

REPUBLIC OF LITHUANIA
LAW ON
ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROPOSED ECONOMIC
ACTIVITY

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Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall regulate the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment of the proposed economic activity and relations between participants in these processes.
2. This Law shall have the objective of harmonising regulation of the process of environmental impact assessment of the proposed economic activity with the EU legal acts listed in Annex 3 to this Law.

Article 2. Definitions

1. ‘Competent authority’ means an institution authorised by the Government of the Republic of Lithuania (hereinafter: the ‘Government’) coordinating the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment, adopting screening conclusions and a decision regarding environmental impact assessment and performing other functions specified by this Law.
2. ‘Envisaged significant adverse environment impact’ means a quantitative and/or qualitative change of the environment, its elements, the natural and anthropogenic systems uniting them for the avoidance, reduction, offsetting or elimination of the consequences whereof appropriate measures must be envisaged.
3. ‘Surrounding environment of a Natura 2000 site’ means a locality of the pursuit of the proposed economic activity which is directly adjacent to or in the vicinity of a Natura 2000 site, where due to natural links among locations or the size of the proposed economic activity it is likely that the proposed economic activity may negatively affect the integrity of the Natura 2000 site or the natural habitats or species under protection therein.
4. ‘Proposed economic activity’ means an envisaged economic activity covering the execution of construction works, reconstruction of structures, manufacturing, the introduction, upgrading or changing of technological equipment and the production process, changes in production

technique, quantity or type of products, extraction of subsurface resources and exploitation of earth cavities, utilisation of other natural resources, the activity provided for in land management, forest management and water management projects and other economic activity likely to affect the environment.

5. 'Screening for environmental impact assessment of the proposed economic activity' means a process covering:

1) the preparation of the information of the organiser (developer) of the proposed economic activity or the drafter of environmental impact assessment documents which will determine the necessity of performance of environmental impact assessment of the proposed economic activity (hereinafter: 'screening information');

2) the examination of screening information by the competent authority in order to determine whether the environmental impact assessment of the proposed economic activity is obligatory, consultations with entities of environmental impact assessment and the public concerned, the adoption of a reasoned conclusion on screening for environmental impact assessment (hereinafter: a 'screening conclusion') and its publication.

6. 'Organiser (developer) of the proposed economic activity' means a natural person, a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof), where they are planning the economic activity which is subject to environmental impact assessment or which is included in the procedure of screening for environmental impact assessment of the proposed economic activity as specified by this Law.

7. 'Environmental impact assessment of the proposed economic activity' means the process of identification, description of and provision of conclusions on the potential environmental impact of the proposed economic activity covering:

1) the environmental impact assessment of the proposed economic activity performed by the drafter of environmental impact assessment documents, the preparation of an environmental impact assessment programme (hereinafter: a 'programme'), provided that the programme is prepared in accordance with the procedure laid down by this Law, and a report on environmental impact assessment (hereinafter: a 'report') in compliance with requirements of legal acts;

2) the examination of an evaluation of environmental impact assessment documents and of proposals of the public concerned, also the examination of the proposals of the public concerned and the preparation of conclusions on a programme and a report and the environmental impact of the proposed economic activity performed by entities of environmental impact assessment;

3) the provision of information to the public, the participation of the public concerned in the process of environmental impact assessment, as provided for in legal acts, and when performing transboundary environmental impact assessment – also consultations with other states;

4) the examination and evaluation of environmental impact assessment documents performed by the competent authority, the examination of an evaluation of proposals of the public concerned and of the proposals of the public concerned, the examination and evaluation of additional information provided by the drafter of the environmental impact assessment documents and/or the organiser (developer) of the proposed economic activity, if such information is provided in accordance with the procedure laid down by legal acts, having regard to conclusions of entities of environmental impact assessment on a report and the effect on the environment of the

proposed economic activity, to results of transboundary environmental impact assessment, if such has been performed;

5) the adoption of a decision of the competent authority regarding the environmental impact of the proposed economic activity and its publication.

8. 'Environmental impact assessment documents' means a programme, a report.

9. 'Drafter of environmental impact assessment documents' means a natural person or a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof) authorised by the organiser (developer) of the proposed economic activity and drafting the information required to determine the necessity of environmental impact assessment of the proposed economic activity and/or environmental impact assessment documents and performing other functions specified by this Law.

10. 'Entity of environmental impact assessment' means a state institution or an executive institution of a municipality analysing environmental impact assessment documents, providing conclusions within its remit and participating in the process of screening for environmental impact assessment.

11. 'Environmental impact' means a change envisaged to occur in the environment as a result of the proposed economic activity.

11¹. 'Notice of the commencement of environmental impact assessment' means a notice submitted by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment that an environmental impact assessment of the proposed economic activity is commenced.

12. 'Decision regarding the environmental impact of the proposed economic activity' means a reasoned document adopted by the competent authority in accordance with the established procedure and indicating whether the proposed economic activity, by virtue of its nature, place and/or environmental impact, measures for reducing and/or offsetting the potential significant environmental impact, meets requirements of legal acts and specifying the conditions of the pursuit of the proposed economic activity related to the performed environmental impact assessment.

13. 'Strategic assessment of consequences for the environment' shall be interpreted as it is defined in the Law of the Republic of Lithuania on Environmental Protection.

14. 'Public concerned' means the public affected or likely to be affected by the taking of decisions, acts or omissions in the area of environmental impact assessment or having an interest in the process of screening for environmental impact assessment and/or environmental impact assessment. For the purposes of this definition, the public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) promoting environmental protection shall in any case be deemed the public concerned.

15. 'Public' means one or more natural and/or legal persons, their associations, organisations or groups.

Article 3. Screening for environmental impact assessment and environmental impact assessment in planning, changing and extending the economic activity

1. The environmental impact assessment of the proposed economic activity which, by virtue of its nature, size or envisaged location, may have a significant effect on the environment shall be performed when:

1) the proposed economic activity is included in the List of the Proposed Economic Activities Subject to Environment Impact Assessment (Annex 1 to this Law);

2) during a screening for the environmental impact assessment of the proposed economic activity (hereinafter: a 'screening for environmental impact assessment'), it is determined that the proposed economic activity is subject to an environmental impact assessment;

3) the pursuit of the proposed economic activity may affect sites of the European ecological network "Natura 2000" and when an institution of protected areas referred to in the Law of the Republic of Lithuania on Protected Areas (hereinafter: an 'institution of protected areas') establishes, in accordance with the procedure laid down by the Minister of Environment, that this impact may be significant.

2. The significance of the impact on Natura 2000 sites, as referred to in point 3 of paragraph 1 of this Article, shall be determined taking into account the objectives of the protection of the areas, the size and extent of the impact of the proposed economic activity, the probability and nature, magnitude, duration, frequency, reversibility of the impact and the possibilities to avoid and reduce the impact. The effect on the Natura 2000 sites shall be considered significant in the cases when, in accordance with provisions of the Law of the Republic of Lithuania on Environmental Protection and having regard to objectives of the protection of specific areas, the proposed economic activity may have significant adverse impact on protected species and natural habitats and/or the integrity of Natura 2000.

3. A screening for environmental impact assessment and/or an environmental impact assessment of the proposed economic activity (hereinafter: 'environmental impact assessment') must be completed by the issue of a permit as stipulated by laws (a construction permit, an authorisation to exploit subsurface resources or cavities, an integrated pollution prevention and control permit, an emission allowance and other permits specified by the laws). Until the completion of the screening for environmental impact assessment and/or the environmental impact assessment, the permit shall not be issued.

4. When the objective of the proposed economic activity is the protection of the state border, national defence or the proposed economic activity would be carried out following an emergency event as defined by the Law of the Republic of Lithuania on Civil Protection, the competent authority may, upon receiving information from the organiser (developer) of the proposed economic activity, take a decision not to perform a screening for environmental impact assessment or an environmental impact assessment if the conduct of procedures with regards to such an activity may adversely affect the objectives of national defence, fire or civil protection.

5. When the proposed economic activity is directly prohibited by law, a screening for the environmental impact assessment of such proposed economic activity or an environmental impact assessment may not be performed.

6. Where the competent authority has adopted a screening conclusion and/or a decision regarding the environmental impact of the proposed economic activity, but before or after the

commencement of the activity the proposed economic activity is changed or extended and this change or extension is in compliance with the cases referred to in point 10 of Annex 1 or point 14 of Annex 2, a screening for environmental impact assessment or an environmental impact assessment shall be performed.

Article 4. Objectives of environmental impact assessment

The objectives of environmental impact assessment shall be as follows:

- 1) to determine, describe and assess the potential direct and indirect effects of the proposed economic activity on the following elements of the environment: soil, land surface and subsurface, air, water, climate, landscape and biodiversity, focusing in particular on species and natural habitats of Community interest, also on other species protected by the Law of the Republic of Lithuania on the Protected Species of Fauna, Flora and Fungi, material assets, immovable cultural properties and the interrelationship between these elements;
- 2) to identify, describe and assess the potential direct and indirect effects of biological, chemical and physical factors caused by the proposed economic activity on public health, also on the interrelationship between elements of the environment and public health;
- 3) to determine the potential impact of the proposed economic activity on the elements of the environment referred to in point 1 of this Article and on public health by virtue of the risk of vulnerability of the proposed economic activity due to emergency events and/or potential emergencies;
- 4) to determine the measures to be taken in order to prevent envisaged significant adverse impact on the environment and public health, to reduce it or, if possible, to offset it;
- 5) to determine whether the proposed economic activity, having assessed its nature, location and/or effect on the environment, meets the requirements of environmental protection, public health, immovable cultural heritage protection, fire and civil protection legislation.

Article 5. Participants of the processes of screening for environmental impact assessment and environmental impact assessment

1. Participants of the processes of screening for environmental impact assessment and environmental impact assessment shall be:

- 1) the competent authority – an institution authorised by the Government;
- 2) entities of environmental impact assessment: the executive institution of the municipality in the territory whereof the proposed economic activity is to be carried out, the institutions authorised by the Minister of Health, the institutions authorised by the Minister of the Interior responsible for fire and civil protection, the institutions authorised by the Minister of Culture responsible for the protection of cultural properties, and in the cases when an environmental impact assessment is performed pursuant to Article 3(1)(3) of this Law – the institutions of protected areas authorised by the Minister of Environment and other state institutions included in

the process of environmental impact assessment in accordance with the procedure established in paragraph 2 of this Article;

3) the organiser (developer) of the proposed economic activity;

4) the drafter of environmental impact assessment documents, as authorised by the organiser (developer) of the proposed economic activity, who is a natural person and holds an appropriate higher education degree or qualification in the field corresponding to the specific character of the drafted documents of a screening for environmental impact assessment or an environmental impact assessment or parts thereof or a legal person or a division thereof (including a foreign legal person or another organisation, also a division thereof) whose professionals hold an appropriate higher education degree or qualification in the field conforming to the specific character of the drafted documents of the screening for environmental impact assessment or the environmental impact assessment or parts thereof;

5) the public concerned;

6) in the process of transboundary environmental impact assessment – an institution authorised by the Government which, in accordance with the procedure established by the Minister of Environment, coordinates the process of transboundary environmental impact assessment.

2. Entities of environmental impact assessment may also be other state institutions not listed in point 2 of paragraph 1 of this Article if, during the examination of documents of environmental impact assessment, the competent authority, having regard to the nature, size or location of the proposed economic activity, invites them in accordance with the procedure established by the Minister of Environment to participate in the process of environmental impact assessment. In such cases, the competent authority shall notify in writing the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment of other state institutions participating in the process of environmental impact assessment.

Article 6. Functions of participants of the processes of screening for environmental impact assessment and environmental impact assessment

1. The competent authority shall:

1) coordinate the processes of screening for environmental impact assessment and environmental impact assessment;

2) examine the screening information, proposals of entities of environmental impact assessment, the public concerned regarding the screening information and/or performance of environmental impact assessment and adopt a screening conclusion on environmental impact assessment, examine, evaluate and approve programmes, examine and evaluate an evaluation of the proposals of the public concerned, the proposals of the public concerned, reports, adopt a decision regarding the environmental impact of the proposed economic activity, provide information to the public. The procedure for examining the documents specified in this point shall be established by the Minister of the Environment;

3) if necessary and in accordance with the procedure established by the Minister of Environment, involve consultants to evaluate a report and the conclusions of entities of environmental impact assessment accompanying it, proposals of the public concerned and evaluations thereof and to

present conclusions in the cases it lacks expertise to consider these documents. Participation of the consultants shall be organised by the competent authority at its own expense.

2. The organiser (developer) of the proposed economic activity shall organise, at its own expense, the procedures of screening for environmental impact assessment and environmental impact assessment, prepare the screening information, which will determine the necessity of performance of environmental impact assessment, a notice of the commencement of environmental impact assessment, perform the procedures of screening for environmental impact assessment procedure assigned thereto by this Law and participate in the process of environmental impact assessment in accordance with the procedure established by this Law and the Minister of Environment.

3. The drafter of environmental impact assessment documents shall prepare the screening information, which will determine the necessity of performance of environmental impact assessment, determine, describe and evaluate the potential impact of the proposed economic activity on the environment, prepare a notice of the commencement of environmental impact assessment, documents of environmental impact assessment and perform the procedures of screening for environmental impact assessment, environmental impact assessment and provision of information to the public assigned thereto by this Law.

4. Entities of environmental impact assessment shall, within their remit indicated in paragraph 5 of this Article, examine an evaluation of proposals of the public concerned, examine and evaluate documents of environmental impact assessment, submit reasoned conclusions on the documents of environmental impact assessment and the effect of the proposed economic activity on the environment and, in accordance with the procedure established in Article 7 of this Law, participate in the process of environmental impact assessment by submitting reasoned proposals.

5. Entities of environmental impact assessment shall, in performing the functions specified in paragraph 4 of this Article, provide the following conclusions:

- 1) the institutions authorised by the Minister of Health – regarding the potential impact on public health of the factors of the proposed economic activity affecting public health;
- 2) the institutions authorised by the Minister of Culture and responsible for the protection of cultural properties – in the area of the protection of immovable cultural heritage regarding the potential impact of the proposed economic activity on immovable cultural heritage;
- 3) the institutions authorised by the Minister of the Interior and responsible for fire and civil protection – regarding the incidents, emergency events, emergencies likely to occur during the pursuit of the proposed economic activity, measures for prevention or mitigation thereof and response thereto;
- 4) an institution of protected areas – regarding the effect of the proposed economic activity on Natura 2000 sites;
- 5) an executive institution of a municipality – regarding the environmental impact assessment of the proposed economic activity and the potential impact of this activity on the environment, having regard to solutions of approved and valid territorial planning documents and the possibilities of modifying them in accordance with the requirements of legal acts and to data of the municipality's environmental monitoring conducted in accordance with laws.

6. The public concerned shall, in accordance with the procedure established by the Minister of Environment, participate in the processes of screening for environmental impact assessment and environmental impact assessment, submit proposals regarding the proposed economic activity and its environmental impact assessment.

7. The competent authority, when examining the documents of the screening information and environmental impact assessment revised and/or supplemented according to its reasoned requests, and entities of environmental impact assessment, when examining the documents of environmental impact assessment revised and/or supplemented according to their reasoned requests, may not request the information and/or data which they did not indicate when examining the screening information or documents of environmental impact assessment for the first time, but could have requested them.

8. When the competent authority or an entity of environmental impact assessment is the organiser (developer) of the proposed economic activity subject to the procedures specified in Article 7 and/or Articles 8-11 of this Law, the organiser (developer), the competent authority or the entity of environmental impact assessment must, for the performance of the functions referred to in paragraphs 1, 2 and 4 of this Article, establish a procedure according to which functions are divided among divisions of the authority in order to avoid conflicts of interest in performing the duties assigned to them by this Law.

CHAPTER II

SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

Article 7. Screening for environmental impact assessment

1. Screening for environmental impact assessment shall have the objective of determining whether a specific proposed economic activity is subject to environmental impact assessment.

2. Screening shall be conducted in respect of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment (Annex 2 to this Law).

3. In the cases when the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment is to be pursued in a Natura 2000 site or in the surrounding environment of the site, the organiser (developer) of the proposed economic activity shall, prior to commencing the preparation of the screening information or during its preparation, refer, in accordance with the procedure established by the Minister of Environment, to an institution of protected areas for determining the significance of the impact of the pursuit of the proposed economic activity on these sites. If the institution of protected areas determines, in accordance with the procedure established by the Minister of Environment, that the pursuit of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Screening for Environmental Impact Assessment (Annex 2 to this Law) may affect Natura 2000 sites and this impact may be significant, an environmental impact assessment of this proposed economic activity shall be performed without screening for environmental impact assessment.

4. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall prepare information for screening for environmental impact assessment in compliance with the Methodological Instructions for Screening of the Proposed Economic Activity (hereinafter: the ‘Screening Methodological Instructions’) approved by the Minister of Environment.

5. The competent authority shall perform a screening for environmental impact assessment by assessing the screening information prepared by the organiser (developer) of the proposed economic activity or the drafter of environmental impact assessment documents in compliance with the Screening Methodological Instructions as submitted thereto and having regard to:

1) the size, nature of the proposed economic activity, its interaction with other economic activities being pursued and/or the development of economic activities in adjacent areas approved in accordance with the requirements of legal acts; the exploitation of natural resources, such as water, land (its surface and subsurface), soil and biodiversity; waste generation; the potential impact of the proposed economic activity on soil, surface and subsurface, air, water, climate, landscape and biodiversity, with a focus on species and natural habitats of Community interest, also on other species protected by the Law of the Republic of Lithuania on the Protected Species of Fauna, Flora and Fungi, material assets, immovable cultural properties and the interrelationship between these elements; the potential impact of the biological, chemical and physical factors caused by the proposed economic activity on public health and the risk of occurrence of emergency events and/or emergencies;

2) the environmental sensitivity of a locality which is likely to be affected by the proposed economic activity, characteristics of the ecosystem, the nature of areas of used land, natural and subsurface resources of the locality, their abundance, quality and regenerative capacity; the absorption capacity of the natural environment, with a focus on protected areas, also the environmental protection purposes of a Natura 2000 site, densely populated areas, wetlands, forest areas, protection zones, data of performed environmental monitoring, the territories where the permissible level of pollution has been exceeded or the territories of historical, cultural or archaeological significance;

3) the size and extent of the impact of the proposed economic activity, its probability and nature, magnitude, complexity, duration, frequency, reversibility, transfrontier nature, the combined effect with the economic activity being pursued or planned to be pursued at that location and the possibilities to avoid or to prevent the effect.

6. The competent authority shall, in accordance with the procedure laid down by the Minister of Environment, inform entities of environmental impact assessment and the public about the receipt of the screening information received and the possibility of submitting proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity not later than within three working days from the receipt of such information. The entities of environmental impact assessment within ten working days from the receipt of such information and the public concerned – from the date of publication of the information shall submit to the competent authority proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity. If no proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity are submitted to the competent authority within the specified time limit, it shall be considered that the entities of environmental impact assessments and the public concerned do not have any proposals regarding the screening information and/or the environmental impact assessment of the proposed economic activity.

7. The competent authority shall, upon examining the screening information submitted by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment, proposals of entities of environmental impact assessment, the public concerned and based on the requirements set out in paragraph 5 of this Article, adopt within 20 working days from the receipt of the screening information specified in paragraph 5 of this Article a screening conclusion on whether an environment impact assessment is obligatory and shall submit it in writing to the organiser (developer) of the proposed economic activity, the drafter of the documents of environmental impact assessment and the entities of environmental impact assessment or may request the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment to submit supplementary information required to perform a screening for environmental impact assessment. In such cases, the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall supplement the screening information and re-submit it to the competent authority, which shall, within ten working days from the receipt of the supplemented screening information, adopt a screening conclusion. The content of the screening conclusion shall be specified by the Minister of Environment.

8. The competent authority shall make an adopted screening conclusion public in accordance with the procedure established by the Minister of Environment. The screening conclusion shall become effective on the next day following its publication and shall be valid for a period of three years. Upon the expiry of validity of the screening conclusion, unless a permit referred to in Article 3(3) of this Law has been issued on the basis thereof, the procedure of screening for environmental impact assessment shall be repeated.

9. The competent authority may, in accordance with the procedure established by the Minister of Environment, decide to extend the validity of a screening conclusion for a period not longer than three years within ten working days from the receipt of a reasoned request of the organiser (developer) of the proposed economic activity for extension of the validity of the screening conclusion, provided that the organiser (developer) of the proposed economic activity has submitted the reasoned information indicating that the proposed economic activity, the conditions of its pursuit and location based on which the screening conclusion had been adopted have not changed. The competent authority shall publish a decision regarding the extension of the validity of the screening conclusion in accordance with the procedure established by the Minister of Environment.

10. Where the proposed economic activity is subject to the provisions of Article 9(1) of this Law, the time limit for the adoption of a screening conclusion as referred to in paragraph 7 of this Article shall not apply. The competent authority shall adopt the screening conclusion within five working days from the receipt of a response from an affected state indicated in Article 9 of this Law regarding transboundary environmental impact assessment.

11. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment may commence an environmental impact assessment without the procedure of screening for environmental impact assessment.

CHAPTER III

ENVIRONMENTAL IMPACT ASSESSMENT

Article 8. Programme for environmental impact assessment

1. In the cases indicated in Article 3(1) of this Law, the organiser (developer) of the proposed economic activity shall have the right to decide whether to prepare a programme or to prepare a notice of the commencement of environmental impact assessment. The programme shall be obligatory if a transboundary environmental impact assessment of the proposed economic activity is to be performed on the grounds referred to in Article 9(1) of this Law, and the submission of the programme to another state is stipulated by international treaties concluded between the Republic of Lithuania and another state.

2. A programme shall be prepared by the drafter of documents of environmental impact assessment in compliance with the Regulations of Preparation of a Programme for and a Report on Environmental Impact Assessment approved by the Minister of Environment. The programme shall establish the content of a report and the issues to be considered therein.

3. The drafter of documents of environmental impact assessment shall submit a prepared programme to entities of environmental impact assessment for conclusions and inform, in accordance with the procedure established by the Minister of Environment, the public and the competent authority, which shall publish the information within three working days from the receipt thereof in accordance with the procedure established by the Minister of Environment. The date of receipt of information on the programme by the competent authority shall be considered the commencement of environmental impact assessment, except for the cases where a notice of the commencement of environmental impact assessment has been received in accordance with the procedure laid down in Article 8¹ of this Law prior to the receipt of this information by the competent authority.

4. Entities of environmental impact assessment shall examine a programme, evaluate the information contained therein and, within ten working days from the receipt thereof, provide reasoned conclusions to the drafter of documents of environmental impact assessment. Having taken account of the size, nature or location of the proposed economic activity, the entities of environmental impact assessment responsible for fire and civil protection and protection of immovable cultural properties shall have the right to indicate, when presenting conclusions on the programme, whether they will examine a report. Where the entities of environmental impact assessment responsible for fire and civil protection and protection of immovable cultural properties indicate that they will not examine the report, the report shall not be submitted thereto.

5. If, prior to the approval of a programme, but not later than within 20 working days from the receipt of the programme by an executive institution of a municipality, the council of the municipality on the territory whereof the proposed economic activity is to be pursued takes a reasoned negative decision regarding the feasibility of the proposed economic activity, the procedures of environmental impact assessment may not be continued during the period of validity of the reasoned negative decision taken by the municipal council, except for the cases when the proposed economic activity is of national importance and its pursuit is provided for in the state strategic plans approved by the Government or the proposed economic activity is necessary for the implementation of a project of national importance or a project of regional importance. The municipality's administration shall immediately, within three working days, inform the competent authority and the organiser (developer) of the proposed economic activity about the reasoned negative decision taken by the municipal council and shall present the reasoned negative decision of the municipal council. The competent authority shall, upon receiving this decision of the municipal council, provide information thereon to the public in accordance with the procedure established by the Minister of Environment.

6. Entities of environmental impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or revise a programme. In such cases, the drafter of documents of environmental impact assessment shall supplement or revise the programme and shall resubmit it to the entities of environmental impact assessment, which shall, within five working days from the receipt thereof, examine the programme, evaluate the information contained therein and present their reasoned conclusions to the drafter of documents of environmental impact assessment.

7. If entities of environmental impact assessment or the council of the municipality on the territory whereof the proposed economic activity is to be pursued fail to submit conclusions on a programme within the time limit specified in paragraph 4, 5 or 6 of this Article, the programme shall be deemed to have been approved.

8. The drafter of documents of environmental impact assessment shall submit an evaluation of proposals of the public concerned prepared in conjunction with the organiser (developer) of the proposed economic activity, conclusions of entities of environmental impact assessment and a programme to the competent authority for examination.

9. Upon examining and evaluating a programme and an evaluation of proposals of the public concerned accompanying it and based on conclusions of entities of environmental impact assessment, the competent authority shall, within ten working days from the receipt of the programme, approve the programme or submit reasoned requests to the drafter of documents of environmental impact assessment to supplement or revise the programme. Information on the approved programme shall be published by the competent authority in accordance with the procedure established by the Minister of Environment. The programme shall remain effective for a period of three years from its approval. A report shall be submitted to entities of environmental impact assessment before the expiry of the validity of the programme.

10. If the competent authority has submitted, in compliance with paragraph 9 of this Article, reasoned requests to revise or supplement a programme, the competent authority shall, upon examining and evaluating the programme, approve it within five working days from the receipt of the revised or supplemented programme.

11. Where the proposed economic activity is subject to the procedures of transboundary environmental impact assessment in accordance with Article 9 of this Law, a programme shall be approved only upon receipt of a conclusion on transboundary environmental impact assessment within the time limits specified in paragraphs 9 or 10 of this Article and in accordance with the procedure established by the Minister of Environment.

Article 8¹. Notice of the commencement of environmental impact assessment

1. A notice of the commencement of environmental impact assessment shall be obligatory where the environmental impact assessment of the proposed economic activity is obligatory under provisions of Article 3(1) of this Law and a programme is not prepared.

2. A notice of the commencement of environmental impact assessment shall be prepared by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment. The format and content of the notice of the commencement of environmental impact assessment shall be approved by the Minister of Environment.

3. The organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment shall, not later than within 15 working days before the provision of information to the public on the public access to a report in accordance with the procedure laid down in Article 10(3) of this Law, submit a notice of the commencement of environmental impact assessment to entities of environmental impact assessment and the competent authority (which shall publish the received information within three working days from the receipt of the notice of the commencement of environmental impact assessment) and inform the public in accordance with the procedure established by the Minister of Environment. The date of receipt of the notice of the commencement of environmental impact assessment by the competent authority shall be considered to be the date of the commencement of environmental impact assessment.

4. The competent authority and entities of environmental impact assessment shall have the right to submit reasoned proposals to the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment within ten working days from the receipt of a notice of the commencement of environmental impact assessment. The public concerned shall have the right to submit proposals to the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment and the competent authority within ten working days from the publication of the received notice of the commencement of environmental impact assessment by the competent authority. The drafter of documents of environmental impact assessment shall, together with the organiser (developer) of the proposed economic activity, present an evaluation of the proposals received in a report.

5. A report shall be submitted to entities of environmental impact assessment not later than within three years from the submission of a notice of the commencement of environmental impact assessment to the entities of environmental impact assessment and the competent authority.

6. Where the proposed economic activity is subject to procedures of transboundary environmental impact assessment, further environmental impact assessment procedures shall be carried out in accordance with the procedure laid down in Article 9 of this Law.

Article 9. Transboundary environmental impact assessment

1. If, during a screening for environmental impact assessment or when submitting to the competent authority a programme in compliance with provisions of Article 8(3) of this Law or a notice of the commencement of environmental impact assessment in compliance with provisions of Article 8¹(3) of this Law, it transpires that the economic activity to be pursued on the territory of the Republic of Lithuania may have significant impact on the environment of another Member State of the European Union and/or a foreign state which is not a Member State of the European Union, but is party to the 1991 United Nations Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter: the Convention') (hereinafter: a 'foreign state') or an environmental protection institution authorised by the Government and coordinating the process of transboundary environmental impact assessment (hereinafter: an 'institution authorised by the Government') has received a request from another Member State of the European Union and/or from a foreign state (hereinafter: an 'affected state') which, in their opinion, may become a significantly affected state to perform transboundary environmental impact assessment, such proposed economic activity shall be subject to the procedures of transboundary environmental impact assessment referred to in this Article in addition to other procedures specified in this Law.

2. When the proposed economic activity is subject to procedures of transboundary environmental impact assessment, an institution authorised by the Government shall, in accordance with the procedure established by the Minister of Environment, inform thereof the competent authority and the drafter of documents of environmental impact assessment requesting him to prepare and submit to the institution authorised by the Government a summary of the screening information or of a programme, information on the proposed economic activity of the scope determined by the Minister of Environment, if a notice of the commencement of environmental impact assessment has been submitted and if the submission of the programme to another State is not provided for in international treaties concluded between the Republic of Lithuania and another State, which must include information on the proposed economic activity and its potential significant transboundary impact in a bilateral agreement, if available, in the specified language, in other cases – in English, and when requested by an affected state – also in its national language. 3. An institution authorised by the Government shall, upon receiving the screening information referred to in paragraph 2 of this Article or a programme summary or information on the proposed economic activity from the drafter of documents of environmental impact assessment, dispatch a notice to an affected state accompanied by a description of the proposed economic activity, the available information on the potential significant transboundary impact of the proposed economic activity on the environment, the information on the nature of possible solutions, specify a time period (not less than 25 working days) for submission of a notice of the willingness of the affected state to participate in the process of transboundary environmental impact assessment and request the affected state to inform the competent authorities and the public of the state.

4. If an affected state fails to respond within the period specified in a notification or notifies that it will not participate in the process of transboundary environmental impact assessment of the proposed economic activity, the assessment shall be performed in compliance with national law.

5. An institution authorised by the Government shall, upon receiving a reply from an affected state concerning its participation in the process of the transboundary environmental impact assessment of the proposed economic activity, inform thereof the competent authority, the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment, who shall be instructed to submit a report, a summary of the relevant information on the proposed economic activity and its potential significant transboundary environmental impact in a bilateral agreement, if available, in the specified language, in other cases – in English and when requested by the affected state – also in its national language.

6. An institution authorised by the Government shall, upon receiving from the drafter of documents of environmental impact assessment the information referred to in paragraph 5 of this Article, provide it to an affected state together with information on the procedures of environmental impact assessment, the proposed transboundary consultations, the duration thereof and request to provide information to the public and the competent authorities of this state indicating a period of not less than 30 working days from the date of dispatch within which the affected state may submit its proposals to the institution authorised by the Government.

7. Upon receiving a reply of an affected state concerning the information indicated in paragraph 6 of this Article and/or additional information on the potential significant transboundary environmental impact of the proposed economic activity, an institution authorised by the Government shall forward it to the drafter of documents of environmental impact assessment and, if necessary, agree with the affected state on transboundary consultations regarding the potential transboundary impact of the proposed economic activity, the measures provided for to reduce or eliminate such environmental impact through a bilateral or multilateral meeting.

8. When performing a transboundary environmental impact assessment, this Law, the Convention, international treaties concluded by the Republic of Lithuania and another state shall be complied with.

9. In the cases when an institution authorised by the Government has received information from another Member State of the European Union and/or a foreign state on the economic activity to be pursued on its territory that could have significant transboundary impact, the institution authorised by the Government shall organise the provision of information to the public and the state and/or municipal institutions concerned and obtaining of conclusions from them in accordance with the procedure established by the Minister of Environment. The publication of the information received from another Member State of the European Union and/or a foreign state on the economic activity to be pursued on its territory shall be subject to the restrictions which are in force in that Member State of the European Union or in the foreign state.

10. In the case referred to in paragraph 9 of this Article, an institution authorised by the Government may, in compliance with provisions of the Convention, request transboundary consultations of another Member State of the European Union and/or a foreign state on the likely transboundary effect on the environment of the proposed economic activity to be pursued on their territory.

Article 10. Report on environmental impact assessment

1. A report shall be drawn up by the drafter of documents of environmental impact assessment on the basis of a programme approved by the competent authority or having regard to the proposals received, where a notice of the commencement of environmental impact assessment has been submitted, and in compliance with the Regulations of Preparation of a Programme for and a Report on Environmental Impact Assessment approved by the Minister of Environment.

2. The drafter of documents of environmental impact assessment may use the up-to-date information received in the course of performance of a strategic environmental impact assessment or other assessment performed in accordance with the requirements of other legal acts.

3. The drafter of documents of environmental impact assessment shall, not later than 20 working days before granting to the public of access to a report, inform the public about the granting to the public of access to the report in accordance with the procedure established by the Minister of Environment.

4. The drafter of documents of environmental impact assessment together with the organiser (developer) of the proposed economic activity shall evaluate proposals of the public concerned and, based thereon, revise a report, which shall be submitted to entities of environmental impact assessment together with the evaluation of the proposals of the public concerned.

5. Entities of environmental impact assessment shall examine and evaluate a report and an evaluation of proposals of the public concerned enclosed therewith and, within 20 working days from the receipt thereof, submit to the drafter of documents of impact assessment their reasoned conclusions regarding the report and the environmental impact of the proposed economic activity. In the reasoned conclusions, the entities of environmental impact assessment must indicate: motives as to the approval or disapproval of the proposed economic activity based on requirements of legal acts; the specific alternative which is subject to the approval or

disapproval, provided that alternatives have been considered in the report; the conditions to be met before the commencement of the activity, provided that such conditions can be determined in accordance with the requirements of the legal acts, and provide a reasoned opinion on the evaluation methods, results, the quality of the report and the measures envisaged to reduce and/or offset envisaged significant adverse environment impact.

5¹. If a programme has not been prepared and if, prior to the taking of a decision regarding the proposed economic activity, but not later than within 20 working days from the receipt of a report by an executive institution of a municipality, the council of the municipality on the territory whereof the proposed economic activity is to be pursued takes a reasoned negative decision regarding the feasibility of the proposed economic activity, the procedures of environmental impact assessment may not be continued during the period of validity of the reasoned negative decision taken by the municipal council, except for the cases when the proposed economic activity is of national importance and its pursuit is provided for in the state strategic plans approved by the Government or the proposed economic activity is necessary for the implementation of a project of national importance or a project of regional importance. The municipality's administration shall immediately, within three working days, inform the competent authority and the organiser (developer) of the proposed economic activity about the reasoned negative decision taken by the municipal council and shall present the reasoned negative decision of the municipal council. The competent authority shall, upon receiving this decision of the municipal council, provide information thereon to the public in accordance with the procedure established by the Minister of Environment.

6. Entities of environmental impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or revise a report. The drafter of documents of environmental impact assessment must supplement or revise the report and resubmit it to the entities of environmental impact assessment. The latter shall examine the report and, within ten working days from the receipt thereof, provide reasoned conclusions on the report and the environmental impact of the proposed economic activity to the drafter of documents of environmental impact assessment.

7. If entities of environmental impact assessment fail to submit conclusions on a report and the environmental impact of the proposed economic activity within the time limit set forth in paragraph 5 or 6 of this Article, it shall be deemed that they approve of the report.

8. The drafter of documents of environmental impact assessment shall submit to the competent authority a report revised and/or supplemented in accordance with conclusions of entities of environmental impact assessment, conclusions of the entities of environmental impact assessment on the report and the environmental impact of the proposed economic activity and an evaluation of proposals of the public concerned.

9. The competent authority shall, within three working days from the receipt of a report, publish to the public a notice on the report and access thereto in accordance with the procedure established by the Minister of Environment. The public concerned shall have the right to submit to the competent authority, within ten working days from the publication of the notice, written proposals on the environmental impact assessment of the proposed economic activity and the report.

10. If a report is substantially amended, revised or supplemented (new locations, technological alternatives are proposed) due to the reasoned conclusions received from entities of environmental impact assessment and/or the reasoned requests received from the competent authority to revise or supplement the report, the competent authority must obligate the drafter of

documents of environmental impact assessment to repeatedly grant to the public access to the report.

11. If after the repeated granting to the public of access to a report or comments of the competent authority the report is substantially amended, revised or supplemented, the drafter of documents of environmental impact assessment shall be required to receive new conclusions of entities of environmental impact assessment in accordance with the procedure set forth in paragraphs 4, 5 and 6 of this Article.

Article 11. Decision regarding the environmental impact of the proposed economic activity

1. Upon examining an evaluation of proposals of the public concerned, the proposals received in writing from the public concerned, upon examining and evaluating a report and based on conclusions of entities environmental impact assessment on the report and the environmental impact of the proposed economic activity, the competent authority shall, within 25 working days from the receipt of the report:

1) provide reasoned requests to revise or supplement the report, or

2) adopt a decision regarding the environmental impact of the proposed economic activity. The content of the decision regarding the environmental impact of the proposed economic activity shall be established by the Minister of Environment.

2. Where, pursuant to Article 6(1)(3) of this Law, the competent authority involves consultants to examine a report, the said authority shall, upon performing the actions referred to in paragraph 1 of this Article and based on conclusions of the consultants, submit reasoned requests to revise or supplement the report or adopt a decision regarding the environmental impact of the proposed economic activity within 50 working days from the receipt of the report. The competent authority shall adopt a reasoned decision to involve consultants and submit it to the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment within five working days from the receipt of the report. The time limit for adoption of a decision regarding the environmental impact of the proposed economic activity may be extended once for a period of up to 25 working days for objective reasons beyond the control of the competent authority. The competent authority must give a notice of the adopted decision to extend the time limit not later than five working days before the expiry of the time limit to the organiser (developer) of the proposed economic activity and the drafter of documents of environmental impact assessment and indicate grounds for extending the time limit.

3. Where the competent authority submits reasoned requests to revise and/or supplement a report, the drafter of documents of environmental impact assessment must supplement or revise the report and resubmit it to the competent authority. The competent authority shall examine the report and, within 15 working days from the receipt of the report, adopt a decision or, without prejudice to provisions of Article 6(7) of this Law, resubmit reasoned requests to revise or supplement the report.

4. Where a transboundary environmental impact assessment of the proposed economic activity has been performed in accordance with provisions of Article 9 of this Law, the drafter of documents of environmental impact assessment must prepare and, before the adoption of a decision regarding the environmental impact of the proposed economic activity, submit to the

competent authority an evaluation of proposals of another Member State of the European Union and/or a foreign state likely to be significantly affected.

5. When the proposed economic activity is subject to provisions of Article 9 of this Law or provisions of paragraph 8 of this Article regarding consultations with the European Commission, the time limit for the adoption of a decision regarding the environmental impact of the proposed economic activity referred to in paragraph 1 of this Article shall not apply. The competent authority shall, having regard to the results of transboundary consultations, take a decision regarding the environmental impact of the proposed economic activity not later than within ten working days after the completion of the procedures of transboundary environmental impact assessment upon submission by the drafter of documents of environmental impact assessment an evaluation of proposals of another Member State of the European Union and/or a foreign state likely to be significantly affected. If the European Commission has been consulted in accordance with paragraph 8 of this Article, the competent authority shall take a decision regarding the environmental impact of the proposed economic activity not later than within ten working days after the completion of the consultations.

6. When the conclusions of entities of environmental impact assessment regarding the environmental impact of the proposed economic activity are in conflict with each other and/or a conclusion of an entity of environmental impact assessment on a report and the environmental impact of the proposed economic activity does not meet the requirements set forth in Article 10(5) of this Law and/or the competent authority has received proposals of the public concerned in accordance with Article 10(9) of this Law, the competent authority shall, before adopting a decision regarding the environmental impact of the proposed economic activity, invite the organiser (developer) of the proposed economic activity, the drafter of documents of environmental impact assessment, entities of environmental impact assessment to consider their conclusions and/or the proposals of the public concerned. In addition, the representatives of the public concerned who have submitted their proposals shall also be invited.

7. If the organiser (developer) of the proposed economic activity, the drafter of documents of environmental impact assessment, an entity of environmental impact assessment and/or a representative/representatives of the public concerned, having been informed of a consideration in accordance with the procedure established by the Minister of Environment, fail to appear at the consideration of conclusions of entities of environmental impact assessment and/or proposals of the public concerned without valid reasons, the competent authority shall consider the received proposals in the absence thereof.

8. If it is established that the pursuit of the proposed economic activity will cause significant adverse effects to Natura 2000 sites and there are no alternative solutions for the proposed economic activity, the competent authority shall adopt a decision regarding the environmental impact of the proposed economic activity, except for the decision referred to in paragraph 11 of this Article, only in the cases when it must be pursued for imperative reasons of overriding public interest, including social or economic reasons. When adopting the decision, the imperative reasons of overriding public interest, including social or economic reasons, shall be deemed to exist when it has been proved that the proposed economic activity is necessary due to the actions or plans the purpose whereof is to protect the fundamental values of citizens' life (health, safety, the environment) or due to the implementation of major state and public policy programmes or due to the pursuit of economic or social activities and provision of public services. In such cases, the measures for repopulation of natural habitats, habitats of species or species or improvement of these habitats in a part of the same area, an extended area, another area or a new area to be included in the indicated ecological network or other compensatory measures whose compensatory effect would be proportional to the damage caused by the pursuit of the proposed

economic activity shall be envisaged and implemented in order to preserve the integrity of Natura 2000. The compensatory measures shall be envisaged and implemented in such a way that their impact would emerge earlier than the damage caused by the pursuit of the proposed economic activity. An institution of protected areas shall inform the European Commission of these compensatory measures in accordance with the procedure established by the Minister of Environment. When the relevant Natura 2000 site hosts a priority natural habitat type and/or a priority plant or animal species, the only considerations which may be raised shall be those related to human health or public safety or to beneficial consequences of primary importance for the environment. As regards the possibility to adapt the considerations related to other imperative reasons of overriding public interest than indicated, it shall be necessary, in accordance with the procedure established by the Minister of Environment, to refer to the European Commission for its opinion on such a matter.

9. The competent authority shall present a decision regarding the environmental impact of the proposed economic activity to entities of environmental impact assessment and the organiser (developer) of the proposed economic activity in writing. The decision of the competent authority regarding the environmental impact of the proposed economic activity, including the conditions specified therein, shall be binding on the organiser (developer) of the proposed economic activity in pursuing the proposed economic activity.

10. A decision regarding the environmental impact of the proposed economic activity adopted by the competent authority shall, with the exception of the decision referred to in paragraph 11 of this Article, be valid for a period of five years from the adoption thereof. The competent authority may, in accordance with the procedure established by the Minister of Environment, take a decision to extend the validity of a decision regarding the environmental impact of the proposed economic activity for a period not exceeding five years within 15 working days from a reasoned request of the organiser (developer) of the proposed economic activity for extending the validity of the decision, provided that the organiser (developer) of the proposed economic activity has submitted the reasoned information indicating that the proposed economic activity, the conditions of its pursuit and location based on which the decision regarding the environmental impact of the proposed economic activity had been taken have not changed. The competent authority shall, in accordance with the procedure established by the Minister of Environment, publish to the public a decision regarding the extension of the validity of the decision regarding the environmental impact of the proposed economic activity.

11. If the competent authority takes a decision regarding the environmental impact of the proposed economic activity and states that the activity does not meet the requirements of legal acts of environmental protection, public health, protection of immovable cultural heritage, fire safety and civil protection, a permit referred to in Article 3(3) of this Law shall not be issued, and this proposed economic activity may not be pursued.

12. The competent authority shall, in accordance with the procedure established by the Minister of Environment, publish to the public a decision regarding the environmental impact of the proposed economic activity and grant it access thereto. When the proposed economic activity has been subject to transboundary environmental impact assessment procedures in accordance with provisions of Article 9 of this Law, the competent authority shall, in accordance with the procedure established by the Minister of Environment, provide information on the decision to the institution authorised by the Minister of Environment, which shall inform thereof an affected state participating in the process of transboundary environmental impact assessment.

CHAPTER IV

PUBLICITY OF AND AVAILABILITY OF INFORMATION ON THE PROCESSES OF SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

Article 12. Submission of document for a screening for environmental impact assessment and an environmental impact assessment

All participants of the processes of screening for environmental impact assessment and environmental impact assessment shall have the right to submit documents to the competent authority, entities of environmental impact assessment in accordance with the procedure established by the Government and to receive replies from them at a distance, by electronic means through a point of contact, as stipulated in the Law of the Republic of Lithuania on Services, or by directly contacting the competent authority and the entities of environmental impact assessment, with the exception of the cases when there are no technical possibilities to reproduce or to read the information provided in such manner.

Article 13. Publicity of the processes of screening for environmental impact assessment and environmental impact assessment

1. In the course of a screening for environmental impact assessment and an environmental impact assessment, the public concerned shall have the right to obtain, in accordance with the procedure laid down by laws, information on the potential environmental impact of the proposed economic activity from other participants of the processes of screening for environmental impact assessment and environmental impact assessment.
2. A procedure for providing information to the public and participating in the processes of screening for environmental impact assessment of the proposed economic activity and environmental impact assessment shall be established by the Minister of Environment.
3. The competent authority and entities of environmental impact assessment shall protect the confidentiality of the information provided by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment where such information may not be disclosed according to legal acts of the Republic of Lithuania.

CHAPTER V

FINAL PROVISIONS

Article 14. Liability of participants of the processes of screening for environmental impact assessment and environmental impact assessment

Participants of the processes of screening for environmental impact assessment and environmental impact assessment shall be held liable for infringements of provisions of this Law in accordance with the procedure laid down by laws.

Article 15. Right of the public to refer to court

1. The public shall have the right to refer to court if it considers that its application filed in accordance with the procedure laid down by the legal acts governing the processes of screening for environmental impact assessment and environmental impact assessment has been unlawfully dismissed, has been provided with a partially or completely inappropriate response or has not been given proper regard in accordance with the legal acts governing the processes of screening for environmental impact assessment and environmental impact assessment.

2. The public concerned shall have the right to refer to court disputing the substantive or procedural legitimacy of decisions, acts or omissions in the areas of screening for environmental impact assessment and environmental impact assessment.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

**LIST OF THE PROPOSED ECONOMIC ACTIVITIES SUBJECT TO
ENVIRONMENTAL IMPACT ASSESSMENT**

1. Agriculture and aquaculture:

- 1.1. Intensive rearing of pigs with 3 000 and more places for pigs (over 30 kg);
- 1.2. Intensive rearing of sows with 900 and more places for sows;
- 1.3. Intensive rearing of poultry:
 - 1.3.1. with 85 000 and more places for broilers;
 - 1.3.2. with 60 000 and more places for hens;
- 1.4. Dams and other installations designed for the holding back or permanent storage of water (where the amount of water is equal to or exceeds 5 million cubic metres or the area of water surface is equal to or exceeds 250 hectares).

2. Extractive and processing industry:

- 2.1. Extraction of conventional hydrocarbons (petroleum) in the mainland territory of the Republic of Lithuania (where the amount of oil extracted in the oil field exceeds 500 tonnes of oil per day);
- 2.2. Extraction of conventional hydrocarbons (gas) in the mainland territory of the Republic of Lithuania (where the amount of gas extracted in the gas field exceeds 500 000 cubic metres of gas per day);
- 2.3. Extraction of conventional hydrocarbons (oil or gas) in the maritime area of the Republic of Lithuania;
- 2.4. Extraction of dispersed hydrocarbons (gas or oil);
- 2.5. Peat extraction (where the surface of the site is equal to or exceeds 150 hectares);
- 2.6. Other mineral extraction (where the surface of the site is equal to or exceeds 25 hectares);
- 2.7. Exploration of dispersed hydrocarbons in boreholes by injecting, through hydraulic rock splitting, of more than 10 000 cubic metres of water, sand or artificial solids and a mixture of chemicals into a borehole during the whole process of splitting;

2.8. Refining of traditional hydrocarbons (oil) (excluding manufacturing of lubricants from crude oil).

3. Energy industry:

3.1. Thermal power stations and other combustion installations, including industrial installations for the production of electricity, steam or hot water (with the rated thermal input of 150 megawatts or more);

3.2. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors * (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load);

3.3. Reprocessing of nuclear fuel;

3.4. Production, enrichment, storage or final disposal of nuclear fuel;

3.5. Gasification or liquefaction of coal or bituminous shale (with the output of 500 tonnes or more per day).

4. Production and processing of metals:

4.1. Initial smelting of steel and cast-iron;

4.2. Production of non-ferrous crude metals from ore, concentrates or secondary raw materials by chemical, metallurgical or electrolytic processes.

5. Mineral construction materials industry:

Extraction or processing of asbestos, production of products containing asbestos (for asbestos-cement products, with an annual production of more than 20 000 tonnes; for friction material, with an annual production of more than 50 tonnes; for other processing or use of asbestos, utilisation of more than 200 tonnes of asbestos).

6. Chemical industry:

6.1. Production on an industrial scale using chemical conversion processes of organic chemicals (hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic); oxygen-containing organic compounds: alcohol, aldehydes, ketones, carboxylic acids, esters and mixtures thereof, acetates, ethers, epoxy resins; sulfur-containing organic compounds; nitrogen-containing organic compounds: amines, amides, nitros and nitro compounds or nitrates, nitriles, cyanates, isocyanates; phosphorus-containing organic compounds; halogenated hydrocarbons; metallic organic compounds; plastic materials (polymers, synthetic fibers and cellulose fibers); synthetic rubber, dyes and pigments; surface-active agents and surfactants, etc.);

6.2. Production on an industrial scale using chemical conversion processes of inorganic chemicals (gases such as ammonia, chlorine or chlorine hydrogen, fluorine or fluorine hydrogen, carbon oxides, sulfur compounds, nitrogen oxides, hydrogen, sulfur dioxide, carbonyl chloride

* Nuclear power stations and other nuclear reactors shall no longer be classified as this type of installation when nuclear fuel and other parts contaminated with radionuclides are permanently removed from the installation site.

(phosgene), acids such as chromic acid, hydrogen fluoride acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids; ammonium hydroxide, potassium hydroxide and sodium hydroxide; ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate; non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide, etc.);

6.3. Production of phosphorous-, nitrogen- or potassium-based fertilisers (including compound fertilisers) and/or production of other agrochemical products on an industrial scale using chemical conversion processes;

6.4. Production of biocides on an industrial scale using chemical conversion processes;

6.5. Production of pharmaceutical products on an industrial scale using a chemical or biological process;

6.6. Storage of petroleum, petrochemical, or chemical products in storage facilities with a capacity of 200 000 tonnes or more;

6.7. Production of explosives.

7. Wood and paper industry:

7.1. Production of paper or board (with a production capacity of 200 tonnes and more per day);

7.2. Production of pulp from timber or similar fibrous materials.

8. Engineering structures:

8.1. Construction of sea ports (including terminals for loading and unloading) or piers, including terminals for loading and/or unloading, which can take vessels of 1 350 tonnes and more, excluding ferry piers;

8.2. Construction of inland waterways, ports (including terminals for loading or unloading) which can take vessels of 1 350 tonnes and more;

8.3. Construction of main or national roads;

8.4. Construction of a new road of four and more lanes, or realignment and/or widening of an existing road of less than four lanes so as to provide four or more lanes (where such a new road, or realigned and/or widened section of road would be 10 km or more in a continuous length);

8.5. Construction of main public railways;

8.6. Construction of airports or airfields (with a basic runway length of 2 100 metres or more);

8.7. Construction of pipelines for the transport of gas, oil, chemicals (with a diameter of 800 mm and more and a length of 40 km and more);

8.8. Construction of overhead electrical power lines (with a voltage of 220 kilowatts or more and a length of 15 km and more);

8.9. Construction of pipelines for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations (with a diameter of 800 mm and more and a length of 40 km and more).

9. Other proposed economic activities:

9.1. Groundwater abstraction (where the annual volume of water abstracted is equivalent to or exceeds 10 million cubic metres);

9.2. Artificial groundwater recharge schemes (where the annual volume of water recharged is equivalent to or exceeds 10 million cubic metres);

9.3. Works for the transfer of water resources, other than potable water, between river basins (where the amount of water transferred is equivalent to or exceeds 100 million cubic metres/year and/or where the multi-annual average flow of the basin of abstraction is equivalent to or exceeds 2 000 million cubic metres/year and where the amount of water transferred is equal to or exceeds 5 % of this flow);

9.4. Waste water treatment plants of cities, towns or rural locations (with a capacity equivalent to or exceeding 150 000 population equivalent);

9.5. Processing, recovery, storage, dumping, disposal of radioactive waste or termination of such activity;

9.6. Disposal or recovery of hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques;

9.7. Disposal or recovery of hazardous waste by means of chemical treatment;

9.8. Disposal of hazardous waste in a hazardous waste landfill;

9.9. Disposal or recovery of non-hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques in installations with a daily capacity of 100 tonnes and more;

9.10 Recovery or disposal of non-hazardous waste by means of chemical treatment in installations with a daily capacity of 100 tonnes and more;

9.11. Storage of carbon dioxide (CO₂) in geological repositories;

9.12. Installations for the capture of carbon dioxide (CO₂) stored in geological repositories from the installations used for the activities referred to in this Annex or installations which capture 1.5 million tonnes or more of carbon dioxide (CO₂) per year.

10. Any change to or extension of the proposed economic activity included in the List of the Proposed Economic Activities Subject to Environmental Impact Assessment or the List of the Proposed Economic Activities Subject to Screening for Environmental impact Assessment, where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

**LIST OF THE PROPOSED ECONOMIC ACTIVITIES SUBJECT TO SCREENING
FOR ENVIRONMENTAL IMPACT ASSESSMENT**

1. Agriculture and aquaculture, silviculture:

1.1. Intensive rearing of animals or poultry in structures with the following number of places for them:

1.1.1. for pigs over 30 kg – with more than 1 500 but less than 3 000 places;

1.1.2. for sows (with sucking piglets) – with more than 450 but less than 900 places;

1.1.3. for piglets from 7 up to 30 kg (3 months) – with 25 000 or more places;

1.1.4. for cows, bulls – with 250 or more places;

1.1.5. for calves under 1 year – with 1 000 or more places;

1.1.6. for livestock growth from 1 to 2 years – with 350 or more places;

1.1.7. * for sheep, goats – with 2 500 or more places;

1.1.8. for horses from 1 year – with 250 or more places;

1.1.9. for foals under 1 year – with 500 or more places;

1.1.10 * for rabbits – with 5 000 or more places;

1.1.11 * for chinchillas – with 25 000 or more places;

1.1.12 * for minks/martens – with 3 500 or more places;

- 1.1.13 * for foxes – with 1 500 or more places;
- 1.1.14 * for coypu – with 2 500 or more places;
- 1.1.15. * for ostriches – with 250 or more places;
- 1.1.16. for hens – with less than 60 000 but more than 20 000 places;
- 1.1.17. for broilers – with less than 85 000 but more than 20 000 places;
- 1.1.18. * for ducks – with 12 000 or more places;
- 1.1.19. for turkeys grown for up to 70 days – with 15 000 or more places;
- 1.1.20. for turkeys grown for up to 133 days – with 7 500 or more places;
- 1.1.21. * for geese – with 7 500 or more places;
- 1.1.22 * for quails – with 20 000 or more places;
- 1.2. Fish farming or breeding (in the sea or in ponds with the total area equal to or exceeding 5 hectares);
- 1.3. Water management projects for agriculture, including irrigation and land drainage projects (with the area drained equal to or exceeding 5 hectares or with 50 cubic metres of water or more used daily for irrigation);
- 1.4. Dams and other installations designed for the holding back or permanent storage of water (the amount of water exceeding 200 000 cubic metres, but less than 5 million cubic metres or the area of water surface less than 250 hectares, but exceeding 10 hectares);
- 1.5. Use of uncultivated naturally-grown land areas (meadows and natural pastures, plantings of trees and bushes, swamps and bushes) for intensive agricultural activities with the used area of 0.5 hectares or more;
- 1.6. Land survey projects for rural development (with the area of the planned territory of 1 hectare or more) according to which agricultural land will be changed to other (non-agricultural) land for the purpose of implementation of planned solutions, except for:

1.6.1. determination of the construction zone of structures of a farmstead – a single-apartment residential building with ancillary farm structures;

1.6.2. afforestation in the areas where afforestation is provided for according to land survey schemes for forest layout in territories of municipalities;

1.6.3. the cases when the economic activities indicated in Annex 1 to this Law or in this Annex are to be pursued in a planned area;

1.7. Afforestation, except in the areas where afforestation is provided for according to land survey schemes for forest layout in territories of municipalities, or deforestation for the purposes of conversion to another type of land use, except in the cases when open natural habitats or species habitats of Community interest are restored (deforestation in cities – in all cases, in rural areas – when an area equal to or exceeding 1 hectare is subject to afforestation or deforestation);

1.8. Reclamation of land from the sea.

2. Extractive and processing industry:

2.1. Peat extraction (with an area less than 150 hectares, but exceeding 0.5 hectares);

2.2. Extraction of conventional hydrocarbons (petroleum) in the mainland territory of the Republic of Lithuania (where the amount of oil extracted in the oil field is 500 tonnes of oil per day or less);

2.3. Extraction of conventional hydrocarbons (gas) in the mainland territory of the Republic of Lithuania (where the amount of gas extracted in the gas field is 500 000 cubic metres of gas per day or less);

2.4. Other mineral extraction (where the surface of the site is less than 25 hectares but more than 0.5 hectares);

2.5. Extraction of minerals or organic matter by marine or fluvial dredging;

2.6. Deep drillings (geothermal, water supplies, mineral water extraction, direct exploratory wells of dispersed and traditional hydrocarbons, etc.) with the depth of 300 metres and more, with the exception of the activities referred to in subpoint 2.7 of Annex 1 to this Law and drillings for investigating the stability of the soil;

2.7. Underground mining.

3. Energy industry:

3.1. Thermal power stations and other combustion installations, including industrial installations for the production of electricity, steam or hot water (with the rated thermal input of less than 150 megawatts but more 5 megawatts);

3.2. Construction of pipelines for carrying steam or hot water (with a length of 2 km or more);

3.3. Storage of natural gas (with a capacity of 10 000 cubic metres or more);

3.4. Underground storage of combustible gases (with a capacity of 10 000 cubic metres or more);

3.5. Storage of other fossil fuels in structures (warehouses or storage areas) (with a capacity of 1 000 tonnes or more), except for the activities referred to in subpoints 3.3 and 6.6 of this Annex;

3.6. Briquetting of coal or lignite;

3.7. Water power plants (hydroelectric power plants, mills, sawmills using accumulated water energy);

3.8. Wind power plants where:

3.8.1. three wind power plants are installed, with the height of at least one of them being 50 metres (measured to the highest point of the structure) or more;

3.8.2. a wind power plant is located at a distance of less than 1 km from a protected area, except for the installation of not more than one wind power plant with the height of not more than 25 metres (measured to the highest point of structure) in a farmstead or near farm buildings;

3.9. Installations for the capture of carbon dioxide (CO₂) stored in geological repositories from the installations other than indicated in subpoint 9.12 of Annex 1 to this Law.

4. Processing of metals:

4.1. Processing of metal ores;

4.2. Production of ferrous metals (including pig iron and steel) by primary or secondary fusion or continuous casting;

- 4.3. Processing of ferrous metals, including hot-rolling mills, forging, pressing, stamping, roll-forming and application of protective fused metal coats;
- 4.4. Smelting or casting of non-ferrous metals, including recovered products (refining, foundry casting, etc.) (with a production capacity of 15 tonnes per day or more);
- 4.5. Surface treatment of metals and plastic materials using an electrolytic or chemical process (with a production capacity of 50 000 square metres or more per year);
- 4.6. Production and assembly of motor vehicles;
- 4.7. Shipbuilding, ship conversion or repair;
- 4.8. Construction or repair of aircraft;
- 4.9. Manufacture of railway equipment (with a capacity of 5 tonnes or more per day);
- 4.10. Forging, stamping and pressing of metals by explosives.

5. Mineral construction materials industry:

- 5.1. Coke ovens (dry coal distillation);
- 5.2. Processing of asbestos, production of products containing asbestos other than activities indicated in point 5 of Annex 1 to this Law;
- 5.3. Manufacture of glass or glass fibre;
- 5.4. Smelting of mineral substances (for example, production of asphalt), including the production of mineral fibres;
- 5.5. Production of man-made mineral fibres;
- 5.6. Manufacture of ceramic products from clay, such as roofing tiles, blocks, bricks, tiles, including porcelain, by firing (with a capacity of 3 tonnes or more per day);
- 5.7. Manufacture of cement.

6. Chemical industry:

6.1. Treatment of intermediate chemicals and production of chemicals other than the activities indicated in subpoints 6.1 and 6.2 of Annex 1 to this Law, with a production capacity of 5 tonnes per day or more;

6.2. Production of pesticides (with a production capacity of 5 tonnes per day or more);

6.3. Production of paint and varnishes (with a production capacity of 5 tonnes per day or more);

6.4. Production of peroxides (with a production capacity of 5 tonnes per day or more);

6.5. Production of elastomers (with a production capacity of 5 tonnes per day or more);

6.6. Storage of petroleum, petroleum products and chemicals in structures (warehouses or storage areas) (with a capacity of less than 200 000 tonnes, but more than 5 000 tonnes).

7. Food and tobacco industry:

7.1. Manufacture of vegetable or animal fats and oils (with a capacity of 5 tonnes per day or more);

7.2. Canning or packing of vegetable or animal products (with a capacity of 5 tonnes per day or more);

7.3. Production of dairy products (with a production capacity of 50 tonnes per day or more);

7.4. Malting or brewing (with a production capacity of 10 tonnes of malt per day or more or 10 000 litres of beer per day or more);

7.5. Confectionery or syrup manufacture (with a capacity of 5 tonnes per day or more);

7.6. Sugar factories;

7.7. Processing of meat or fish, including slaughter of animals or slaughter of poultry (with a production capacity of 5 tonnes per day or more);

7.8. Manufacture of starch (with a production capacity of 5 tonnes per day or more);

7.9. Processing of fish, including production of fish oil (with a production capacity of 5 tonnes per day or more).

8. Textile, leather, wood and paper industries:

8.1. Production or processing of cellulose;

8.2. Production of paper or board (with a production capacity of less than 200 tonnes, but more than 20 tonnes per day);

8.3. Pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles (where the dyeing or treatment capacity is 100 000 square metres of textile per year or more; where the dyeing or treatment capacity is 5 tonnes of fibre per day or more);

8.4. Tanning of skins or hides (with a production capacity of 500 square metres per day or more).

9. Rubber industry:

Manufacture or treatment of elastomer-based products (with a production or treatment capacity of 10 tonnes per day or more).

10. Engineering and other structures

10.1. Construction of overhead electrical power lines (with a length of 3 km or more), with the exception of the activities referred to in subpoint 8.8 of Annex 1 to this Law;

10.2. Urban development projects (with the exception of residential buildings, where their construction is provided for in municipal-level general plans), including the construction of shopping or entertainment centres, bus or trolleybus parks, car parks or garage complexes, sports and fitness complexes (with an area under development of more than 1 hectare together with area with solid tracks, sidewalks, pedestrian walkways, cycle paths);

10.3. Construction of railways, with the exception of the main public railways (with a length of 2 km or more);

10.4. Construction of intermodal transshipment facilities and terminals (with an area of 0.5 hectares or more);

10.5. Construction of airports or airfields (with a runway length of less than 2 100 metres);

10.6. Construction of regional roads (with a length of 2 km or more);

10.7. Construction of roads of four or more lanes, or realignment and/or widening of roads of less than four lanes so as to provide four or more lanes (where such new road, or realigned and/or widened section of road would be less than 10 km, but more than 2 km in a continuous length);

10.8. Construction of seaports or inland ports (including fishing harbours, terminals for loading or unloading) which can take vessels of less than 1 350 tonnes, or with the land and water area of 0.5 hectares or more;

10.9. Construction of inland waterways which can take vessels of 1 350 tonnes and more;

10.10. Dredging of sea port water areas;

10.11. Construction of flood-relief hydrotechnical structures;

10.12. Construction of tramways, surface or underground railways, suspended lines or other means of transport used exclusively or mainly for passenger transport (with a length of 2 km or more);

10.13. Construction of ski runs, ski lifts, cable cars or other similar facilities (with a length of 500 metres or more);

10.14. Construction of pipelines for the transport of oil or chemicals (with a diameter of 800 mm or more, and a length of less than 40 km);

10.15. Construction of pipelines for the transport of gas (with a diameter of 800 mm or more, and a length of less than 40 km, but more than 5 km);

10.16. Construction of pipelines for the transport of gas (with a diameter of less than 800 mm, and a length of 5 km or more);

10.17. Construction of aqueducts (with a length of 0.5 km or more);

10.18. Construction or installation of coastal structures or facilities capable of altering the coast to combat erosion (e.g., dykes, moles, etc.);

10.19. Groundwater abstraction (where the annual volume of water abstracted is less than 10 million cubic metres, but more than 350 000 cubic metres);

10.20. Construction of pipelines for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including booster stations (with a diameter of 800 mm and more and a length of 40 km or less).

11. Other proposed economic activities:

11.1. Construction of permanent racing or test tracks for motorized vehicles (with an area of 1 hectare or more);

11.2. Recovery or disposal of non-hazardous waste by means of thermal treatment, such as incineration, pyrolysis, gasification, degasification, plasma process, or by combining any techniques in installations with a daily capacity of less 100 tonnes;

11.3. Recovery or disposal of non-hazardous waste by means of chemical treatment in installations with a daily capacity of less than 100 tonnes;

11.4 Recovery of non-hazardous waste by means of biological treatment in installations with a daily capacity of 10 tonnes or more;

11.5. Storage of non-hazardous waste, including its preparation for recovery, but excluding preparation for re-use, or disposal with 100 tonnes or more of waste stored simultaneously;

11.6. Disposal of non-hazardous waste other than referred to in subpoints 11.2-11.5 of this Annex;

11.7. Disposal or recovery of hazardous waste, with the exception of:

11.7.1. Activities referred to in subpoints 9.6, 9.7 and 9.8 of Annex 1 to this Law;

11.7.2. Storage of hazardous waste, including preparation for recovery or disposal, with not more than 10 tonnes of waste stored simultaneously;

11.7.3. Preparation of hazardous waste for re-use, including storage of such waste;

11.8. Production of biogas;

11.9. Waste water treatment plants:

11.9.1. urban or rural waste water treatment plants (with a capacity of less than 150 000, but more than 2 000 population equivalent);

11.9.2. run-off water treatment plants (designed for the treatment of the run-off water collected by sewage networks from the area of 50 hectares and more);

11.10. Storage or disposal of sludge in specially equipped areas;

11.11. Artificial groundwater recharge schemes (where the annual volume of water recharged is less than 10 million cubic metres);

11.12. Works for the transfer of water resources, other than potable water, between river basins (where the amount of water transferred is less than 100 million cubic metres per year and/or where the multi-annual average flow of the basin of abstraction is less than 2 000 million cubic metres per year and where the amount of water transferred is less than 5 % of this flow);

11.13. Storage facilities for scrap metal, including end-of-life vehicles (with a total storage area of 0.5 hectares or more or the total storage capacity of 500 tonnes or more);

11.14. Test benches for engines, turbines or reactors (with a testing area of 500 square metres or more);

11.15. Construction of facilities for the destruction of explosives or the recovery of their waste, decontamination;

11.16. Disposal or destruction of fallen or sick cattle, with the exception of the destruction of fallen or sick cattle in an epidemiologically affected area in order to prevent the spread of communicable diseases;

11.17. Dredging of riverbeds and/or reshaping of coastline, including the building or digging-up of islands, dams;

11.18.** Development of industrial and industrial objects intended to carry out activities excluded from Annex 1 to this Law and this Annex within the territories of industrial and warehouse objects with an area of 1 hectare or more.

12. Tourism and leisure:

12.1. Construction of marinas (with an area of 0.2 hectares or more);

12.2. Construction of holiday homes, hotel complexes, rural tourism farmsteads or similar objects outside urban areas (with 100 beds or more and without centralised infrastructure of engineering networks);

12.3. Construction of camping grounds with a plot area of 1 hectare or more;

12.4. Construction of theme parks (for example, zoos, golf courses, tennis courts, shooting galleries, etc.) with an area of 1 hectare or more.

13. A proposed economic activity included in the List of Proposed Economic Activities Subject to an Environmental Impact Assessment, where it has the purpose of experimental development or trial and is pursued for a period not exceeding two years.

14.*** Any change or extension in the proposed economic activity included in the List of Proposed Economic Activities Subject to Environmental Impact Assessment or in the List of Proposed Economic Activities Subject to Screening for Environmental Impact Assessment, including reconstruction of existing structures, upgrading or replacement of production processes and technological equipment, changes in production techniques, production quantities (volumes) or types, introduction of new technologies, where the change or extension in the proposed economic activity may have adverse environmental impact, with the exception of the cases referred to in point 10 of Annex 1 of this Law.

* One place shall correspond to one adult animal or bird, i.e. excluding juveniles.

** Subpoint 11.18 of this Annex shall not apply to the activities listed in Annex 1 to this Law or in this Annex.

*** Point 14 of this Annex 2 applies to the following proposed economic activities included in the List of Proposed Economic Activities Subject to Screening for Environmental Impact Assessment:

- the activities for which threshold values have not been set – if the change or extension in the proposed economic activity may have adverse environmental impact;
- the activities for which threshold values have been set – if the change or extension in the activity is less than the floor values set in the List, and following the change or extension it will meet the floor values;
- the activities for which threshold values have been set – where the change itself complies with or exceeds the floor values set in this List.

Annex 3
to the Republic of Lithuania
Law on Environmental Impact
Assessment of the Proposed
Economic Activity

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 2004 special edition, Chapter 15, Volume 2, p. 102) with the latest amendments adopted by Council Directive 2013/17/EC of 13 May 2013 (OJ 2013 L 158, p. 193).
2. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ 2012 L 26, p. 1), as last amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 (OJ 2014 L 124, p. 1).