



**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
 Email: aarhus.compliance@un.org

October, 2021 Nr. (63)-D8(E)

REGARDING SUBMISSION OF INFORMATION (COMMUNICATION ACCC/C/2013/98)

The Ministry of Environment of the Republic of Lithuania (hereinafter referred to as the Ministry of Environment) would like to provide information regarding steps that were taken to implement the recommendation of the Compliance Committee to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter “the Aarhus Convention”) concerning compliance by Lithuania (communication ACCC/C/2013/98) (hereinafter referred to as recommendations).

Communication ACCC/C/2013/98 concerns the planning and implementing of the project for the construction and operation of the 400 kV electricity transmission overhead power line from the Alytus transformer substation to the state border between the Republic of Lithuania and the Republic of Poland. In its findings and recommendations, the Compliance Committee found that Lithuania failed to comply with the requirements of Articles 3(8) and 6(2)(d)(ii), 6(4), 6(7-9) of the Aarhus Convention, also it recommended what necessary legislative, regulatory and administrative measures Lithuania should take.

The Republic of Lithuania reaffirms its strong determination to respect the commitments under the Aarhus Convention and to ensure the rights of the public to access information, actively participate in the decision-making process. Also as being a part of the Aarhus community, Lithuania seeks to promote environmental democracy and protect the essential right of individuals to live in the clean and healthy environment. We would therefore like to inform you about steps we have taken and how we plan to implement the recommendations.

Regarding measures concerning paragraph 159(a)(i) of the findings and recommendations

The Ministry of Environment informed¹ the Environmental Protection Agency (hereinafter referred to as EPA) and EIA document preparer and the developer (the organiser) of the economic activity that in its findings in paragraph 159(a)(i) the Compliance Committee recommended that Lithuania shall take steps to ensure that the public is properly informed of all timeframes for public participation, including the time limits within which the relevant documentation will be available and comments can be submitted. We would like to note that in the letter, dated 20 July 2021, it was

¹ The letter of the Ministry of Environment No. (63)-D8(E)-4783, dated 20 July 2021, hereinafter referred to as the letter, dated 20 July 2021

explained why such a recommendation was made, the mentioned participants to EIA process were reminded of the obligation to ensure that correct information is made available to the public about all timeframes for public participation opportunities, including the period within which the relevant documentation will be available and comments can be submitted, in order to ensure opportunities to participate in processes of selection for environmental impact assessment and environmental impact assessment.

Furthermore, on the 16th of September, 2021, the EPA issued a press release² explaining the opportunities for the public to participate in EIA process, the timeframes for such participation, as well as encouraging the public to exercise their rights in access to information and participation in decision-making in environmental matters.

Regarding measures concerning paragraph 159(b) of the findings and recommendations

The Ministry of Environment informed³ the State Security Department that in its findings in paragraph 159(b) the Compliance Committee recommended to Lithuania to give instructions to the national security services to refrain from activities that may be perceived as persecuting, penalising or harassing persons seeking to exercise their rights to participate in decision-making or to seek access to justice under the Aarhus Convention. We would like to note that in the letter, dated 28 July 2021, it was explained the reasons and the composition of the infringement under the article 3(8) of the Aarhus Convention and what actions to refrain from.

We would like to note that the Lithuanian authorities have taken into account the concerns expressed by the Compliance Committee regarding the above mentioned actions, and we appreciate the possibility to support public initiatives and willingness to participate in decision-making in environmental matters. We can assure you that actions considered incompatible with the Aarhus Convention have not been repeated and we take actions that Lithuanian laws ensure rights for persons to participate in decision-making or to seek access to justice under the Aarhus Convention.

Regarding measures concerning paragraph 159(a)(ii-v) of the findings and recommendations

We would like to inform you that we are willing to take all necessary legislative and regulatory measures amending the laws of the Republic of Lithuania in order to emendate the inconsistency with the Aarhus Convention.

As the recommendations provided in the paragraph 159(a) (ii-iii) refers to the possibilities of the public to participate in decision-making when choosing the local and technological alternatives concerning the proposed economic activity and the information provided about such issues, we would like to inform you that we are preparing the amendments of the Article 15(1) of the Law on Environmental Protection of the Republic of Lithuania which should ensure that when planning economic activities that require the procedures established in the Law on Environmental Impact Assessment of Proposed Economic Activities of the Republic of Lithuania, the choice of local and technological alternatives must be ensured, taking into account the possible environmental impact of alternatives. These alternatives shall be examined and the most appropriate selected during the strategic environmental assessment and / or EIA procedures carried out by the organizer (developer) of the proposed economic activity prior to the issuance of the permit referred to in paragraph three of this Article⁴. This amendment should ensure that the decision on the choice of location and technological alternatives is made only after consulting with the public and public participation procedures. The amendment is expected to be approved until the end of 2021.

² Lithuanian version of the press release is available at: <https://aaa.lrv.lt/lt/naujienos/poveikio-aplinkai-vertinimo-procedurose-gali-dalyvauti-ir-visuomene>.

³ The letter of the Ministry of Environment No. (63)-D8(E)-4990, dated 28 July 2021, hereinafter referred to as the 28 July 2021 letter

⁴ Article 15(3) of the Law on Environmental Protection refers to building permit, permit for the use of subsoil resources or cavities, permit for integrated pollution prevention and control, pollution permit and other permits specified in other laws.

Regarding the recommendations provided in the paragraph 159(a)(iv-v) of the findings and recommendations concerning the role of EPA in assessing the public participation, we would like to inform that we are planning to amend the provisions of the Law on Environmental Impact Assessment of Proposed Economic Activities of the Republic of Lithuania in a way that comments submitted by the public first of all are sent to the competent public authority (EPA) itself and that the EPA shall take due account of the comments, information, analysis or opinions submitted by the public during the EIA procedure. These amendments are expected to be drafted in 2022.

Regarding the recommendations provided in the paragraph 159(a)(vi) of the findings and recommendations concerning the obligation falling on the competent public authority when publishing the decision to provide evidence to the public, either in or along with the decision, of how due account was taken of the outcome of the public participation, we would note that since the amendments made in June 2015, item 37 of the Order No. D1-370 of 15 July 2005 "Procedure for Public Information and Participation in the Environmental Impact Assessment Process of the Environmental Impact Assessment of the Proposed Economic Activity" the competent authority has the obligation to post on its website such taken consideration. We are grateful that the Compliance Committee has taken into account this amendment when issuing its findings.

Moreover an analogous requirement has been established in the Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017 on the Approval of Regulations on Environmental Impact Assessment of the Proposed Economic Activity, which is applied for the EIA procedures as of 1 November, 2017.

We will provide additional information, when the above amendments are approved, including the information, when they should come into force.

We would like to express our gratitude to the Compliance Committee, the Bureau and the Secretariat for the work done. Lithuania seeks to implement the recommendations as soon as possible in order to comply with the provisions of the Aarhus Convention. We are glad that the Lithuanian society is becoming more aware of the principals and spirit of the Aarhus Convention and participates more actively in decision-making on environmental issues.

ATTACHMENTS:

1. The copy of the letter of the Ministry of Environment No. (63)-D8(E)-4783 and its translation to English, 6 pages.
2. The copy of the letter of the Ministry of Environment No. (63)-D8(E)-4990 and its translation to English, 6 pages.
2. The translation to English of EPA press release, dated 16 September 2021, 3 pages.

Chancellor of the Ministry

Sigita Vasiljevaitė



LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA

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Duomenys kaupiami ir saugomi Juridinių asmenų registre, kodas 188602370

UAB „Sweco Lietuva“
Energetikos ministerijai
AB „Ignitis grupė“
AB „Ignitis gamyba“
Aplinkos apsaugos agentūrai

2021-07- Nr. (63)-D8(E)

I Nr.

DĖL INFORMACIJOS, SUSIJUSIOS SU KOMUNIKATU ACCC/C/2013/98, PATEIKIMO

Aplinkos ministerija, atstovaujanti Lietuvos Respublikai, gavo Jungtinių Tautų Europos ekonominės komisijos konvencijos dėl teisės gauti informaciją, visuomenės dalyvavimo priimant sprendimus ir teisės kreiptis į teismus aplinkos klausimais (toliau – Orhuso konvencija) Atitinkties komiteto išvadas¹ ir rekomendacijas, susijusias su komunikatu ACCC/C/2013/98 (toliau – išvados ir rekomendacijos).

Paminėtina, kad byla prieš Lietuvos Respubliką (komunikatas ACCC/C/2013/98) pradėta gavus 2013 m. gruodžio 30 d. asociacijos „Rudaminos bendruomenė“ (toliau – pareiškėjas) skundą, kuriame teigta, jog Lietuvos Respublika pažeidė Orhuso konvencijos nuostatas planuodama ir įgyvendindama 400 kV elektros energijos perdavimo oro linijos nuo Alytaus transformatorių pastotės iki Lietuvos Respublikos ir Lenkijos Respublikos valstybinės sienos statybos ir eksploatacijos projektą.

Atitinkies komitetas išvadose pateikė vertinimą, kad Lietuva, neteisingai pranešdama suinteresuotai visuomenei apie terminus, per kuriuos bus prieinama atitinkama dokumentacija ir per kuriuos galima pateikti pastabas, nesilaikė Orhuso konvencijos 6 straipsnio 2 dalies d punkto ii papunkčio² reikalavimų tinkamai informuoti suinteresuotą visuomenę apie numatyta procedūrą, išskaitant apie visuomenės galimybes dalyvauti.

Tokį vertinimą Atitinkies komitetas pateikė remdamasis tuo³, kad atsižvelgiant į minėtas datas, visuomenė turėjo 9–15 darbo dienų pateikti pastabas iki poveikio aplinkai vertinimo (toliau – PAV) ataskaitos posėdžio, atsižvelgiant, kuriame klausyme dalyvavo, ir 19–25 darbo dienas, – galėtų išnagrinėti ataskaitą ir pateikti pastabas. Pranešimuose apie PAV posėdžius buvo paskelbta, kad PAV ataskaita bus prieinama 10 darbo dienų ir visuomenė turės 10 darbo dienų nuo pranešimo dienos pateikti pastabas. Taigi, remiantis tuo, kas išdėstyta, Atitinkies komitetas teigia manantis, kad visuomenei neteisingai pranešta apie tikruosius pastabų pateikimo ir susipažinimo su dokumentais terminus. Atitinkies komitetas išvadose pabrėžia, kad Orhuso konvencijos 6 straipsnio 2 dalyje numatyta pareiga pateikti „tinkamą ir veiksmingą“ pranešimą reikalauja, kad pranešime informacija būtų teisinga. Visuomenė turi galėti pasikliauti šia informacija ir neturėti dar kartą patikrinti, ar ji teisinga. Nepaisant to, kuris subjektas praneša apie galimybes visuomenei dalyvauti, atitinkama šalis turi užtikrinti, kad visuomenė būtų tinkamai ir veiksmingai informuojama.

¹ Su Atitinkies komiteto išvadomis ir rekomendacijomis dėl komunikato ACCC/C/2013/98 ir kitais šios bylos dokumentais galite susipažinti: https://unece.org/env/pp/cc/accc.c.2013.98_lithuania.

² Orhuso konvencijos 6 straipsnio 2 dalies d punkto ii papunktis numato, kad suinteresuota visuomenė informuojama adekvacių, laiku ir veiksmingai, atsižvelgiant į aplinkybes, arba viešai paskelbiant, arba individualia tvarka pradiname priimamo aplinkosauginio sprendimo procedūros etape, be kita ko, apie galimybes visuomenei dalyvauti.

³ Išvadų ir rekomendacijų 100–102 pastraipos.

Atitikties komitetas išvadose rekomendavo Lietuvai imtis veiksmų užtikrinant, kad visuomenei būtų tinkamai pranešama apie visus visuomenės dalyvavimo galimybių terminus, įskaitant laikotarpį, per kurį bus prieinama atitinkama dokumentacija ir bus galima pateikti pastabas.

Pažymime, kad Planuojamos ūkinės veiklos poveikio vertinimo įstatymo 12 ir 13 straipsniai nustato atrankos dėl poveikio aplinkai vertinimo, poveikio aplinkai vertinimo procesų viešumą ir informacijos prieinamumą, o šias įstatymo nuostatas įgyvendinantys tvarkos aprašai, patvirtinti aplinkos ministro 2017 m. spalio 31 d. įsakymu Nr. D1-885 „Dėl Planuojamos ūkinės veiklos poveikio aplinkai vertinimo tvarkos aprašo patvirtinimo“ ir aplinkos ministro 2017 m. spalio 16 d. įsakymu Nr. D1-845 „Dėl Planuojamos ūkinės veiklos atrankos dėl poveikio aplinkai vertinimo tvarkos aprašo patvirtinimo“, nustato konkrečius terminus, per kuriuos visuomenė turi būti informuota apie galimybes dalyvauti, jai suteikta teisė susipažinti su atitinkamais dokumentais ir teikti jiems pastabas. Visuomenei apie konkrečius terminus pastaboms pateikti, susipažinti su dokumentais, viešo susirinkimo datą, laiką ir vietą turi būti pranešta teisingai ir tinkamai.

Atsižvelgiant į Atitikties komiteto rekomendaciją, atkreipiame dėmesį į pareigą užtikrinti teisingos informacijos pateikimą visuomenei apie visus visuomenės dalyvavimo galimybių terminus, įskaitant laikotarpį, per kurį bus prieinama atitinkama dokumentacija ir bus galima pateikti pastabas, kad būtų užtikrintos galimybės dalyvauti atrankos dėl poveikio aplinkai vertinimo ir poveikio aplinkai vertinimo procesuose.

Aplinkos ministerijos kanclerė

Sigita Vasiljevaitė

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DETALŪS METADUOMENYS

Dokumento sudarytojas (-ai)	Lietuvos Respublikos aplinkos ministerija, A. Jakšto g. 4, 01105 Vilnius
Dokumento pavadinimas (antraštė)	DĖL INFORMACIJOS, SUSIJUSIOS SU KOMUNIKATU ACCC/C/2013/98, PATEIKIMO
Dokumento registracijos data ir numeris	2021-07-20 Nr. (63)-D8(E)-4783
Dokumento specifikacijos identifikavimo žymuo	ADOC-V1.0, GEDOC
Parašo paskirtis	Pasirašymas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	SIGITA VASILJEVAITĖ, Kanclerė
Parašo sukūrimo data ir laikas	2021-07-19 17:12:21
Parašo formatas	Parašas, pažymėtas laiko žyma
Laiko žymoje nurodytas laikas	2021-07-19 17:12:37
Informacija apie sertifikavimo paslaugų teikėją	ADIC CA-B
Sertifikato galiojimo laikas	2020-12-21 - 2023-12-21
Parašo paskirtis	Registravimas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Regina Žemaitienė, Vyr. specialistė
Parašo sukūrimo data ir laikas	2021-07-20 08:39:59
Parašo formatas	Trumpalaikis skaitmeninis parašas, kuriame taip pat saugoma sertifikato informacija
Laiko žymoje nurodytas laikas	
Informacija apie sertifikavimo paslaugų teikėją	RCSC IssuingCA
Sertifikato galiojimo laikas	2021-01-07 - 2023-01-07
Pagrindinio dokumento priedų skaičius	0
Pagrindinio dokumento pridedamų dokumentų skaičius	0
Programinės įrangos, kuria naudojantis sudarytas elektroninis dokumentas, pavadinimas	Elektroninė dokumentų valdymo sistema VDVIS, versija v. 3.04.02
El. dokumento įvykius aprašantys metaduomenys	
Informacija apie elektroninio dokumento ir elektroninio (-ių) parašo (-ų) tikrinimą (tikrinimo data)	El. dokumentas atitinka specifikacijos keliamus reikalavimus. Visi dokumente esantys elektroniniai parašai galioja. Tikrinimo data: 2021-09-17 08:58:01
Elektroninio dokumento nuorašo atspausdinimo data ir ją atspausdinęs darbuotojas	2021-09-17 atspausdino Gintarė Izokaitytė
Paieškos nuoroda	



MINISTRY OF THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

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 Data collected and stored in the Register of Legal Entities, code 188602370

UAB "Sweco Lietuva"
 Ministry of Energy
 Ignitis Grupė AB
 Ignitis gamyba AB
 Environmental Protection Agency

2021-07-

No. (63)-D8(E)

No:

REGARDING SUBMISSION OF INFORMATION ON COMMUNICATION ACCC/C/2013/98

The Ministry of the Environment, representing the Republic of Lithuania, has received the findings and recommendations¹ of the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of the United Nations Economic Commission for Europe (hereinafter "the Aarhus Convention") in relation to Communication ACCC/C/2013/98 ("the findings and recommendations").

It should be noted that the case against the Republic of Lithuania (communication ACCC/C/2013/98) was initiated following a complaint lodged on 30 December 2013 by the Association "Rudamina community" (hereinafter "the applicant") alleging that the Republic of Lithuania had infringed the provisions of the Aarhus Convention by planning and implementing a project for the construction and operation of the 400 kV electricity transmission overhead line from the Alytus transformer substation to the state border between the Republic of Lithuania and the Republic of Poland.

In its conclusions, the Compliance Committee found that Lithuania failed to comply with the requirements of Article 6(2)(d)(ii)² of the Aarhus Convention by incorrectly informing the public concerned of the time-limits within which the relevant documentation will be available and within which comments may be submitted, of the envisaged procedure, including opportunities for public participation.

This assessment was made by the Compliance Committee on the grounds³ that, in view of those dates, the public had 9 - 15 working days to submit comments before the meeting on the EIA report, depending on the hearing in which participated, and 19 - 25 working days - to examine the report and submit comments. In the notices on EIA meetings, it was announced that the EIA report would be available for 10 working days and that the public would have 10 working days from the date of notification to submit comments. In the light of the foregoing, the Compliance Committee therefore considers that the public was wrongly informed of the actual timeframes for submitting comments and for access to documents. In its findings, the Compliance Committee stresses that the obligation under Article 6(2) of the Aarhus Convention to provide an "appropriate and effective" notification requires that the information contained in the notification be correct. The public must be able to rely on this information and must not re-verify whether it is correct. Regardless of which entity communicates about the opportunities for public participation, the Party concerned must ensure that the public is properly and effectively informed.

In its findings, the Compliance Committee recommended that Lithuania take steps to ensure that the public is properly informed of all timeframes for public participation, including the time limits within which the relevant documentation will be available and comments can be submitted.

We would note that Articles 12 and 13 of the Law on the assessment of the impact of planned economic activities lay down the publicity of processes of selection for environmental impact assessment, environmental impact assessment and the availability of information, and the descriptions of the procedure implementing these provisions, approved by Order No D1-885 of the Minister for the Environment of 31 October 2017 "Regarding

¹ The findings and recommendations of the Compliance Committee on Communication ACCC/C/2013/98 and other documents in this file are available at: https://unece.org/env/pp/cc/accc.c.2013.98_lithuania.

² Article 6(2)(d)(ii) of the Aarhus Convention provides that the public concerned is to be informed, in an adequate, timely and effective manner, as the case may be, either by making public or at the initial stage of the environmental decision-making procedure, including opportunities for the public to participate.

³ Findings and recommendations, paragraphs 100-102.

approval of the description of the procedure for assessing the environmental impact of planned economic activities”, and Order No D1-845 of the Minister for the Environment of 16 October 2017 “Regarding approval of the description of the procedure for the selection of planned economic activities for environmental impact assessment”, lay down specific time limits within which the public must be informed of the possibilities to participate, have the right to access relevant documents and submit comments to them. The public must be informed in a correct and appropriate manner of the specific time limits for submitting comments, accessing the documents, of the date, time and place of the public meeting.

In line with the recommendation of the Compliance Committee, we draw attention to the obligation to ensure that correct information is made available to the public about all timeframes for public participation opportunities, including the period within which the relevant documentation will be available and comments can be submitted, in order to ensure opportunities to participate in processes of selection for environmental impact assessment and environmental impact assessment.

Chancellor of the Ministry of the Environment

Sigita Vasiljevaitė

DETAILED METADATA

Document originator(s)	Ministry of Environment of the Republic of Lithuania, A. Jakšto str. 4, 01105 Vilnius
Title of document (heading)	ON THE SUBMISSION OF INFORMATION ON COMMUNICATION ACCC/C/2013/98
Date and number of document registration	No (63)-D8(E)-4783 of 20 July 2021
Identification of the document specification	ADOC-V1.0, GEDOC
Purpose of signature	Signature
Name and function of the person who created the signature	Sigita VASILJEVAITĖ, Chancellor
Date and time of creation of the signature	2021-07-19 17:12:21
Signature format	Time stamped signature
Time stamp	2021-07-19 17:12:37
Information on the certification service provider	ADIC CA-B
Period of validity of the certificate	2020-12-21-2023-12-21
Purpose of signature	Registration
Name and function of the person who created the signature	Regina Žemaitienė, Senior Specialist
Date and time of creation of the signature	2021-07-20 08:39:59
Signature format	Short-term digital signature, which also contains certificate information
Time stamp	
Information on the certification service provider	RCSC IssuingCA
Period of validity of the certificate	2021-01-07-2023-01-07
Number of annexes to the basic document	0
Number of documents attached to the basic document	0
Name of the software used to compile the electronic document	Electronic document management system VDVIS, version v. 3.04.02
Metadata describing events in an e-document	
Information on the verification of the electronic document and the electronic signature(s) (date of verification)	The e-document meets the requirements of the specification. All electronic signatures contained in the document are valid. Date of inspection: 2021-09-17 08:58:01
Date of printing of the copy of the electronic document and the employee who printed it	2021-09-17 printed by Gintarė Izokaitytė
Search reference	



LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA

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Duomenys kaupiami ir saugomi Juridinių asmenų registre, kodas 188602370

Valstybės saugumo departamentui

2021-07-

Nr. (63)-D8(E)

I

Nr.

DĖL INFORMACIJOS, SUSIJUSIOS SU KOMUNIKATU ACCC/C/2013/98, PATEIKIMO

Aplinkos ministerija, atstovaujanti Lietuvos Respublikai, gavo Jungtinių tautų Europos ekonominės komisijos konvencijos dėl teisės gauti informaciją, visuomenės dalyvavimo priimant sprendimus ir teisės kreiptis į teismus aplinkos klausimais (toliau – Orhuso konvencija) Atitikties komiteto išvadas¹ ir rekomendacijas, susijusias su komunikatu ACCC/C/2013/98 (toliau – išvados ir rekomendacijos).

Paminėtina, kad byla prieš Lietuvos Respubliką (komunikatas ACCC/C/2013/98) pradėta gavus 2013 m. gruodžio 30 d. asociacijos „Rudaminos bendruomenė“ (toliau – pareiškėjas) skundą, kuriamo teigta, jog Lietuvos Respublika pažeidė Orhuso konvencijos nuostatas planuodama ir įgyvendindama 400 kV elektros energijos perdavimo oro linijos nuo Alytaus transformatorių pastotės iki Lietuvos Respublikos ir Lenkijos Respublikos valstybinės sienos statybos ir eksploatacijos projektą. Pareiškėjas byloje skundėsi ir suinteresuotos šalies Valstybės saugumo departamento (toliau – VSD) veiksmais, skambinant ir kitaip kreipiantis į pareiškėjo atstovus ir kitus suinteresuotos visuomenės asmenis, prieštaravusius projektui. Pareiškėjas nurodė, kad tokiais veiksmais buvo pažeista Orhuso konvencijos 3 straipsnio 8 dalis, kurioje nustatyta pareiga kiekvienai šaliai užtikrinti, kad asmenys, pasinaudoję Orhuso konvencijoje numatytomis teisėmis, nebūtų baudžiami už savo veiklą, persekiojami arba kitais būdais varžomi.

Atitikties komitetas išvadose pateikė vertinimą, kad Valstybės saugumo departamento veiksmai skambinant ir lankantis pas su pareiškėju susijusius asmenis dėl pareiškėjo prieštaravimo projektui, kuriais siekta išsiaiškinti Rudaminos bendruomenės klausimus, susijusius su elektros energijos linija, vertintini kaip atitinkamos šalies priekabiavimas, baudimas ir persekiojimas nesilaikant Orhuso konvencijos 3 straipsnio 8 dalies. Atitikties komitetas išvadose nurodė, kad net ir vienas valstybės saugumo tarnybų skambutis visuomenės nariams dėl prieštaravimo veiklai, kuriai taikoma Orhuso konvencija, gali būti vertinamas kaip baudimas, persekiojimas ar priekabiavimas pagal Orhuso konvencijos 3 straipsnio 8 dalį². Atitikties komitetas pažymėjo, kad suinteresuojantys šaliai tenka įrodyti, kad VSD veiksmai buvo pagrįsti, proporcingi ir jais siekta teisėto tikslas. Atitikties komitetas išvadose nurodė, kad nors nagrinėjamu atveju buvo pateikta informacija apie Žvalgybos įstatymo 4 straipsnio 1 ir 3 dalį nuostatas, kuriose išdėstyti principai, kuriais vadovaujantis VSD veikla vykdoma, tačiau tai nepaaiškino, kaip šia veikla siekta teisėto viešo tikslas.

Paminėtina, kad Atitikties komitetas, pasisakė³, kad norint įrodyti Orhuso konvencijos 3 straipsnio 8 dalies pažeidimą, reikia nustatyti keturis elementus:

¹ Su Atitikties komiteto išvadomis ir rekomendacijomis dėl komunikato ACCC/C/2013/98 ir kitais šios bylos dokumentais galite susipažinti: https://unece.org/env/pp/cc/accc.c.2013.98_lithuania.

² Orhuso konvencijos 3 straipsnio 8 dalyje nurodyta, kad ši nuostata netaikoma nacionalinių teismų įgaliojimams priteisti atlyginti pagrįstas teismo išlaidas.

³ Atitikties komiteto išvados dėl komunikato ACCC/C/2014/102, ECE/MP.PP/C.1/2017/19, 65 pastraipa.

- a) vienas ar daugiau visuomenės narių pasinaudojo savo teisėmis pagal Konvencijos nuostatas;
- b) visuomenės narys ar visuomenės nariai buvo nubausti, persekiojami arba priekabiaujami;
- c) baudimas, persekiojimas ar priekabiaivimas buvo susijęs su visuomenės nario (-ių) teise naudotis savo teisėmis pagal Orhuso konvenciją;
- d) suinteresuota šalis nesiėmė reikiamų priemonių, kad visiškai atitaisytų įvykusias sankcijas, persekiojimus ar priekabiaivimą.

Taip pat Atitikties komitetas pasisakė¹, kad tai, ar skundžiamas elgesys yra baudimas, persekiojimas ar priekabiaivimas, vertinama kiekvienu atveju atskirai, atsižvelgiant į konkretias aplinkybes, iškaitant tai, ar valstybės veiksmai yra objektyvūs, proporcingi ir pagrįsti, ar jais siekiama teisėto tikslo.

Remiantis nurodytomis aplinkybėmis ir motyvais, Atitikties komitetas išvadose nurodė, kad nagrinėjamu atveju yra pagrindas konstatuoti, kad buvo nesilaikoma Orhuso konvencijos 3 straipsnio 8 dalies, ir rekomendavo priemones Orhuso konvencijos 3 straipsnio 8 dalies laikymosi užtikrinimui.

Atsižvelgiant į gautą Atitikties komiteto rekomendaciją, pranešame, kad Atitikties komitetas išvadose rekomendavo valstybės saugumo tarnyboms susilaikyti nuo veiklos, kuri gali būti suvokama kaip asmenų, siekiančių pasinaudoti savo teisėmis dalyvauti priimant sprendimus ar kreiptis į teismą pagal Orhuso konvenciją, persekiojimas, baudimas ar priekabiaivimas.

Teisės ir personalo skyriaus vedėja, vykdanti
Aplinkos ministerijos kanclerio funkcijas

Giedrė Ričkutė

Gintarė Izokaitytė, +370 696 84706, el. p. gintare.izokaityte@am.lt

¹ Ten pat, 69 pastraipa.

DETALŪS METADUOMENYS

Dokumento sudarytojas (-ai)	Lietuvos Respublikos aplinkos ministerija, A. Jakšto g. 4, 01105 Vilnius
Dokumento pavadinimas (antraštė)	DĖL INFORMACIJOS, SUSIJUSIOS SU KOMUNIKATU ACCC/C/2013/98, PATEIKIMO
Dokumento registracijos data ir numeris	2021-07-28 Nr. (63)-D8(E)-4990
Dokumento specifikacijos identifikavimo žymuo	ADOC-V1.0, GEDOC
Parašo paskirtis	Pasirašymas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	GIEDRĖ RIČKUTĖ, le. Skyriaus vedėja
Parašo sukūrimo data ir laikas	2021-07-28 13:27:03
Parašo formatas	Parašas, pažymėtas laiko žyma
Laiko žymoje nurodytas laikas	2021-07-28 13:27:15
Informacija apie sertifikavimo paslaugų teikėją	ADIC CA-B
Sertifikato galiojimo laikas	2019-10-23 - 2022-10-22
Parašo paskirtis	Registravimas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Lina Krasauskienė, Vedėja
Parašo sukūrimo data ir laikas	2021-07-28 15:43:55
Parašo formatas	Trumpalaikis skaitmeninis parašas, kuriame taip pat saugoma sertifikato informacija
Laiko žymoje nurodytas laikas	
Informacija apie sertifikavimo paslaugų teikėją	RCSC IssuingCA
Sertifikato galiojimo laikas	2021-01-07 - 2023-01-07
Pagrindinio dokumento priedų skaičius	0
Pagrindinio dokumento pridedamų dokumentų skaičius	0
Programinės įrangos, kuria naudojantis sudarytas elektroninis dokumentas, pavadinimas	Elektroninė dokumentų valdymo sistema VDVIS, versija v. 3.04.02
El. dokumento įvykius aprašantys metaduomenys	
Informacija apie elektroninio dokumento ir elektroninio (-ių) parašo (-ų) tikrinimą (tikrinimo data)	El. dokumentas atitinka specifikacijos keliamus reikalavimus. Visi dokumente esantys elektroniniai parašai galioja. Tikrinimo data: 2021-09-17 08:59:21
Elektroninio dokumento nuorašo atspausdinimo data ir ją atspausdinęs darbuotojas	2021-09-17 atspausdino Gintarė Izokaitytė
Paieškos nuoroda	



MINISTRY OF THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

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Data collected and stored in the Register of Legal Entities, code 188602370

State Security Department

No (63)-D8(E) of July 2021

No:

REGARDING SUBMISSION OF INFORMATION ON COMMUNICATION ACCC/C/2013/98

The Ministry of the Environment, representing the Republic of Lithuania, has received the findings and recommendations¹ of the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of the United Nations Economic Commission for Europe (hereinafter referred to as “the Aarhus Convention”) in relation to Communication ACCC/C/2013/98 (hereinafter referred to as “the findings and recommendations”).

It should be noted that the case against the Republic of Lithuania (communication ACCC/C/2013/98) was initiated following a complaint lodged on 30 December 2013 by the Association “Rudamina community” (hereinafter “the applicant”) alleging that the Republic of Lithuania had infringed the provisions of the Aarhus Convention by planning and implementing a project for the construction and operation of the 400 kV electricity transmission overhead power line from the Alytus transformer substation to the state border between the Republic of Lithuania and the Republic of Poland. The applicant also complained about the actions of the State Security Department of the Party concerned (hereinafter referred to as “SSD”), calling and otherwise contacting the applicant’s representatives and other interested public persons who objected to the project. The applicant claimed that such acts infringed Article 3(8) of the Aarhus Convention, which requires each party to ensure that persons exercising their rights under the Aarhus Convention are not penalised, persecuted or otherwise harassed for their activities.

In its conclusions, the Compliance Committee found that the actions of the State Security Department in calling and visiting persons concerned by the applicant’s objection to the project, aimed at clarifying the issues of the Rudamina community in relation to the power line, are to be qualified as harassment, punishment and persecution by the appropriate Party in breach of Article 3(8) of the Aarhus Convention. The Compliance Committee concluded that even a single call from the national security services to members of the public for objection to activities covered by the Aarhus Convention could be regarded as punishment, persecution or harassment within the meaning of Article 3(8) of the Aarhus Convention². The Compliance Committee noted that it was for the Party concerned to prove that SSD’s actions were justified, proportionate and pursued a legitimate aim. The Compliance Committee concluded that, although information was provided in the present case on the provisions of Article 4(1) and (3) of the Law on intelligence, which set out the principles governing the conduct of SSD’s activities, this did not explain how those activities pursued a legitimate public objective.

It should be noted that the Compliance Committee explained³ that in order to establish an infringement of Article 3(8) of the Aarhus Convention, four elements had to be identified:

1 The findings and recommendations of the Compliance Committee on Communication ACCC/C/2013/98 and other documents in this file are available at: https://unece.org/env/pp/cc/accc.c.2013.98_lithuania.

2 Article 3(8) of the Aarhus Convention states that this provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.

3 Compliance Committee conclusions on Communication ACCC/C/2014/102, ECE/MPP.C.1/2017/19, paragraph 65.

- a) One or more members of the public have exercised their rights in conformity with the provisions of the Convention;
- b) The member of the public or those members of the public have been penalized, persecuted or harassed;
- c) The penalization, persecution or harassment was related to the member(s) of the public's exercise of their rights under the Convention;
- d) The Party concerned has not taken the necessary measures to fully redress any penalization, persecution or harassment that did occur.

The Compliance Committee also stated¹ that the question whether the conduct complained of constitutes punishment, persecution or harassment is to be assessed on a case-by-case basis, taking into account the specific circumstances, including whether the State's conduct is objective, proportionate and justified, or whether it pursues a legitimate aim.

On the basis of the facts and considerations set out above, the Compliance Committee, in its findings, stated that, in the present case, there were grounds for conclusion that Article 3(8) of the Aarhus Convention had not been complied with and recommended measures to ensure compliance with Article 3(8) of the Aarhus Convention.

In the light of the recommendation received from the Compliance Committee, we hereby inform you that the Compliance Committee in its findings recommended the national security services refrain from activities that may be perceived as persecuting, penalising or harassing persons seeking to exercise their rights to participate in decision-making or to seek access to justice under the Aarhus Convention.

Head of the Legal and Personnel Division,
acting as Chancellor of the Ministry of the Environment

Giedrė Ričkutė

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¹ Ibid., paragraph 69.

DETAILED METADATA	
Document originator(s)	Ministry of Environment of the Republic of Lithuania, A. Jakšto str. 4, 01105 Vilnius
Title of document (heading)	ON THE SUBMISSION OF INFORMATION ON COMMUNICATION ACCC/C/2013/98
Date and number of document registration	No (63)-D8(E)-4990 of 28 July 2021
Identification of the document specification	ADOC-V1.0, GEDOC
Purpose of signature	Signature
Name and function of the person who created the signature	Giedrė RIČKUTĖ, le. Head of Division
Date and time of creation of the signature	2021-07-28 13:27:03
Signature format	Time stamped signature
Time stamp	2021-07-28 13:27:15
Information on the certification service provider	ADIC CA-B
Period of validity of the certificate	2019-10-23-2022-10-22
Purpose of signature	Registration
Name and function of the person who created the signature	Lina Krasauskienė, Head
Date and time of creation of the signature	2021-07-28 15:43:55
Signature format	Short-term digital signature, which also contains certificate information
Time stamp	
Information on the certification service provider	RCSC IssuingCA
Period of validity of the certificate	2021-01-07-2023-01-07
Number of annexes to the basic document	0
Number of documents attached to the basic document	0
Name of the software used to compile the electronic document	Electronic document management system VDVIS, version v. 3.04.02
Metadata describing events in an e-document	
Information on the verification of the electronic document and the electronic signature(s) (date of verification)	The e-document meets the requirements of the specification. All electronic signatures contained in the document are valid. Date of inspection: 2021-09-17 08:59:21
Date of printing of the copy of the electronic document and the employee who printed it	2021-09-17 printed by Gintarė Izokaitytė
Search reference	

Public is welcome to participate in environmental impact assessment procedures

The Environmental Protection Agency (EPA) reminds that the public can participate actively in the procedures of screening for environmental impact assessment and environmental impact assessment for proposed economic activities. In addition to the information on planned economic activities, the public shall be given access to and influence decisions relating to planned economic activities. Legislation lays down specific time limits for public participation in environmental impact assessment (EIA) procedures, which must be respected by both the public and those who ensure the publicity of this process and evaluation of the comments submitted by the public. The EPA monitors that EIA procedures are implemented in accordance with legal requirements and within the time limits. If the time limits for publicity of the EIA process and public participation in the EIA process are breached, the EPA may decide to reject the submitted documents and/or require to repeat the procedures of public consultation and participation.

EIA is an early environmental measure designed to ensure that during construction, during the start-up phase and in the course of economic activities, there will be no adverse effects on the environment and human health. The EIA assesses the potential impact of future activities on human health and on all environmental components: air, water, climate, landscape, biodiversity, soil, land surface and geology, immovable cultural heritage, etc. The scope of the assessment and the results obtained are set out in specific EIA documents: the programme or notice of initiation of the EIA process and the report. Preparation of these documents is under the responsibility of the developer (the organiser) of the economic activity. These documents are submitted to the public authorities responsible for the protection of health, the protection of cultural heritage, fire and civil protection, protected areas, as provided for by law, and the municipal executive body, and are made available to the public. Taking into account the results of the assessment, the opinion of the said authorities and of the public, the EPA takes a decision on the environmental effects of the proposed activities, determines the conditions under which the activity will not have significant adverse effects on the environment, and may then be carried out.

Screening for EIA is a separate process that determines whether an EIA is required for a specific activity or whether procedures for obtaining permits for the operation of the activity can be initiated without an EIA. The screening consists of the provision of information on planned economic activities, public participation and the adoption of the screening conclusion.

The legal provisions of the Republic of Lithuania give the public the opportunity to participate in all stages of the EIA and during the process of screening for EIA.

During the screening procedure, the EPA, after examining the information provided by the developer, concludes whether an EIA is required. This conclusion is strongly influenced by the public opinion which it can express when making proposals. Proposals can be submitted within 10 working days from the date of publication of the screening information on the EPA website. The EPA responds in writing to the members of the public who submitted proposals on how their proposals were evaluated when making the screening conclusion, and refers to the link on the website where the conclusion is published.

Once the EIA programme has been drawn up, the document preparer must not only make it available to the public, but also submit his own proposals. Information about the programme is

published on EPA and municipal websites, on the website of the document preparer or activity's organiser, on the notice boards of the municipality and the eldership, in a local newspaper periodically published and distributed in the municipality's territory, in the absence of such newspaper – in a regional or national newspaper. The public may submit comments and proposals to the EIA preparer for at least 10 working days from the date of publication of the information. When submitting proposals to the EIA document preparer, the public should also provide copies of the proposals to the EPA so that it has information on all proposals submitted by the public before approving the programme and is able to ascertain that they have been evaluated. After receiving the proposals from the public, the EIA document preparer must register them and, together with the organiser of the activities, not only assess, but also respond in a reasoned written form to the members of the public who submitted the proposals, whether or not the proposals have been taken into account. Once the EPA has approved the EIA programme, it informs the public by publishing a document of approval on its website.

The EIA initiation notice is drawn up by the organiser or by the EIA document preparer. It takes place when the environmental impact of the planned economic activity is subject to an environmental impact assessment and no EIA programme is drawn up. The document preparer shall provide the EIA initiation notice no later than 15 working days before the public hearings to the EIA entities and the EPA, which shall publish the information received on its website within 3 working days of receipt of the initiation notice and inform the public. The date of receipt of the EIA initiation notice is considered the date of the start of the EIA process. The public may submit proposals to the document preparer and EPA within 10 working days of the date on which the EIA initiation notice is published. The EIA document preparer together with the organiser shall submit an evaluation of the proposals received. The report shall be submitted no later than 3 years after the date of submission of the EIA initiation notice.

After preparing the EIA report - the main EIA document containing the results of the evaluation, the document preparer must make the report available to the public, ensure that proposals can be made and that public hearings are organised. The preparer of EIA documents must inform the public about this by publishing the information on EPA and municipal websites, on the website of the documents preparer or organiser of proposed economic activities, on the municipal billboards, in a local newspaper periodically published and disseminated in the municipality's territory, or in a regional or national newspaper, at least 20 working days before the public hearings. This information in writing or by e-mail must also be sent to the representatives of the public who previously submitted proposals. The public may submit proposals to the preparer of EIA documents, with a copy to the EPA and other public and local authorities responsible for different sectors (health protection, protection of cultural heritage, fire and civil protection, protected areas). At the time of the public hearings, the EIA document preparer presents the proposed economic activity and the EIA report, explains how public's proposals received prior to the public hearings were taken into account, and answers the questions of the participants. After the public hearings, the preparer of EIA documents must evaluate the proposals received from the public together with the organiser of the proposed economic activity and revise the EIA report on the basis of these proposals. The EPA, which receives copies of the public's proposals, shall ensure that the proposals

are properly evaluated and taken into account. Members of the public who have submitted written proposals must be answered on how their proposals have been evaluated.

Upon receipt of the EIA report, the EPA shall publish information on its website and inform of the possibility to get acquainted with the report and to submit proposals within 10 working days at the latest. After the deadline for submission of proposals, the representatives of the public concerned who have submitted proposals shall be invited to a meeting by the EPA to consider their proposals together with the other participants of the EIA process. Once the decision on the environmental impact of the proposed economic activity has been taken, the EPA shall make this decision, the EIA documents and the minutes of the discussion of proposals available to the public on its website.

Public access to EIA-related environmental information is also guaranteed after the EIA process has been completed. The public may request from the EPA information on an EIA or a decision on the environmental impact of a proposed economic activity or review this information on the [EPA website](#).

DETALŪS METADUOMENYS

Dokumento sudarytojas (-ai)	Lietuvos Respublikos aplinkos ministerija, A. Jakšto g. 4, 01105 Vilnius
Dokumento pavadinimas (antraštė)	REGARDING SUBMISSION OF INFORMATION (COMMUNICATION ACCC/C/2013/98)
Dokumento registracijos data ir numeris	2021-10-06 Nr. (63)-D8(E)-6278
Dokumento specifikacijos identifikavimo žymuo	ADOC-V1.0, GEDOC
Parašo paskirtis	Pasirašymas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	SIGITA VASILJEVAITĖ, Kanclerė
Parašo sukūrimo data ir laikas	2021-10-06 15:17:37
Parašo formatas	Parašas, pažymėtas laiko žyma
Laiko žymoje nurodytas laikas	2021-10-06 15:17:48
Informacija apie sertifikavimo paslaugų teikėją	ADIC CA-B
Sertifikato galiojimo laikas	2020-12-21 - 2023-12-21
Parašo paskirtis	Registravimas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Regina Žemaitienė, Vyr. specialistė
Parašo sukūrimo data ir laikas	2021-10-06 15:24:14
Parašo formatas	Trumpalaikis skaitmeninis parašas, kuriame taip pat saugoma sertifikato informacija
Laiko žymoje nurodytas laikas	
Informacija apie sertifikavimo paslaugų teikėją	RCSC IssuingCA
Sertifikato galiojimo laikas	2021-01-07 - 2023-01-07
Pagrindinio dokumento priedų skaičius	5
Pagrindinio dokumento pridedamų dokumentų skaičius	0
Programinės įrangos, kuria naudojantis sudarytas elektroninis dokumentas, pavadinimas	Elektroninė dokumentų valdymo sistema VDVIS, versija v. 3.04.02
El. dokumento įvykius aprašantys metaduomenys	
Informacija apie elektroninio dokumento ir elektroninio (-ių) parašo (-ų) tikrinimą (tikrinimo data)	El. dokumentas atitinka specifikacijos keliamus reikalavimus. Visi dokumente esantys elektroniniai parašai galioja. Tikrinimo data: 2021-10-06 15:24:29
Elektroninio dokumento nuorašo atspausdinimo data ir ją atspausdinęs darbuotojas	2021-10-06 atspausdino Regina Žemaitienė
Paieškos nuoroda	