



MINISTER OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

**ORDER ON THE APPROVAL OF THE PROCEDURE GUIDE
FOR INFORMING THE PUBLIC AND PUBLIC PARTICIPATION
IN THE PROCESS OF ENVIRONMENTAL IMPACT ASSESSMENT
OF PROPOSED ECONOMIC ACTIVITIES**

15 July 2005 No D1-370
Vilnius

Pursuant to Article 13, para. 3 of the Law on Environmental Impact Assessment of Proposed Economic Activities (Official Gazette *Valstybės Žinios*, 1996, No 82-1965; 2005, No 84-3105):

1. I hereby a p p r o v e the Procedure Guide for Informing the Public and Public Participation in the Process of Environmental Impact Assessment of Proposed Economic Activities (appended).
2. I hereby r e p e a l Order No 277 of the Minister of Environment of the Republic of Lithuania “On the Approval of the Procedure for Informing the Public and Public Participation in the Process of Environmental Impact Assessment (Official Gazette *Valstybės Žinios*, 2000, No 65 - 1970) dated 10 July 2000.

Minister of Environment

Arūnas Kundrotas

APPROVED
by Order No D1-370
of the Minister of Environment
of the Republic of Lithuania
dated 15 July 2005

**PROCEDURE GUIDE
FOR INFORMING THE PUBLIC AND PUBLIC PARTICIPATION
IN THE PROCESS OF ENVIRONMENTAL IMPACT ASSESSMENT
OF PROPOSED ECONOMIC ACTIVITIES**

I. GENERAL PROVISIONS

1. This Procedure Guide for Informing the Public and Public Participation in the Process of Environmental Impact Assessment of Proposed Economic Activities (hereinafter – the Procedure Guide) shall regulate the process of informing the public and public participation in the environmental impact assessment of proposed economic activities, establish the procedures for informing the public and public participation, identify those responsible for informing the public and determine their functions.
2. The Schedule Procedure shall be binding upon all the participants in the process of environmental impact assessment of proposed economic activities.
3. The procedures of informing the public and public participation shall comprise the following:
 - 3.1. announcements of the upcoming environmental impact assessment (hereinafter – EIA) of the proposed economic activity;
 - 3.1.1. announcing of the screening conclusion, whether or not the proposed economic activity is subject to environmental impact assessment;
 - 3.1.2. announcing of the prepared EIA programme;
 - 3.2. public presentation of the EIA report for the proposed economic activity;
 - 3.3. informing the public about the decision with respect to the proposed economic activity.
4. The procedures for informing the public and public participation in the EIA of the proposed economic activity according to the requirements of this Procedure Guide shall be organised by the organiser (developer) of the proposed economic activity (hereinafter – the Developer).
5. In the cases where an economic activity that is proposed to be carried out in the territory of the Republic of Lithuania may have a significant adverse impact on the environment of a foreign country which is a party to the UN Convention of 1991 on Environmental Impact Assessment in a Transboundary Context, or upon request of such a foreign country, the public shall participate in the process of environmental impact assessment in accordance with the requirements of the Convention, the Republic of Lithuania Law on Environmental Impact Assessment of Proposed Economic Activities, international agreements between respective foreign countries and the Republic of Lithuania, and other legal acts.

II. DEFINITIONS

6. For the purposes of this Procedure Guide:

Motivated proposal means a proposal (request) of the applicant based on factual data, indicators, factual circumstances, as well as provisions of legal acts or other documents,

concerning the process of the environmental impact assessment of the proposed economic activity.

Reasoned evaluation of motivated proposals means the process of analysing motivated proposals and close examination of proposals relating to the environmental impact assessment of the proposed economic activity, factual data justifying the proposal, indicators, factual circumstances, provisions of the legal acts referred to in the proposal or other documents. By giving reasons it is determined, whether or not the motivated proposal is justified and has to be taken into consideration.

7. Other definitions used in this Procedure Guide shall have the meaning assigned to them in the Republic of Lithuania Law on Environmental Impact Assessment of Proposed Economic Activities (Official Gazette *Valstybės Žinios*, 1996, No 82-1965; 2005, No 84-3105).

III. INFORMING ABOUT THE ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC ACTIVITY

8. The Developer or the preparer of the EIA documents shall inform the public of:

8.1. the screening conclusion, whether or not environmental impact assessment is obligatory for those types of proposed economic activities that are included in the List of Proposed Economic Activities that Shall Be Subject to the Screening for Environmental Impact Assessment, or if on the request of the participants in the environmental impact assessment process the competent authority so decides, also for those types of proposed economic activities that are not included in the List of Proposed Economic Activities that Shall Be Subject to Environmental Impact Assessment and the list referred to in this Clause;

8.2. the prepared EIA programme for proposed economic activities;

8.3. in other cases provided for in this Procedure Guide.

9. The Developer or the preparer of the EIA documents shall immediately on receipt of the screening conclusion referred to in Clause 8.1 inform the public of the screening conclusion, whether or not EIA is required, by announcing information according to the prescribed form (Annex 1) through the media referred to in Clauses 18.1 and 18.2 below.

10. The public concerned shall have the right to submit motivated proposals to the competent authority to reconsider the screening conclusion within 10 working days from the date of publication of the screening conclusion.

11. In the motivated proposals for reconsidering the screening conclusion the public concerned shall specify the following:

11.1. name and surname (organisation) and the address;

11.2. date of submission of the motivated proposal;

11.3. information and considerations and/or the evidence on which the motivated proposal is based.

12. Within 10 working days from the deadline for submission of motivated proposals, the competent authority, together with the relevant parties of the EIA of the proposed economic activity, the Developer, the preparer of the EIA documents and representatives of the public concerned having submitted motivated proposals, shall examine the motivated proposals and make the final screening conclusion. If the final screening conclusion conflicts with the initial one, the Developer or the preparer of the EIA documents shall inform the public thereof according to the prescribed form (Annex 2) through the media referred to in Clauses 18.1 and 18.2 below.

13. If the final screening conclusion does not conflict with the initial one, the competent authority shall within 10 working days from the date of the final screening conclusion give its motivated reply in writing to the members of the public concerned regarding the final screening conclusion.

14. Before submitting the prepared EIA programme referred to in Clause 8.2 above to the relevant parties of EIA for examination, the Developer or the preparer of the EIA documents shall inform the public about the EIA programme through the media referred to in Clause 18 by providing the following information:

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. The Developer or the preparer of the EIA documents shall inform the competent authority in writing about the announcement referred to in Clause 9 announced through the media specified in Clauses 18.1 and 18.2 below, and shall attach copies of the newspapers in which the announcement was printed.

16. When submitting motivated proposals regarding the EIA of the proposed economic activity, the public concerned shall provide information specified in Clause 11 hereof.

17. The Developer or the preparer of the EIA documents shall register motivated proposals of the public concerned relating to the EIA of the proposed economic activity according to the form provided in Annex 3 hereto.

18. The Developer or the preparer of the EIA documents shall publicise the information specified in Clauses 9, 12 and 14 as follows:

18.1. in the press of the city(ies) or district(s) where the proposed activity is to be implemented, while information relating to the proposed economic activity included in the List of the Types of Proposed Economic Activities that Shall Be Subject to the Environmental Impact Assessment, shall also be publicised in the national press, and if possible, announced on the radio and television, and posted on the Developer's website;

18.2. on the announcement board of the municipality (neighbourhood) where the proposed activity is to be implemented;

18.3. holders or users of land parcels adjacent to the territory where the proposed economic activity is to be implemented, and representatives of the public concerned having submitted motivated proposals shall be notified in writing (by registered mail).

19. The Developer or the preparer of the EIA documents may additionally publicise the information specified in Clauses 9, 12 and 14 on their own initiative in other places of public gathering (e.g. on the announcement boards of community-based organisations, shops, associations of multi-dwelling building owners) and inform the public in other ways (e.g. conduct opinion polls, attract the media, deliver notices door-to-door, by post, e-mail, etc.).

20. If prior to the approval of the EIA programme the council of the municipality in the territory of which the proposed economic activity is to be implemented decides according to the provisions of the Law on Environmental Impact Assessment of Proposed Economic Activities in the negative, giving reasons, regarding the possibilities to carry out the proposed economic activity, the competent authority shall immediately on receipt of the decision of the council arrange for posting on the website of the Ministry of Environment an announcement that the EIA procedures must be suspended for the term of validity of the decision of the municipal council, except the cases when the proposed economic activity is of state interest and the implementation thereof is provided for in the national strategic plans approved by resolutions of the Government of the Republic of Lithuania.

IV. PUBLIC PRESENTATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT

21. The Developer or the preparer of the EIA documents having compiled the EIA report for the proposed economic activity shall not later than 10 working days before the public presentation referred to in Clause 21.3 hereof announce through the media specified respectively in Clause 18.1 and 18.2 above the following information:

21.1. information specified in Clauses 14.1 to 14.5 hereof;

21.2. where, when and until when the EIA report for the proposed economic activity is available for public inspection (by specifying the place, address, telephone, period and schedule of the presentation). The public must be allowed the opportunity to inspect the EIA report not later than 10 working days before the scheduled meeting with members of the public;

21.3. where and when public presentation will take place (place, address and date);

21.4. to whom (by specifying the address of the Developer or the preparer of the EIA documents) and in what manner motivated proposals relating to the EIA report for the proposed economic activity may be submitted prior to public presentation (e.g. in writing, by e-mail, etc.).

22. Public presentation of the EIA report shall take place, and the EIA report shall be made available to the public in the administrative premises of the municipality (neighbourhood) or in other selected place agreed upon with the municipality (neighbourhood) in the territory of which the proposed activity is to be implemented, at the time convenient for members of the public (non-working days are recommended). The Developer or the preparer of the EIA documents shall make the EIA report available for public inspection in its domicile.

23. Natural or legal persons wishing to obtain photocopies of the EIA documents shall compensate photocopying expenses to the Developer or preparer of the EIA documents.

24. Prior to public presentation the Developer or the preparer of the EIA documents shall appoint a chairman and a secretary (it is recommended that they are the Developer and the preparer of the EIA documents) and register the participants. Speeches delivered by the participants in the public presentation shall be recorded in the Minutes.

25. At the time of public presentation the Developer, or on the instruction of the Developer, the preparer of the EIA documents shall present the Developer and the preparer of the EIA documents, describe the nature of the proposed economic activity and make the EIA report available for inspection, answer the questions and evaluate the motivated proposals submitted in writing by the public concerned before the meeting.

26. The Minutes shall contain the following information:

26.1. date and place of public presentation;

26.2. those participating in the public presentation and an indication that the list of registered participants is appended to the Minutes;

26.3. the EIA report considered;

26.4. a brief report of the Developer or the preparer of the EIA documents about the environmental impact assessment of the proposed economic activity;

26.5. discussion and evaluation of motivated proposals received from the public concerned prior to public presentation;

26.6. speeches of the participants on the matter in question;

26.7. that the participants have been informed of the procedure and deadline for access to the Minutes (by stating the place and the deadline).

27. The Minutes shall be drawn up and signed by the chairman and the secretary not later than within five working days (by indicating the date of signing) from the public presentation.

28. The deadline for availability of the Minutes for public inspection shall be three working days from the date of signing thereof. Written comments on the Minutes shall be submitted to the organisers of the public presentation with an indication of the name and surname (organisation) and the address of the person making the comments, and date of submission thereof.

29. Comments on the Minutes shall be examined by the organisers of the public presentation. If they agree with the comments, they shall approve the comments and direct to append them to the Minutes. In case they disagree, they shall state the reasons why they deem the comments to be not justified. In all cases, comments on the Minutes shall be appended thereto.

30. If within one hour from the time appointed for the public presentation no representative of the public comes to attend it, the chairman of the public presentation may state that the public presentation procedure has been completed, and the public is not concerned about the proposed economic activity. Such a statement shall be recorded in the Minutes, which shall be signed by the chairman and the secretary.

31. The public concerned shall have the right to submit motivated proposals relating to environmental impact assessment to the Developer or the preparer of the EIA documents within 10 working days from public presentation of the EIA report.

32. The Developer or the preparer of the EIA documents shall register motivated proposals received from the public concerned prior, at the time of the public presentation and thereafter according to the form given in Annex 3.

33. The Developer or the preparer of the EIA documents shall draw up a reasoned evaluation of motivated proposals from the public concerned in the prescribed form (Annex 4) and reply in writing to the representatives of the public concerned having submitted their proposals as to how their proposals have been evaluated.

34. The Developer or the preparer of the EIA documents shall amend the EIA report taking into account the motivated proposals from the public concerned and submit it to the relevant parties of EIA.

35. If following the public presentation and submission of reasoned conclusions by the relevant parties of EIA and the competent authority the EIA report must be substantially amended (e.g. proposals for new locations, alternative technologies, mitigation measures, etc.), the competent authority shall have the right to request that the Developer repeatedly organise in accordance with the procedure set out herein public presentation of the amended or revised EIA report.

V. INFORMING ABOUT THE DECISION REGARDING THE PROPOSED ECONOMIC ACTIVITY

36. On receipt of the EIA report, conclusions of the relevant parties of EIA regarding the report and the admissibility or inadmissibility of implementing the proposed economic activity, also the reasoned evaluation of motivated proposals received from the public concerned, the competent authority shall immediately arrange for posting a notice on the website of the Ministry of Environment. The notice shall contain the following information:

36.1. information specified in Clauses 14.1 to 14.4 of the Procedure Guide;

36.2. the deadline for submission by the public concerned of motivated proposals relating to the environmental impact assessment of the proposed economic activity to the competent authority and the relevant parties of EIA within their competencies. The deadline for application shall be 10 working days from the date of publication of the notice.

37. Within 10 working days from making a decision in the prescribed form (Annex 5) on the admissibility or inadmissibility of implementing the proposed economic activity, the competent authority shall post information about the decision on the website of the Ministry of Environment (if a decision is made in respect of the type of proposed economic activity that is included in the List of the Types of Proposed Economic Activities that Shall Be Subject to the Environmental Impact Assessment, it shall also be publicised in *Informaciniai Pranešimai*, supplement to the Official Gazette *Valstybės Žinios*).

38. The Developer or the preparer of the EIA documents shall on receipt of the decision of the competent authority in respect of the admissibility or inadmissibility of implementing the proposed economic activity at the selected location, shall publicise information specified in Annex 5 about the decision in respect of admissibility or inadmissibility of implementing the proposed economic activity at the selected location in the media specified in Clauses 18.1 and 18.2 hereof.

39. Upon request of the public, the competent authority, acting in accordance with the Procedure Guide for Providing Environmental Information to the Public in the Republic of Lithuania approved by Republic of Lithuania Government Resolution No 1175 (Official Gazette *Valstybės Žinios*, 1999, No 90-2660; 2005, No 26-831) of 22 October 1999 shall provide requested information about the process of environmental impact assessment and the decision on the admissibility or inadmissibility of implementing the proposed economic activity at the selected location.

40. Any dispute arising from the application of the Republic of Lithuania Law on Environmental Impact Assessment of Proposed Economic Activities, any action, conclusion or decision of the relevant parties of EIA and the competent authority, and decisions of the municipal council referred to in Clause 20 above shall be examined in accordance with the procedure laid down by the laws of the Republic of Lithuania.

Annex 1
to the Procedure Guide for Informing the Public and Public
Participation in the Process of Environmental Impact
Assessment of Proposed Economic Activities

INFORMATION
on the screening conclusion of

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(proposed economic activity)

whether or not environmental impact assessment is required

1. Developer of the proposed economic activity (name, address, tel.).
2. Type of the proposed economic activity.
3. Location of the proposed economic activity (county, city, district, village, street).
4. Screening conclusion of the competent authority (Ministry of Environment, Environmental Protection Agency or regional environmental protection department), whether or not environmental impact assessment is required.
5. Where, when and until when more detailed information may be obtained on the proposed economic activity (address and telephone of the developer).
6. To whom and until when motivated proposals to reconsider the screening conclusion (address and telephone of the competent authority, the developer or the preparer of the EIA documents and the deadline of 10 working days from publication of the notice).
7. Where the screening conclusion and documents are available for closer examination (address and telephone of the competent authority, the developer or the preparer of the EIA documents, and the deadline of 10 working days from publication of the notice).

Annex 2
to the Procedure Guide for Informing the Public and Public
Participation in the Process of Environmental Impact
Assessment of Proposed Economic Activities

INFORMATION
about the final screening conclusion of

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(proposed economic activity)

whether or not environmental impact assessment is required

1. Developer of the proposed economic activity (name, address, tel.).
2. Type of the proposed economic activity.
3. Location of the proposed economic activity (county, city, district, village, street).
4. Screening conclusion (date, document No) of the competent authority (Ministry of Environment, Environmental Protection Agency or regional environmental protection department) being reconsidered whether or not environmental impact assessment is required.
5. Reasons for reviewing the screening conclusion.
6. The main reasons on which the final screening conclusion is based.
7. The final screening conclusion.

Annex 3
to the Procedure Guide for Informing the Public and Public
Participation in the Process of Environmental Impact
Assessment of Proposed Economic Activities

Registration
of motivated proposals of the public concerned
regarding environmental impact assessment

of _____
(proposed economic activity)

No	Date of receipt of the motivated proposal from the public concerned	Date of submission of the motivated proposal by the public concerned	Name, surname (name of organisation) and address of the representative of the public concerned	Motivated proposals from the public concerned, and considerations and evidence on which the proposal is based
1	2	3	4	5

Motivated proposals from the public concerned registered by:

(full name, title, tel./fax, signature, date)

Annex 4
to the Procedure Guide for Informing the Public and
Public Participation in the Process of Environmental
Impact Assessment of Proposed Economic Activities

Evaluation
of motivated proposals of the public concerned
regarding environmental impact assessment

of _____
(proposed economic activity)

No	Name, surname (name of organisation) and address of the representative of the public concerned	Motivated proposals from the public concerned	Reasoned evaluation of motivated proposals from the public concerned
1	2	3	4

Evaluation of motivated proposals from the public concerned made by

(full name, title, tel./fax, signature, date)

Annex 5
to the Procedure Guide for Informing the Public and Public
Participation in the Process of Environmental Impact
Assessment of Proposed Economic Activities

INFORMATION
on the decision on the admissibility or inadmissibility
of implementing

(proposed economic activity)
considering implications for environment

1. Proposed economic activity (nature and type).
2. Developer of the proposed economic activity (name, address, tel.).
3. Location of the proposed economic activity (county, city, district, neighbourhood, village, street).
4. Preparer of the environmental impact assessment documents (name, address, tel.).
5. Description of the proposed economic activity (brief description of the proposed economic activity).
6. Measures to prevent, reduce and offset adverse environmental impacts or eliminate the consequences (specify the main measures).
7. Conclusions of the relevant parties of environmental impact assessment (specify whether or not approved by the relevant parties of EIA).
8. Informing the public about the environmental impact assessment of the proposed economic activity (when and in what media notices were given, the date of public presentation and whether or not proposals from the public were taken into consideration).
9. Nature of the decision of the competent authority, the date of the decision and associated conditions.
10. Where and when more detailed information can be obtained about the decision on the admissibility or inadmissibility of implementing the proposed economic activity at the selected location.