

**REPORT OF LITHUANIA FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

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

Please provide the information requested below in Part I, 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 not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

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);

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

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).

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

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

a. Describe your EIA procedure 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, protection of cultural heritage, development of economy and agriculture, and municipal administrations). 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. If final conclusion is different the developer has to inform the public about it.

EIA procedure: EIA program is prepared by the preparer of EIA documents, obligated by the organizer of the proposed economic activity. The developer informs the public about the completion of the program and provides it to relevant EIA parties. The public and the relevant parties in accordance with their competence examine the EIA program and provide conclusions regarding it. They and the public have right to require amendments or correction of the program. Finally, the amended program and conclusions are provided 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 makes conclusions regarding the report and the possibilities to carry out the proposed economic activity. Then the report, conclusions of the EIA parties, a justified evaluation of the public proposals are provided to the competent authority which informs the public about this by announcing special information on the Internet site of the Ministry of Environment. 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 the Internet site of the Ministry of Environment. After receiving the decision the developer also announces it to the public.

b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your 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. Also list the authorities responsible for the domestic EIA procedure, if they are different.

Ministry of Environment is responsible for transboundary EIA procedure.

Ministry of Environment, Regional Environmental Protection Departments of the Ministry of Environment; Environmental Protection Agency are responsible for domestic EIA procedure.

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

Yes, the Ministry of Environment.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

In general equivalent. Only 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.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you 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 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.

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

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

- d. *How you would decide whether it is "likely" to have such an impact. (Art. 2.3)*

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

6. *Do you have your own definition of "the public" in your national legislation, compared to Article 1(x)? How do you, 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 own 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 authorities of the affected party and provide them all necessary documents and the authorities should inform the public. The authorities of the Affected party inform us about the forthcoming public hearings in the territory of the affected party in order to provide the opportunity for project developer or its representatives to attend them. The comments of the public of the affected party are evaluated in the same way as comments of the public of the party of Origin.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine 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 do you usually notify the affected Party? (Art. 3.1)*

In general the notification is sent 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.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

According to article 3.2 of the Convention.

9. *Describe the criteria you use 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 do you react?*

The time frame for response to the notification is indicated in notification letter. On the motivated request of the affected Party time period is usually extended.

10. *Describe when you provide 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.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you 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. But we request information from the affected Party when we send notification and EIA program.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification*

to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?

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

13. Do you 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 listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?

Yes.

14. Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE/MP/2, decision I/4)? If not, in what format do you normally present the notification?

We follow the proposed guidelines.

QUESTIONS TO AFFECTED PARTY

15. Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use 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.

16. When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)

No legal requirements and practical experience.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. What is the legal requirement for the content of the EIA documentation (Art. 4.1)?

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).

18. Describe your country's procedures for determining the content of the EIA documentation (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, development of economy and agriculture, 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 (Ministry of Environment or 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.

19. How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (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.

20. How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?

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

21. Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you 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 or Russian language. But usually we give to the affected Party all EIA documents in Lithuanian, Russian and English languages.

22. How is the transfer and reception of the comments from the affected Party organized? 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.

23. Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “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 do you 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.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

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

25. *Do you 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 participates in them.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you 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)?*

No practice as affected Party.

27. *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, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

Normally public participation could be organized in accordance with legislation of the affected Party. 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 38). 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

28. *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 you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

If consultations are necessary, they are usually organized as meetings. Before such meetings the Parties agrees upon the time, place and etc.

29. *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

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

No practice as affected Party.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). 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.

32. *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, development of economy and agriculture, 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).

33. *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 public in your country (Art. 6.1)?*

Yes.

34. *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.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

No practical experience.

Article 7

Post-Project Analysis

36. *How do you determine whether you 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.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you 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

38. *Do you have any bilateral or multilateral agreements based on the EIA 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.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

40. 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 SEA

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

We have plans to ratify the first amendment to the Convention, but we haven't specified the time of ratification yet.

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

We have plans to ratify the second amendment to the Convention, but we haven't specified the time of ratification yet.

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

We have plans to ratify the Protocol on SEA, but we haven't specified the time of ratification yet.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes.

45. *Does your national administration have information on the transboundary EIA procedures that were underway 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 you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Yes, the Ministry of Environment has such information. The procedures were described above.

Transboundary cases as the Party of Origin:

1. **Ignalina Nuclear Power Plant Unit I Decommissioning Project for Defuelling Phase.** Latvia was informed about the project in October 2004. Latvia had no intentions to participate in EIA procedure.
2. **The Near Surface Repository of the Radioactive Waste.** Latvia was notified in December, 2004. Party responded that it will participate in the EIA process and provided comments on EIA documentation. The public hearing was held in territory of Latvia (the developer of the activity participated in it). Then on request of the developer the EIA procedure was stopped. When the supplemented EIA report will be available for the public of Lithuania according to ESPOO convention requirements it will be submitted to Latvia and also to Belarus for comments (because Belarus ratified ESPOO convention on February 9, 2006).
3. **Reconstruction of Šventoji state Seaport.** Latvia was notified and provided with draft EIA program in December, 2005. Latvia responded that it will participate in EIA process at the beginning of 2006. The EIA process hasn't finished yet.
4. **Interim Storage of Spent Nuclear Fuel From Ignalina Nuclear Power Plant Units I and II.** Latvia and Belarus were notified and provided with draft EIA program in December, 2005. Parties responded that they will participate in EIA process. Latvia also provided it comments on EIA program and Belarus asked to extend the time period for comments. The EIA process hasn't finished yet.

Transboundary Cases as the affected Party:

1. **Baltic Port Development project.** Russia (Party of Origin) sent us information in August, 2003. Lithuania refused to participate in EIA procedure, because the project will not have significant impact on the environment of Lithuania.

2. **Encapsulation Plant and the Final Repository for Spent Nuclear Fuel.** Sweden (Party of Origin) sent the notification in December, 2005. Lithuania responded to the notification and indicated that it will participate in EIA procedures for both projects.

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

The Belarus wasn't notified about Ignalina Nuclear Power Plant Unit I Decommissioning Project for Defuelling Phase and The Near Surface Repository of the Radioactive Waste because Belarus was not an ESPOO Convention party at that time. But as the EIA process for the repository hasn't finished yet, the Belarus will be provided with EIA report.

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

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. In order to speed up the process we usually send the notification with the draft EIA program. The time period to provide comments on EIA report is about two months.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have 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.*

All cases are unfinished. We can't answer the question at the moment.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: "promptly" (Art. 3.6), "a reasonable time" (Art. 3.2(c), Art. 4.2), "a reasonable time-frame" (Art. 5), and "major change" (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

The countries involved in the transboundary EIA process should agree on interpretation of these terms.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of 'lessons learned' in order to help others.*

- a. *How in practice have you 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 can have significant transboundary impacts. The Ministry of Environment and their regional departments also examine if the transboundary impacts are possible.

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

Yes, it is provided.

- c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, 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 have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you 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 the summary is provided in English and Russian and the EIA documentation in Lithuanian language.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, 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 haven't heard any complaints of the public of the affected party about the EIA procedure.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

Not much experience 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.*

No experience.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

No.

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

No experience yet.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. Do you have any successful examples of how you have 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 2003-2005

52. Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of 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; and

Not yet.

a. Guidelines on good practice and on bilateral and multilateral agreements.

Yes.

CLARITY OF THE CONVENTION

53. Have you 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 I 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 you encounter when actually applying the Convention.

The time limits and languages are the main problem, but they can be solved by bilateral agreements.

AWARENESS OF THE CONVENTION

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

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

55. Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?

We have intention to sign bilateral agreements with neighbouring countries. The draft Agreement between the Government of the Republic of Lithuania and the Government 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. We haven't received positive answer yet.

We also had discussions with Latvia about signing a bilateral agreement on the implementation of the Convention on Environment Impact Assessment in a transboundary Context.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. Please provide suggestions for how the report may be improved.

The questions should not duplicate each other.