated sufficiently. Then the conclusions from all relevant parties of EIA, and EIA program are submitted to the competent authority (Regional Environmental Protection Departments of the Ministry of Environment or Environmental Protection Agency) which examines these documents and approves EIA program, however competent authority also has right to require for amendments and correction of the program. The same type of coordination with EIA report.

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

Alternatives are chosen by the preparer of EIA documents, taking into account the best available modes and production of potential environmental impact, and at least several alternatives (e.g. alternative locations, timings, technical and technological solutions, environmental impact mitigation measures) shall be thoroughly investigated.

22. *How does your country identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to appendix II, paragraph (c), and how does it define "impact" in accordance with article 1(vii)?*

The developer of the activity and the preparer of EIA documents should identify this.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Yes. If there is no bilateral agreement with the affected party and EIA documents are only in Lithuanian language, we provide the documents in national language, only the nontechnical summary with detail assessment of transboundary impacts is translated to English and/or Russian and/or official language of the affected Party. But usually we give to the affected Party all EIA documents in Lithuanian, Russian and English languages and some parts of the EIA documentation translated to the official languages of the affected parties.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

The competent authority receives all comments and then sends them to the developer of the activity and the preparer of EIA documents for evaluation.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

After the EIA documents are prepared, the draft version of them are provided to the Ministry of Environment. The Ministry sends them to the affected party with the official letter in which the time frame for comments is indicated. On the motivated request of the affected Party time period is extended.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

EIA program, EIA report and the summary of the report.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

No, we ask the affected party to initiate such hearings. Representatives of the developer and the preparer of EIA documentation participate in them.

When the public hearing is held in Lithuania according to the requirement for national EIA procedure, the public authorities, organizations and individuals from other countries can participate in such meetings, but there will be no translation available, as the purpose of such meetings is to inform our public.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

The EIA documentation must be sent to the affected Party when it is available for public and authorities in the party of Origin. The time period should be enough that the comments of the affected Party should be known to the Party of origin before it makes statement regarding EIA or final decision regarding proposed economic activity.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

The Party of origin submits EIA documentation to the Ministry of Environment of Lithuania, which then distributes it to the interested authorities and makes it available to the public.

Ministry of Environment as coordinating authority gathers all the comments from the public and interested authorities and submits them or their summaries to the Party of origin.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

Normally public participation is organised in accordance with our legislation. But this should be discussed by competent authorities of both Parties at the beginning of consultations. Except when the bilateral Agreement between Lithuania and Poland is applied

(see answer 41). In such cases the public participation is organized in accordance with our legislation as the affected Party.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

The consultations are organised after the receipt of the comment from the affected party. We always request the affected party to indicate whether it wishes to have consultations. If consultations are necessary, they are usually organized as meetings. Before such meetings the Parties agree upon the time, place and etc.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Usually the consultations are held at national level by organizing meetings and the exchange of opinions in written form.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

Usually the consultations are held at national level by organizing meetings and the exchange of opinions in written form.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Final decision is a binding justified decision made by the competent authority which tells if the proposed economic activity by virtue of its nature and environmental impacts, may be carried out in the chosen site. All projects in Appendix I require such a decision. In the later stage of the implementation of the projects in accordance with national legislation construction permits will be issued for such activities.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

The decision is made after examination of the EIA report, the conclusions of relevant parties (in general governmental institutions, responsible for health protection, fire-prevention, protection of cultural heritage and municipal administrations) regarding the report and the possibilities to carry out the proposed economic activity and justified evaluation of the public proposals (including the proposals of the affected Party).

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

Yes, the final decision contains the reasons and considerations on which the decision is based. This decision according to Espoo Convention requirements will be provided to the affected Party.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

No practical experience.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

In accordance with the results of the monitoring. The environmental monitoring plan of the proposed economic activity is included in the EIA report.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

Such a procedure is not established, it will depend on a case-by-case basis.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Agreement between the Government of the Republic of Poland, and the Government of the Republic of Lithuania on implementation of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context. The agreement was signed to simplify and speed up the transboundary EIA process.

This agreement covers:

the activities for which the transboundary EIA procedures should be applied (for any activity that may have significant transboundary impact and for which according to national legislations the EIA procedures are applied and EIA documents are prepared except the activities for national defence purposes).

Public participation and time schedule. The public of the affected party has opportunity to provide comments for the time period that is indicated in the legislation of the affected party.

Translation of documents: notification letter, non-technical summary and the part of EIA documents which are necessary for the affected party to present its position on environmental impacts, final decision and other documents (invitations to consultations, minutes of consultations) must be translated into the official language of the affected party. The text is available only in Lithuanian and Polish languages. It is already published on the website of the Espoo convention.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

The draft ratification documents have been approved by the Government of Lithuania. The Parliament of Lithuania will discuss the draft ratification documents this autumn.

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

The draft ratification documents have been approved by the Government of Lithuania. The Parliament of Lithuania will discuss the draft ratification documents this autumn.

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

The draft ratification documents have been approved by the Government of Lithuania. The Parliament of Lithuania will discuss the draft ratification documents this autumn.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore

provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?

Transboundary cases as the Party of origin:

1. Construction of a near-surface repository for short-lived low and intermediate level radioactive waste (Latvia and Belarus as affected Parties; finished);
2. Interim storage of Spent Nuclear Fuel from Ignalina Nuclear Power Plant Units (Latvia and Belarus as affected Parties; finished);
3. Construction of the radioactive solid waste management and storage facilities at the Ignalina Nuclear Power Plant (Latvia and Belarus as affected Parties; finished);
4. Construction of the storage for short-lived and very low level radioactive waste (Latvia and Belarus as affected Parties; finished);
5. Construction of new nuclear power plant in the Republic of Lithuania (Latvia, Belarus, Poland, Estonia, Finland, Sweden Austria as affected Parties; finished).

Transboundary cases as the affected Party:

1. Nord Stream project (Russia, Finland, Sweden, Denmark and Germany as Parties of origin; finished);
 2. Construction of Nuclear Power Plant in Belarus (Belarus as a Party of origin; on-going);
 3. Construction of the hydropower plant on Nemunas river in the Republic of Belarus (Belarus as a Party of origin; almost finished (haven't received final decision yet));
 4. Encapsulation Plant and the Final Repository for spent Nuclear Fuel (Sweden as Party of origin; on-going);
 5. Extension of the Olkiluoto nuclear power plant by a fourth unit (Finland as the Party of origin; finished);
 6. Extension of Loviisa nuclear power plant by a third unit (Finland as the Party of origin; finished);
 7. Construction of a new nuclear power plant in Finland (Finland as the Party of origin; finished).
- 48. Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No we don't object.

49. Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.

Nuclear power plant project in Kaliningrad district (Russian Federation). Reason – Russian Federation is not the party of the Convention, although, we would like to note that Russian Federation applied Espoo convention for Nord Stream project, indicating that the country is a signatory to Espoo Convention and the provisions of the Convention would be applied as long as they do not contradict to the legislation of Russian Federation. Therefore, in this case the same practice should be applied.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Through focal points. The duration of the notification and response to it takes about one month. The time period to provide comments on EIA program is also at least one month (if it is not submitted together with notification). The time period to provide comments on EIA report is about 3 months including public participation procedure. The whole transboundary EIA procedure is much longer than the sum of the individual steps as it is closely related to national EIA procedure. The total length of transboundary EIA mostly depends on the time needed for preparation of EIA documentation and also on the quality of EIA documentation.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

Yes, the application of the convention helps the Party of origin to look broader on the possible threats to the environment. The affected party is an important participant of the EIA procedure, its comments and recommendations is a very useful tool to ensure proper implementation of the proposed activity and to improve environment protection.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

The concerned Parties shall agree on these terms. Sometimes it is quite difficult to reach a common understanding but through official and unofficial correspondence, bilateral meetings the problems are solved. Usually difficulties rise when the national legislation in the concerned parties is very different (for example when in the transboundary EIA procedure are involved EU and non EU countries, or when not all Parties have scoping phase).

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

The preparer of the EIA documents in every case identifies whether the activity could have significant transboundary impacts. The Ministry of Environment, regional departments of the Ministry and Environmental Protection Agency also examine if the transboundary impacts are possible.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

Yes, the separate chapter is provided. The amount of information depends on the case. In this chapter information on all possible impacts on the environment of the affected Party must be provided.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

The developer of the activity and the preparer of EIA documents decides what methodologies to use for the evaluation of the impacts on the environment of the affected Party.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

The translation problems can be solved by bilateral agreements.

When there is no bilateral agreements the language of EIA documentation depends on the project. For example all EIA documents of Ignalina nuclear power plant decommissioning activities to the affected parties are provided in English and Russian languages.

For other projects summary and detail assessment of transboundary impacts is translated to English and/or Russian and/or official language of the affected Party.

When Lithuania is an affected Party we request to translate the summary and the chapter on possible transboundary impacts into Lithuanian language.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

The developer of the activity attends the public hearings that are held in the affected party. The public of the affected party usually submits comments to their authority and then the government of the affected party sends them to us. We have heard complaints from the public of the affected Party and the authorities of the affected Party regarding poor translation in the public hearing meeting (complaints were received from Latvia as affected Party during the EIA procedure for new nuclear power plant project).

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

Sometimes it is quite difficult to submit comments in time.

In this stage it is quite difficult to guess whether the consultation under Espoo convention helped to reduce or control significant impacts as the project were Lithuania was an affected party hasn't been implemented yet.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

Final decision includes such information:

1. The developer of the proposed economic activity.
2. The preparer of environmental impact assessment documentation.
3. Title of the proposed economic activity.
4. Site of the proposed economic activity.
5. Description of the proposed economic activity.
6. Description of measures aimed to avoid, decrease, compensate a negative impact on the environment or to mitigate its consequences.
7. Conclusions submitted by the relevant parties of the environmental impact assessment (stakeholders).
8. Information dissemination and public participation.
9. International consultations
10. Conditions set forth in the decision:
11. The main motives which served as a basis during the decision-making process:
12. Nature of the decision (proposed economic activity allowed/not allowed).

Ministry of Environment sends it to the affected Party in Lithuanian and English/Russian languages.

In Lithuania the decision regarding EIA is mandatory without positive decision the activity can't be implemented. Therefore, we consider decision regarding EIA the final decision.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

No yet.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

No such cases yet.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Through focal points.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

The Bilateral Agreement Between the Government of the Republic of Poland, and the Government of the Republic of Lithuania on Implementation of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context which specifies time limits and languages and for what activities the convention must be applied.

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

a. *Guidance on public participation in EIA in a transboundary context;*

Yes,

b. *Guidance on subregional cooperation;*

Yes,

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

Yes,

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

The time frames and translation are the main issues, but they can be solved by bilateral agreements or by close cooperation among concerned Parties.

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Information about the Convention on the Internet site of the Ministry of Environment. We also provide information during the EIA seminars.

In 2009 the new version of Manual on environmental impact assessment was published. Manual now includes chapter on assessment of transboundary impacts. In this chapter the main provisions of Espoo Convention are described, explanation how these provisions are incorporated into national environmental impact assessment procedure and practical examples are also given.

This manual is very popular among the authorities, the developers, the preparers of EIA documentation and public interested in environmental impact assessment.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

We have intentions to sign bilateral agreement with Belarus. The new version of draft Agreement between the Ministry of Environment of the Republic of Lithuania and the

Ministry of Natural resources and environment protection of the Republic of Belarus on the implementation of the Convention on Environment Impact Assessment in a transboundary Context was prepared and sent to Belarus for comments at the end of 2009.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. Please provide suggestions for how this report may be improved.

The questionnaire should be shorter.

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