



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

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Compliance Committee
Convention on Access to Information, Public
Participation in Decision-making
and Access to Justice in Environmental Matters
(Aarhus Convention)
United Nations Economic Commission for
Europe
Environment Division
Palais des Nations
CH- 1211 Geneva 10, Switzerland

2015-03- 13

No. (16-1)-D8- 1934

**REGARDING THE RESPONSE TO THE COMMUNICANT'S COMMENTS
(ACCC/C/2014/98)**

On 18 December 2014, the Ministry of Environment of the Republic of Lithuania (hereinafter referred to as Lithuania) received written comments of the communicant, viz. Association Rudamina Community, (hereinafter also referred to as the Communicant) regarding the submitted written explanations in reply to the Communicant's complaint concerning the actions taken by Lithuanian competent authorities in the course of the implementation of the project of construction and operation of 400 kV overhead power transmission line from Alytus transformer substation to the state border of the Republic of Lithuania and the Republic of Poland (hereinafter referred to as the Project).

In response to the comments of Association Rudamina Community, we provide additional explanations¹.

1. Concerning the selection of technological solutions of the Project

The Communicant stated that during the implementation of the Project the public was not consulted regarding technical solutions of the Project, i.e. there were no discussions with the public as to which technical alternative – underground (cable) or overhead power transmission line – would be more appropriate. Association Rudamina Community also stated that only after the Minister of Energy of the Republic of Lithuania adopted order *On the Drawing Up of the Special Plan for the Construction of 400 kV Overhead Power Transmission Line "Alytus Transformer Substation – Border of the Republic of Poland"* on 12 October 2009 it became apparent that the overhead power transmission line would be installed.

In response to these comments it should be noted that as far back as 2002 the Seimas of the Republic of Lithuania approved the general plan of the territory of the Republic of Lithuania, and Annex 8 (map) to this general plan not only featured the preliminary route of 400 kV power transmission line but also stated the method of the installation of this power line, viz. "400 kV overhead power transmission line". 400 kV overhead power transmission line was also marked in 2005-2015 annex *Drawing of Engineering Infrastructure and Communications of the Territory*² to

¹ NOTE: The present explanations refer to national laws and regulations applicable during the implementation of different stages of the Project. Some of them have already been amended.

² <http://www.arsa.lt/index.php?86473277>

the general plan of the territory of Alytus Region Municipality. The explanatory note³ concerning solutions of the general plan of Alytus region stated that “*the following shall be carried out in the electricity sector by 2015: (...) to reserve a land strip for the 330 kV and 400 kV overhead power transmission lines along the overhead power line (including the power bridge to Poland) and to restrict the airspace by vertical planes (...)*”.

It is apparent from the above information that the priority technical implementation of the Project, viz. **overhead** power transmission lines, has been selected already at the initial territorial planning stage. It should be noted that such prioritisation complies with the provisions of the Aarhus Convention. Pursuant to the explanation provided by the Compliance Committee (Aarhus Convention), “early” public participation, when all options are open, does not prevent a competent authority from taking a position or determining a preliminary opinion as to a possible decision about the proposed activity. However, competent authorities must still be in the information gathering and processing stage and must be open to persuasion by the public to change its original position⁴. In this situation the public has been provided with the opportunity to submit comments and proposals at all stages of the Project, viz. territorial planning, strategic environmental assessment, environmental impact assessment. As competent authorities have the right of discretion to assess the legitimacy of the proposals submitted by the public and the duty to ensure a proper protection of the interests of not only the specific groups of the public (in this case – the population of the specific region of the country) but also the interests of the Lithuanian public in a broad sense and the interests of the State, the objective assessment of the comments submitted by the public provided no grounds for objecting the selected technological option of building an overhead power transmission line. Reasoned answers were provided in response to the comments submitted by the public.

With due consideration to the above, the Communicant’s claims that technological solutions of the Project were approved only in 2009 and that no public consultations were held in respect of the said solutions are unjustified.

2. Concerning the territorial planning

The Communicant stated that no information about amendments to the general plan of the territory of the Republic of Lithuania was announced, the general plan approved on 29 October 2002 and planning documents accepted by Lazdijai Municipality in 2009 provided another route for 400 kV power transmission line, and the public concerned could not expect that the Government of the Republic of Lithuania would unexpectedly initiate the change of the route for the power transmission line.

We disagree with these arguments of the Communicant, because, first of all, it should be noted that the route of 400 kV power transmission line has not been changed in the general plan of the territory of the Republic of Lithuania. Alternative and sub-alternative routes have been provided for at the special planning stage. During the preparation to the implementation of the Project and in the course of the implementation of the Project the territorial planning was organised at the following levels in Lithuania: 1) Republic of Lithuania; 2) county; 3) municipality; 4) natural person / legal entity. The territorial planning can be general, special and detailed⁵. The objective of the general planning is the integrated planning for establishing the territory use priorities, development objectives and the policy. The approved general plan becomes legally valid and also becomes the grounds for drawing up, amendment or supplementation of general, special or detailed territorial planning documents on the equivalent or lower level. The general plan establishes only the principled concept of territorial development the individual principles of which are further specified in special plans. The essence of the special planning lies in the preparation of programmes, conditions and solutions for one or several activities and the development and management of land

³ Cf. footnote 1 *Explanatory Note Concerning Solutions of the General Plan of Alytus Region*, p. 65.

⁴ Implementation Guide of the Aarhus Convention, p. 144.

⁵ Article 4(2) of the Republic of Lithuania Law on Territorial Planning (the wording applicable on 19 April 2001).

use⁶. In this case it was also stated in the general plan of the territory of the Republic of Lithuania that *inter alia* it was a document based on which territories required for infrastructure, manufacturing and protection objects important to the State will be reserved. These reservations have also been made in general plans approved by Alytus Regions Municipality and Lazdijai Region Municipality. The national court, which investigated the complaint of Association Rudamina Community, stated that if the Communicant had disagreed with the specification of the principled concept of territorial development, it could have contested the special plan specifying the infrastructure route of the line; however, it has failed to do it⁷.

It should also be noted that each level of territorial planning involves different entities and provides for the participation of the public⁸. Article 25 of the Law on Territorial Planning regulates the public participation in the planning process, viz. "1. A public hearing must be held for the discussion of general, detailed and special territorial planning documents. 2. A public hearing of territorial planning documents shall be organised by the organiser of planning. 3. The general procedure of the participation of the public in the planning process shall be regulated by the Regulations of the Involvement of the Public in the Discussion of Draft Documents of Territorial Planning approved by the Government."

Article 26 of the Law on Territorial Planning provides that "1. The purpose and time frames for the drawing up of general plans as well as special territorial planning documents at the national and county level shall be announced on the Lithuanian TV and radio and published in the press, while the purpose and time frames for the drawing up of detailed plans as well as special territorial planning documents at the municipality level shall be published in the local mass media within 10 days from the date of the decision to draw up a plan. The announcement shall state the stages and procedure of the public hearing. 2. All natural persons and legal entities of the Republic of Lithuania shall have the right of access to drawn up and approved territorial planning documents at the authority that is the organiser of planning; they shall be entitled to obtain copies of abstracts of such documents and copies of drawings for the established State fee, if the organiser of planning is a public or municipal authority. Other organisers of planning shall provide copies for a fee established by mutual agreement."

Thus, the mandatory information of the public and public participation in different territorial planning levels has been and still is established by the Lithuanian law. The general, special and detailed territorial plans have their own specific features, viz. the general plan provides long-term territorial planning guidelines and concept, the special plan establishes specific territorial solutions, while a detailed plan specifies the special plan. The public concerned had every opportunity to participate in the territorial planning process of the Project and to submit comments regarding the special plan, which provided the route of the power transmission line:

1. The territorial planning process, viz. the drawing up of the special plan and the strategic environmental assessment (hereinafter referred to as the SEA), was started in 2009. The SEA scoping document was presented to the public and to the SEA assessment entities in order for them to submit their comments and proposals.
2. Information about the solutions of the special plan concept of the Project was published:
 - 2.1. On 4 December 2009 in local newspapers *Alytaus naujienos*, *Dzūkų žinios*, *Lazdijų žvaigždė* and *Miesto laikraštis*, and in national daily *Respublika*;
 - 2.2. On 14 December 2009 in the websites of Alytus County Governor's Administration, Alytus Region Municipality, Lazdijai Region Municipality, AB *Lietuvos energija* and *LitPol Link Sp. z.o.o.*
3. On 26-27 February 2010, information about a public hearing to be held in order to discuss

⁶ Article 2(4) of the Republic of Lithuania Law on Territorial Planning (the wording applicable on 19 April 2001).

⁷ The ruling of 29 May 2013 of the Supreme Administrative Court of Lithuania in administrative case No A⁶⁰²-186/2013.

⁸ Article 25(1) of the Republic of Lithuania Law on Territorial Planning (the wording applicable on 19 April 2001). Detailed provisions of access to information and public participation are stated in regulations *On the Involvement of the Public in the Discussion of Draft Documents of Territorial Planning* approved by Resolution No 1079 of 18 September 1996 of the Government of the Republic of Lithuania.

conceptual solutions of the special plan was published in local newspapers *Dzūkų žinios*, *Lazdijų žvaigždė*, *Miesto laikraštis* (on 26 February 2010), *Alytaus naujienos* and in national daily *Respublika* (on 27 February 2010).

4. Public hearings of the solutions of the special plan concept were held in Lazdijai Region Municipality on 30 March 2010 and in Alytus Region Municipality on 31 March 2010. It was announced during the public hearing of the conceptual solutions that the public could fill in special forms for submitting comments. Comments could be submitted during the entire period of the drawing up of territorial planning documents. After presentations were completed, issues raised by the members of the public were discussed.
5. In April 2010, UAB *Sweco Lietuva* carried out the SEA of the special plan and drew up the SEA report. Information about the drawn up SEA report, the availability of the report and its public hearing was published on 16-17 April 2010 in the websites of AB *Lietuvos energija* and *LitPol Link Sp. z.o.o.* and posted on the bulleting boards of municipalities and neighbourhoods concerned.
6. A public hearing of the SEA of the special plan of the Project and the draft plan was held in Alytus Region Municipality on 17 May 2010 and in Lazdijai Region Municipality on 18 May 2010. The public was informed about these public hearings in local newspapers, on bulleting boards and online. Notifications stated venues where the SEA report was available to persons concerned, and the time frame of 20 working days was established during which the public had access to the report.

Therefore, the Communicant's arguments regarding the amendment of the general plan and a new route of the power transmission line "unexpectedly" created by the Government of the Republic of Lithuania are unjustified.

3. Concerning the efficient information of the public

In its comments the Communicant claimed that the public was not duly informed about the progress of the Project, i.e. notifications published in newspapers were uninformative, the published information was neither detailed nor explicit, and there was a lack of visual information (maps, examples of technological solutions, etc.).

These comments of the Communicant are unjustified. Pursuant to the legal acts regulating the promotion of the EIA report⁹, once the EIA report of the proposed economic activity is drawn up, the developer or the drafter of EIA documents must publish the following information in the local newspapers of the city/town or the region where the economic activity is proposed, in the national newspapers, and, if possible, on the radio and on TV, in the website of the developer, in the bulletin board of the municipality/neighbourhood where the economic activity is proposed, in which case the posted information must bear the mark of the municipality/neighbourhood confirming the fact and date of the receipt:

- 1) The name, address, telephone number and fax number of the developer of the proposed economic activity;
- 2) The name, address, telephone number and fax number of the drafter of EIA documents of the proposed economic activity;
- 3) The name of the proposed economic activity;
- 4) The venue (county, city/town, region, neighbourhood, village, street) of the proposed economic activity;
- 5) Information about EIA entities that will analyse EIA documents to the extent of their competence and will submit findings; information about the competent authority that will make a decision on the admissibility of the proposed economic activity in the selected location;

⁹ Procedure description *Information and Public Participation in the Process of the Environmental Impact Assessment of the Proposed Economic Activity* approved by Order No D1-370 of 15 July 2005 of the Minister of Environment of the Republic of Lithuania (as amended on 30 December 2009) (hereinafter referred to as the Procedure Description).

- 6) Where, when and until when the EIA report of the proposed economic activity is available (venue, address, telephone number, the time and schedule of availability must be stated);
- 7) Where and when the public hearing will be held (venue, address and time);
- 8) To whom (address of the developer or the drafter of EIA documents must be provided) and how the public can submit proposals prior to the public hearing.

Using objective criteria (different scope of the specific economic activity, the abundance of information, etc.) the drafter of the legal act isolated the key information about the EIA report that must be made available to the public and made it implicit in the legal act. Additional information could and can be obtained by contacting the drafter of EIA documents and other entities listed in the relevant notification. In this case, notifications in local newspapers indicated that additional information could be obtained from the drafter of EIA documents, in Alytus Region Municipality, in Lazdijai Region Municipality and in the website of the Project coordinator. Additional visual information was provided in booklets specifically intended for the promotion of the implementation of this Project that explicitly and simply stated the following: who was being proposed, which were the most common questions raised and whom to contact if more detailed information was needed¹⁰. The public submitted comments regarding the EIA report by letters dated 28 July 2010, 4 August 2010 and 8-9 November 2010. By its letter of 25 November 2010, Alytus REPD requested UAB *Sweco Lietuva* (the drafter of EIA documents) to supplement the EIA report with due consideration to the comments and proposals submitted by the public. The latter were taken into consideration, and a meeting of competent authorities, Association Rudamina Community and other entities concerned was held for that purpose on 17 December 2010. With due consideration to these facts, we cannot agree with the Communicant's claims that the public has not been efficiently informed, as a mere fact that the public submitted comments and proposals shows that the public was aware of the SEA and the EIA and took an active part in these processes. .

4. Concerning the public participation

4.1. Concerning low activity of the public when participating in organised events

A representative of Association Rudamina Community noted that the participation of members of the public in organised public hearings related to the implementation of the Project was very passive and that the participation of journalists in such hearings does not signify due information and participation of the public. As it was already stated in written explanations submitted in reply to the complaint of Association Rudamina Community, pursuant to the applicable legal acts, the Project coordinator, the EIA developer and the drafter of EIA documents published information about the Project and the proposed public hearings in mass media, additional Project information was available at the headquarters of the drafter of EIA documents as well as in local municipalities (Alytus Region Municipality and Lazdijai Region Municipality), information publications were developed and distributed to the public, and information about the Project was available online. Competent authorities also published information about the Project, pursuant to the applicable legal acts and to the extent of their competence.

It must be noted that provisions of legal acts that seek to ensure due access to information for the public and efficient public participation under the Aarhus Convention must be interpreted not only as legal acts providing for the obligations of competent public authorities and related economic entities (to disseminate information about the Project and about different stages of the Project, to invite the public to submit comments and proposals, to assess these proposals and to provide answers to these proposals, etc.) but also as presupposing the obligation of the public to be active and to take interest in projects developed on the national, regional or local level, and the obligation to know the requirements set by legal acts and to comply with them. The public at large has been informed about all public hearings in which representatives of mass media were present, i.e. all persons concerned could attend public hearings and speak in them. Competent authorities and other entities involved in the EIA process took all measures prescribed by legal acts in order for the public

¹⁰ Annex 5 to written explanations.

to have access to information and to participate in the EIA process of the Project:

1. Information about the drawn up EIA programme of the Project and its availability was published:
 - 1.1. On 22-23 January 2010 in national daily *Respublika* and in local newspapers *Lazdijų žvaigždė* and *Miesto laikraštis*, also posted on the bulleting boards in locations of the implementation of the Project and in related locations, in the website of Project coordinator *LitPol Link Sp. z.o.o.* and Alytus REPD.
 - 1.2. On 25 January 2010 in website of newspaper *Valstiečio laikraštis* and *Sweco Lietuva*. No comments from the public have been received at this stage.
2. The EIA programme was available during meetings held in Lazdijai Region Municipality on 30 March 2010 and in Alytus Region Municipality on 31 March 2010.
3. Information about the drawn up EIA report of the Project and its availability was published in local newspapers *Lazdijų žvaigždė* (on 25 June 2010) and *Alytaus naujienos* (on 26 June 2010), in national daily *Lietuvos žinios* (on 26 June 2010), and posted on bulleting boards of Alytus and Lazdijai municipalities and neighbourhoods on 29 June 2010. The drafter of EIA documents provided answers to proposals from members of the public received prior to the public hearing.
4. A public hearing of the EIA report was held on 13 July 2010 in Miroslavas and Kriokialaukis Neighbourhoods, Simnas Neighbourhood (14 July 2010) of Alytus Region Municipality; on 14 July 2010 in Krosna Neighbourhood of Lazdijai Region Municipality; on 15 July 2010 in Šeštokai and Būdvietis Neighbourhoods; on 16 July 2010 in the Public Library of Alytus Region Municipality and in Alytus Neighbourhood; on 19 July 2010 in Teizai Neighbourhood of Lazdijai Region Municipality, also in Lazdijai Region Municipality, Lazdijai Town Neighbourhood and Lazdijai Neighbourhood.
5. On 10 December 2010, Alytus REPD sent invitations to members of the public who submitted comments regarding the EIA report to attend a meeting at Alytus REPD on 17 December 2010 and to discuss comments submitted by the public.
6. On 17 December 2010, a meeting was held in Alytus REPD to which members of the public, EIA entities and representatives of the drafter of EIA documents and the developer of the EIA were invited. The meeting discussed the already assessed proposals submitted by the public.

The above facts show that the drafter of EIA documents, the developer and competent authorities took all measures prescribed by legal acts in order to inform the public and involve the public in the EIA process. However, they cannot ensure the activity of members of the public participating in the organised meetings.

4.2. Concerning comments submitted by the public

The Communicant provides several more aspects of the public participation in the implementation of the Project: the assessment of comments submitted by members of the public was formal, members of the public could submit only reasoned comments, and all information about the progress of the Project was provided only by the Project organiser.

First of all, it must be noted that Lithuania's written explanations stated that, even though the applicable legal acts still contained wording "reasoned proposals", competent authorities, with due consideration to the decision concerning Lithuania adopted by the third meeting of the Parties to the Aarhus Convention, accepted all comments and proposals that were submitted by members of the public. The Communicant failed to specify which proposals submitted by the Communicant were rejected. On the contrary, it claimed that comments were submitted; however, according to the Communicant, the assessment of the comments was formal. It should be held that it is the Communicant's subjective assessment. Competent authorities assessed all comments submitted by members of the public during the entire period of the implementation of the Project. With due consideration to the submitted proposals, a meeting was held in Alytus REPD on 17 December 2010 to which members of the public, EIA entities and representatives of the drafter of EIA documents



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and the developer of the EIA were invited. The meeting discussed proposals submitted by members of the public.

4.3. Concerning the EIA decision

The Communicant claimed that the EIA decision was announced in non-compliance with the requirements of the Aarhus Convention and that competent authorities failed to indicate in the EIA decision which comments were submitted by members of the public, even though they had to do that.

As it was already stated in written explanations submitted in reply to the complaint of Association Rudamina Community, information about the drawn up EIA report, its availability and a public hearing to be held for the discussion of the EIA report was published in newspapers and posted on bulleting boards of related townships on 25-29 June 2010. On 13-19 July 2010, a public hearing for the discussion of the EIA report was held in different locations. On 8-9 November 2010, comments concerning the Project EIA report were received by e-mail from persons concerned. On 17 December 2010, a meeting was held in Alytus REPD which discussed proposals submitted by the public. On 30 December 2010, Alytus REPD adopted a decision on the feasibility of construction and operation of 400 kV overhead power transmission line from Alytus transformer substation to the state border of the Republic of Lithuania and the Republic of Poland. With due consideration to the above sequence of events as well as the progress and time frames of the EIA process set forth in legal acts, it should be claimed that the public was aware that the EIA decision will be adopted.

We disagree with the Communicant's claim that the announcement of the EIA decision during a public holiday was non-compliant with the provisions of the Aarhus Convention. As far as informing of the public of the decision taken is concerned, the Compliance Committee (Aarhus Convention) said that the public must be informed promptly and in accordance with the appropriate procedures. The Convention does not specify any further requirements regarding informing the public about taking the decision, thus leaving the Parties some discretion in designing the appropriate procedures in their national legal frameworks¹¹. On 3 January 2011, the EIA decision was announced in the website of Alytus REPD, and additional information about the EIA decision was announced in the same website on 12 January 2011. On 7 January 2011, information about the EIA decision was published in national daily *Lietuvos žinios*, in local newspapers *Alytaus naujienos* and *Lazdijų žvaigždė*, and posted on bulletin boards in locations concerned on 11-12 January 2011¹².

The EIA decision states that *"In the course of the EIA process Alytus REPD received proposals from the public concerned. Pursuant to Article 10(4) of the Law on Environmental Impact Assessment of the Proposed Economic Activity, Alytus REPD issued Letter No ARV2-51732 on 10 December 2010 inviting members of the public who submitted proposals, entities of the environmental impact assessment, the drafter of documents of the environmental impact assessment and the developer of the proposed economic activity to discuss proposals of the public concerned on 17 December 2010 in Alytus REPD (minutes of the meeting, 17 December 2010, No ARV4-18)."* The minutes of the meeting show what comments were submitted by members of the public and what the response to these comments was. It should be noted that neither the national legislation nor the Aarhus Convention demands that the EIA decision states in detail what comments were submitted by the public concerned and what the response to these comments was. Pursuant to the Aarhus Convention, the decision must state the grounds and reasons for taking this decision. The decision must be made by taking due account of the outcome of public participation. The provision of written responses to all comments submitted by the public is a good practice of taking due account of the

¹¹ Implementation Guide of the Aarhus Convention, p. 157.

¹² Posted on bulletin boards in Alytus Region Municipality and Lazdijai Region Municipality, towns of Alytus, Miroslavas, Kriokialaukis, Simnas and Lazdijai, Lazdijų, neighbourhoods of Krosna, Šeštokai, Teizai and Būdvielis.

outcome of public participation¹³. Such responses were provided by the letter of 2 September 2010¹⁴; the meeting with members of the public held in Alytus REPD on 17 December 2010 also discussed proposals submitted by the public, and statements of the public concerned and other persons present at the meeting were entered into the minutes. It should also be noted that “taking due account of the outcome of public participation” does not mean that the public may veto the decision. The provisions of the Aarhus Convention should not be interpreted as allowing the local community to have the last word regarding the fate of the project; these provisions also do not mean that in all cases the approval of the public must be obtained¹⁵. Therefore, taking due account to the fact that both competent authorities and other EIA entities cooperated with members of the public, viz. accepted and assessed comments, provided reasoned responses, organised a meeting in order to discuss comments submitted by the public, the Communicant’s claim that no due account was taken of comments submitted by the public in the course of making the EIA decision is unjustified.

4.4. Concerning time frames

The Communicant claimed that the submission of comments within “12, 16 or 20 working days was hardly feasible”; in other place the Communicant stated that even “the time frame of 20 working days was inadequate taking into account the scope of the SEA report” and “the time frame of 10 working days allocated for the examination of the EIA report was also inadequate”. In response to these comments it must be noted that:

- The public had the time frame of 22 to 26 working days to submit comments regarding the EIA report, viz. 12 to 16 working days (taking into account the facts) were allocated for the examination of the EIA report by the public prior to a public hearing (meeting); after the public hearing all persons concerned had another 10 working days for the submission of their comments regarding the content of the EIA report. Legal acts applicable at the time of the drawing up and promotion of the Project EIA report provided that, once the EIA report of the proposed economic activity is drawn up, the developer or the drafter of EIA documents must make it available at least 10 working days prior to a public hearing¹⁶, while the public can submit comments not only within this period of 10 working days but also for another 10 working days after the public hearing¹⁷.

- The Compliance Committee (Aarhus Convention) has stated its opinion on the time frame to allow the public to access documents and to submit comments. The Compliance Committee stated that the time frame for allowing the public to access the relevant documentation is set in order for the public to participate in the decision-making process in an effective manner. The time frame is assessed with due consideration to the proposed activity and other individual circumstances. The Compliance Committee has analysed and has recognised the time frame of 30 days (or 20 working days) as being appropriate¹⁸.

Therefore, with due consideration to the facts of this case and to the provisions of the then applicable legal acts based on which the time frame of 20 working days for the public to submit comments regarding the EIA and the SEA report was established, such time frame is justifiable and reasonable.

5. Concerning the submission of information (Bern Convention)

The Compliance Committee (Aarhus Convention) assesses complaints placed by entities regarding the compliance of actions/omissions of a country, which is a party to the Convention, with the provision of the Aarhus Convention. The Communicant’s complaint ACCC/C/2013/98 was submitted in order to question whether Lithuania’s actions/omissions in the course of the implementation of the Project (at the stages of territorial planning, strategic environmental

¹³ Implementation Guide of the Aarhus Convention, p. 156.

¹⁴ Letter No (10-3)-D8-8312 of 2 September 2010.

¹⁵ ECE/MP.PP/C.1/2009/4, para. 29.

¹⁶ Item 21 of the Procedure Description.

¹⁷ Item 31 of the Procedure Description.

¹⁸ ECE/MP.PP/2011/11/Add.2, para. 89.

assessment and environmental impact assessment) were in compliance with the provisions of the Aarhus Convention; therefore, the analysis of the Project based on the Bern Convention and the related actions of the entities should not be considered as being the subject-matter of investigation complaint ACCC/C/2013/98. It should be noted that the Standing Committee Meeting to the Bern Convention was held on 3 December 2014 in Strasbourg, which decided not to upgrade the investigation of the Project to the level of a case, i.e. no case was opened.

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