

## Plan of action and progress report for decision VII/81 (Lithuania)

Through paragraph 3 (a) of decision VII/81 concerning the compliance of Lithuania, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/81 is available at: <https://unece.org/env/pp/cc/decision-vii81-concerning-lithuania>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

### **A. Description of the process by which the plan of action has been prepared**

On 16 December 2021 the Ministry of Environment of the Republic of Lithuania (hereinafter - the Ministry of Environment) informed the association Rudamina Community (the communicant) in writing about the assessment carried out by the Ministry of Environment even before the adoption of Decision VII/81 by the Meeting of the Parties, what actions should be taken to implement the recommendations, and submitted information about measures taken and still planned for the implementation of the recommendations.

On 1 March 2022 the Ministry of Environment informed the association Rudamina Community in writing about the preparation of the draft action plan, invited to actively participate in the process of preparation of the action plan and at the initial stage until 18 March 2022 (inclusive) to submit comments and / or proposals, if any, for the preliminary measures for the implementation of the recommendations, and indicated that a public consultation will be organized after the preparation of the draft action plan, in which association Rudamina Community will be invited to participate by a separate letter.

On 2 March 2022 the Ministry of Environment has published information about the start of preparation of the action plan on its website, invited to actively participate in the process of preparation of the action plan and at the initial stage until 18 March 2022 (inclusive) to submit comments and / or proposals, if any, for the preliminary measures for the implementation of the recommendations, and indicated that a public consultation will be organized after the preparation of the draft action plan, about which the Ministry of Environment will inform later (<https://am.lrv.lt/lt/naujienos/rengiamas-veiksmu-planas-rekomendacijoms-susijusioms-su-rudaminos-bendruomenes-kreipimusi-igyvendinti>).

The Ministry of the Environment supplemented the draft action plan taking into account comments for the preliminary measures for the implementation of the recommendations received from the public by 18 March 2022.

On 2 May 2022 a public consultation on the prepared draft action plan was announced (<https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-parengto-veiksmu-planu-orhuso-konvencijos-saliu-susitikime-priimtame-sprendime-lietuvai-pateiktoms-rekomendacijoms-igyvendinti>). Public consultation period - 20 working days (from 2 May to 30 May). Methods of a public consultation: (i) written proposals from 2 May to 30 May; (ii) oral proposals at a meeting held on 18 May in a hybrid manner (remotely (online) or in person at the headquarters of the Ministry of Environment).

On 3 May 2022 the Ministry of Environment has posted a message on its website (<https://am.lrv.lt/lt/naujienos/kvieciame-susipazinti-su-veiksmu-planu-rekomendacijoms-del-rudaminos-bendruomenes-kreipimosi>) informing the public that a draft action plan has been prepared, and inviting actively to participate in a public consultation and submit comments and / or proposals by 30 May 2022 in order to improve the draft action plan.

On 4 May 2022 the Ministry of Environment informed the association Rudamina Community in writing about the prepared draft action plan and the public consultation.

**Progress Report (up to 1 October 2023):**

**On 8 September 2023 the Ministry of Environment informed the association Rudamina Community in writing about the prepared draft of Progress Report, asking to provide comments until 20 September 2023.**

**The association Rudamina Community hasn't provided any comments to the draft of Progress Report, as of the date this document was sent to the Compliance Committee.**

**B. General character of the measures that will be needed to implement the recommendations in the MOP decision**

The implementation of some of the recommendations in Decision VII/81 is linked to the changes in the legal framework, therefore, in order to amend the legislation by the deadline, actions were initiated as soon as the Aarhus Convention Compliance Committee adopted its findings and recommendations with regard to communication ACCC/C/2013/98 concerning compliance by Lithuania on 7 June 2021 without waiting for the Meeting of the Parties to adopt the Decision in October 2021. The implementation of the recommendations of paragraph 2 (a) (ii) - (iii) of Decision VII/81 requires an amendment to the Law on Environmental Protection of the Republic of Lithuania, implementation of the recommendations of paragraph 2 (a) (iv) - (v) of Decision VII / 81 requires an amendment of the Law on Environmental Impact Assessment of Proposed Economic Activities of the Republic of Lithuania. In order to implement the recommendation of paragraph 2 (a) (i) of Decision VII/81, not only enforcement and / or administrative measures will be taken, but also amendments to the Law on Environmental Impact Assessment of Proposed Economic Activities for the sake of clarity will be made. Enforcement and / or administrative measures are sufficient to implement some of the recommendations set out in Decision VII / 81 (recommendations of paragraph 2 (a) (vi) and paragraph 2 (b)).

**C. Detailed plan of action**

**Recommendation:  
Para. 2 (a) (i) of decision VII/81**

In paragraph 2 (a) (i) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:

- (a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:
  - (i) The public is notified about all time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments can be submitted;

<p>Proposed measures to fulfil recommendation</p>	<p>Article 8 (3) of the Law on Environmental Impact Assessment of Planned Economic Activities (<a href="https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr">https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr</a>) states that “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 8<sup>1</sup> of this Law prior to the receipt of this information by the competent authority.”</p> <p>Article 8<sup>1</sup> (3) of the same Law provides that “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.” Article 10 of the same Law provides that: (i) “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”; (ii) “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”; (iii) “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.”</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) (hereinafter - Regulations) provides that:</p> <p>“69.5. the time limit for the submission of proposals, which shall be not less than 10 working days from the date of publication of the information, starting from the day following the publication;</p> <p>&lt;...&gt;</p> <p>75. The drafter of EIA documents shall, not later than 20 working days before the report is made available to the public, inform the public about access to the report and possibility to submit proposals, participate in a public hearings of the report and shall make the information specified in point 77 of the Regulations available to the public by the following means:</p> <p>75.1. mass media specified in subparagraphs 67.2-67.4 of the Regulations;</p> <p>75.2. send information to the representatives of the public concerned who have submitted proposals in writing or by e-mail.</p> <p>&lt;...&gt;</p> <p>77. The information published about making a report available to the public must indicate:</p> <p>77.1. the information specified in subparagraphs 69.1-69.3 of the Regulations;</p> <p>77.2. EIA entities which, within their remit, will issue conclusions on the report and the competent authority which will take a decision</p>
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on the environmental impact of the proposed economic activity;

77.3. The website address of the drafter of the EIA or the organiser of the proposed economic activity with specific active reference to the published report (reference must be in place before the Agency takes a decision on the environmental impact of the proposed economic activity, if the report is amended or supplemented, an updated version of the report must be published);

77.4. The time of access to the report, taking into account the requirements of paragraph 74, the address and telephone number of the drafter, municipality and/or ward's office(s) or any other place where the report is displayed;

77.5. till when (at least 20 working days should be allocated for access to the report and for submission of proposals to the public before the report is last made available to the public referred to in point 77.6) to submit proposals to the drafter of the EIA documents (to provide copies of proposals to the EIA entities and the Agency according to their competence);

77.6. where and when the report will be held public hearings (place, address, time) taking into account the requirements of paragraph 74.

<...>

83. The Agency shall, no later than within 3 working days from the date of receipt from the drafter of the EIA documents of the report, the evaluation of proposals of the public concerned, the conclusions of EIA entities, make available to the public on its website the report referred to in point 84 of the Regulations and the possibility of accessing the report and submitting proposals to the Agency no later than 10 working days from the date of publication of the notice.

84. The notice must contain the following information:

84.1. the information specified in subparagraphs 69.1 to 69.4 of this Chapter;

84.2. Website address of the drafter of the EIA or the developer of the proposed economic activity with specific active reference to the published report, information that the report is available on the premises of the Agency (indicate the address of the seat, telephone number, time of access to the report);

84.3. till when to submit proposals to the Agency that are going to be discussed with representatives of the public concerned before a decision on the environmental impact of the proposed economic activity is taken by the Agency (the deadline for submission of proposals is 10 working days from the day following publication of the notice on the Agency's website. Proposals received after the expiry of this time limit are not considered)."

In the light of the above-mentioned legal framework, other additional legislative measures to implement the recommendation in paragraph 2 (a) (i) of decision VII/81 may not be proposed, however, while implementing the recommendations in paragraph 2 (a) (iv) to (v) of decision VII/81 (Law on Environmental Impact Assessment of Planned Economic Activities will be amended) and for the sake of clarity, it is planned to make certain editorial amendments to the Law on Environmental Impact Assessment of Planned Economic Activities, as well as to transpose some provisions related to public participation in the environment impact assessment process from Regulations on Environmental Impact Assessment of the Proposed Economic to the Law on Environmental Impact Assessment of Planned Economic Activities.

On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) to the stakeholders (social partners, public, subordinates and other institutions).

It is also planned to take enforcement and / or administrative measures by providing the public with information about all the time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments could be submitted.

	<p>On 14 October 2020 the Ministry of Environment has posted a publication providing information on public participation in environmental impact assessment procedures, including time limits for the public to comment on relevant documents (<a href="https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf</a>). Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it is planned to update this publication in order to provide relevant information to the public. It is planned also to place this updated publication on the website of the Environmental Protection Agency.</p> <p>In response to the recommendations made by the Compliance Committee of the Aarhus Convention, a letter was sent to participants of environmental impact assessment on 20 July 2021, reminding them about their responsibilities in the environmental impact assessment process. Also, on 16 September 2021, an information notice on environmental impact assessment and public participation was posted on the website of the Environmental Protection Agency (<a href="https://aaa.lrv.lt/lt/naujienos/poveikio-aplinkai-vertinimo-procedurose-gali-dalyvauti-ir-visuomene">https://aaa.lrv.lt/lt/naujienos/poveikio-aplinkai-vertinimo-procedurose-gali-dalyvauti-ir-visuomene</a>).</p> <p>In addition, for better understanding of environmental impact assessment process, the schemes of environmental impact assessment procedures are available on the website of the Ministry of Environment (<a href="https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas/pav">https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas/pav</a>). Schemes of environmental impact assessment procedures are available for all participants of the environmental impact assessment process, including the public. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it is planned to prepare and place an additional scheme dedicated exclusively to public participation in the environmental impact assessment process. It is planned also to place such a scheme on the website of the Environmental Protection Agency.</p> <p>Following the update of the publication, the preparation of an additional scheme of environmental impact assessment procedures for public participation, the public will be informed about the availability of the updated publication and new scheme on the websites of the Ministry of Environment and the Environmental Protection Agency.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>Actions to be taken regarding the implementation of legislative measures:</p> <ol style="list-style-type: none"> <li>1. First of all, a draft amendment and / or supplement to the legal act needs to be prepared. Draft amendments and / or supplements to the legal acts shall be prepared and submitted for consultation in accordance with the Rules of Procedure of the Ministry of the Environment: <ol style="list-style-type: none"> <li>1.1. The draftsman of the legal act shall submit prepared and approved by the direct supervisor draft legal act for consultation to the subdivisions and (or) subordinate institutions of the Ministry of the Environment;</li> <li>1.2. Subdivisions and / or subordinate institutions of the Ministry of Environment shall submit comments and / or proposals on the draft legal act;</li> <li>1.3. The draftsman of the legal act evaluates comments and / or proposals submitted by the subdivisions and (or) subordinate institutions of the Ministry of the Environment, revises the draft legal act;</li> <li>1.4. The revised draft legal act is submitted for legal and anti-corruption assessment;</li> <li>1.5. The draftsman of the legal act evaluates the comments and (or) proposals submitted by lawyers, revises the draft legal</li> </ol> </li> </ol>
	<ol style="list-style-type: none"> <li>act;</li> <li>1.6. The revised draft legal act is being evaluated by the language editor;</li> <li>1.7. The draft legal act shall be submitted for consultation through the Legal Information System (TAIS) to stakeholders</li> </ol>

	<p>(social partners, the public, subordinates and other institutions);</p> <p>1.8. The draftsman of the legal act evaluates the comments and (or) proposals submitted by stakeholders (social partners, the public, subordinates and other institutions), revises the draft legal act;</p> <p>1.9. The draftsman of the legal act repeatedly submits the revised draft legal act for legal and anti-corruption assessment.</p> <p>1.10. The draftsman of the legal act evaluates the comments and (or) proposals submitted by lawyers, revises the draft legal act;</p> <p>1.11. The revised draft legal act is being evaluated by the language editor;</p> <p>1.12. The final draft legal act is signed by the Minister of the Environment and submitted to the Government of the Republic of Lithuania in accordance with its Rules of Procedure.</p> <p>2 The Government shall submit the received draft legal act (draft law) to the Seimas of the Republic of Lithuania.</p> <p>3 Draft law shall be registered with the Secretariat of the Seimas.</p> <p>4 After the submission of the draft law, it shall be discussed in the relevant committees of the Seimas, to which the stakeholders may also submit their comments and / or proposals, participate in committee meetings, hearings, etc.</p> <p>5 After consideration in the relevant committees of the Seimas, the draft law (with possible amendments made during the considerations of the committees) is considered in the plenary sitting of the Seimas, and in the next plenary sitting the draft law is adopted and submitted for signature to the President of the Republic of Lithuania.</p> <p>6 The President may exercise his right of veto or sign a draft law. If the draft law is signed, it enters into force. If the right of veto is exercised, the President shall return the draft law to the Seimas.</p> <p>7 If a draft law is returned to the Seimas, it may be improved and subsequently reconsidered, adopted and submitted for signature to the President, or the President's veto may be rejected. If the President's veto is rejected, law enters into force.</p> <p>(all the actions for the legislative measures, mentioned in points 1-7 are hereinafter referred to as “<b>Actions to be taken for the implementation of legislative measures</b>”).</p> <p>The amendment of the Law on Environmental Impact Assessment of Planned Economic Activities will be made in accordance with Actions to be taken for the implementation of legislative measures.</p> <p>Actions to be taken regarding the implementation of enforcement and / or administrative measures and the aim of providing information to the public about all the time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments could be submitted:</p> <ol style="list-style-type: none"> <li>1. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will be necessary to update the publication providing information on public participation in environmental impact assessment procedures (<a href="https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV/Visuomen%C4%97s%20dalyvavimas%20PAV_2020-10-14.pdf</a>) posted on the website of the Ministry of the Environment on 14 October 2020, to place this updated publication not only on the website of the Ministry of Environment but also on the website of the Environmental Protection Agency.</li> <li>2. Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will be necessary to prepare and place an additional scheme dedicated exclusively to public participation in the environmental impact assessment process. It is planned to place such a scheme not only on the website of the Ministry of Environment but also on the website of the Environmental Protection Agency.</li> <li>3. Following the update of the publication, the preparation of an additional scheme of environmental impact assessment procedures for public participation, it will be necessary to inform the public about the availability of the updated publication and new scheme on the websites of the Ministry of Environment and the Environmental Protection Agency.</li> </ol>
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Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate (e. g. Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective Committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of the Proposed Economic Activity (adopted on 24 November 2022), an updated publication providing information on public participation in environmental impact assessment procedures has been posted on the website of the Ministry of the Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/Visuomene%20ir%20PAV_lankstinukas_2023-07-26.pdf">https://am.lrv.lt/uploads/am/documents/files/Visuomene%20ir%20PAV_lankstinukas_2023-07-26.pdf</a></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of the Proposed Economic Activity (adopted on 24 November 2022), a new scheme, providing information on public participation in environmental impact assessment procedures and an information sheet, dedicated exclusively to public participation in the environmental impact assessment process have been drawn up and posted on the website of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/Visuomenes%20dalyvavimo%20infograma_2023.pdf">https://am.lrv.lt/uploads/am/documents/files/Visuomenes%20dalyvavimo%20infograma_2023.pdf</a></p> <p><b>On 3 August 2023, the public was informed about the availability of the updated information, a new scheme, providing information on public participation in environmental impact assessment procedures and an information sheet on the websites of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima">https://am.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima</a></p> <p><b>The same information has been posted on the website of the Environmental Protection Agency:</b>  <a href="https://aaa.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima">https://aaa.lrv.lt/lt/naujienos/aplinkos-ministerijos-parengtas-leidinys-pades-visuomenei-aktyviau-dalyvauti-atliekant-poveikio-aplinkai-vertinima</a>  <a href="https://gamta.lt/visos-naujienos/naujienos/16/kaip-uztikrinti-visuomenes-teise-i-svaria-aplinka:199">https://gamta.lt/visos-naujienos/naujienos/16/kaip-uztikrinti-visuomenes-teise-i-svaria-aplinka:199</a></p>

<p><b>Recommendations:</b>  <b>Para. 2 (a) (ii) of decision VII/81</b>  <b>Para. 2 (a) (iii) of decision VII/81</b></p>	<p>In paragraph 2 (a) (ii) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <ul style="list-style-type: none"> <li>(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention: <ul style="list-style-type: none"> <li>(ii) Any international consultations concerning a specific cross-border activity by a public authority of the Party concerned prior to completion of the public participation procedure under article 6 must not, in law or in fact, preclude all options being open during the public participation procedure;</li> <li>(iii) The range of options open at each stage of decision-making is adequately reflected in the information provided to the public at each stage;</li> </ul> </li> </ul>
<p>Proposed measures to fulfil recommendation</p>	<p>The Law on Environmental Impact Assessment of Planned Economic Activities and the legal acts implementing it provides that the evaluation and selection of local and technological alternatives must be carried out, however, it is not made clear that alternatives cannot be chosen in advance, as their choice prior to the strategic environmental assessment or environmental impact assessment procedures for the proposed economic activity violates the provisions of international law, including the Aarhus Convention.</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) provides that:</p> <p>“11. The programme shall be drawn up with a view to determining the aspects of the proposed economic activity, the scope of the assessment, the content of the report and the issues to be examined. The programme must include the following:</p> <p>&lt;...&gt;</p> <p>11.2. information on feasible alternatives to be explored (e.g., location, time, technical and technological solutions, measures to reduce the impact on the environment), including “zero” option, i.e., without carrying out activities;</p> <p>&lt;...&gt;</p> <p>11<sup>1</sup>. A notification of the commencement of the EIA shall be drawn up with a view to informing about the planned economic activity subject to an environmental impact assessment of the proposed economic activity. The notification form for EIA initiation is set out in Annex 8 to the Regulations. The notification of the launch of the EIA shall specify:</p> <p>&lt;...&gt;</p> <p>about the envisaged analysis of reasonable alternatives (e.g., location, time, technical and technological solutions, measures to reduce the impact on the environment);</p> <p style="padding-left: 40px;">specific features of the location (alternative locations) of the proposed economic activity;</p> <p>&lt;...&gt;</p> <p>12. The report shall be drawn up in accordance with the Regulations adopted by the Agency or considering proposals received in accordance with the procedures set out in points 37<sup>2</sup> and 73<sup>1</sup> of the Regulations, where a notification of the launch of the EIA has been submitted. The report shall contain the following data on the determination, forecasting and characterisation of the environmental impact of the proposed economic activity and the results of the assessment:</p> <p>&lt;...&gt;</p>



	<p>12.6. analysis of the options analysed, stating the reasons for their choice, considering the best available techniques and possible environmental impacts. The report shall consider alternatives (e.g., location, time, technical and technological solutions, measures to reduce the impact on the environment, etc.), including a “zero” option that describes environmental conditions and natural changes in the environment in the event of non-performance;</p> <p>17. To ensure the quality and completeness of the EIA and its findings and conclusions, the assessment must be carried out by an appropriate choice of assessment methods, studies, alternatives to the proposed economic activity and mitigation measures.”</p> <p>In order to fulfil the recommendations, it is necessary to implement legislative measures - to amend the Law on Environmental Protection and to establish a requirement that the selection of all possible alternatives of the planned economic activity is done when planning an economic activity for which it is necessary to perform the environmental impact assessment or strategic environmental assessment.</p> <p>Following the implementation of legislative measures, it will be necessary to take enforcement and / or administrative measures by informing the institutions and (or) companies involved in attracting investors of the decisions in the planning of new economic activities.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>The amendment of the Law on Environmental Protection will be made in accordance with Actions to be taken for the implementation of legislative measures.</p> <p>Given that at the time Aarhus Convention Compliance Committee adopted its findings and recommendations with regard to communication ACCC/C/2013/98 concerning compliance by Lithuania on 7 June 2021, for other reasons a draft amendment to the Law on Environmental Protection was under preparation, it was decided to supplement the prepared draft amendment to the Law on Environmental Protection with the aim to fulfil the recommendations related to choice of possible alternatives.</p> <p>The Ministry of Environment prepared and submitted draft amendment to the Law on Environmental Protection for the consultation to the subdivisions of the Ministry of Environment, social partners, the public, subordinate and other institutions, then submitted to the Government of the Republic of Lithuania.</p> <p>Provision of the draft amendment of the Article 15(1) to the Law on Environmental Protection submitted to the Government for the implementation of the recommendations:</p> <p>“When planning an economic activity for which it is necessary to perform the procedures established in the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, no decisions regarding this activity may be taken that restrict the choice of alternatives in advance,- possible alternatives shall be considered and the most appropriate one (s) selected while carrying out strategic environmental assessment and / or environmental impact assessment procedures.”</p> <p>The Government approved (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5d58d881a36911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5d58d881a36911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi</a>) a draft amendment to the Law on Environmental Protection (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/21524b209f8911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi">https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/21524b209f8911ec9e62f960e3ee1cb6?jfwid=-3u6wuxnfi</a>), which contains provisions on the choice of alternatives, and submitted it to the Seimas. The Seimas will have to consider the draft, adopt it, and after its adoption submit it to the President for signature.</p> <p>Actions to be taken regarding the implementation of enforcement and / or administrative measures: following the entry into force of the amendments to the Law on Environmental Protection, the Ministry of Environment will have to prepare and send a letter to</p>

	institutions and companies whose activities are related to attracting investors, stating that decisions on the choice of alternatives for the planned economic activity cannot be made in advance.
Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate institutions (e. g Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<b><u>IMPLEMENTED</u></b> <b>The amendment (the Article 15(1)) to the Law on Environmental Protection, determining - when planning an economic activity for which it is necessary to perform the procedures established in the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, no decisions regarding this activity may be taken that restrict the choice of alternatives in advance, - possible alternatives shall be considered and the most appropriate one (s) selected while carrying out strategic environmental assessment and / or environmental impact assessment procedures - entered into force 15 July 2022.</b>
<b>Recommendations: Para. 2 (a) (iv) of decision VII/81 Para. 2 (a) (v) of decision VII/81</b>	In paragraph 2 (a) (iv) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:  (a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:  (iv) A clear requirement is established that comments submitted by the public are sent to the competent public authority itself; (v) The obligation to take due account of the comments, information, analysis or opinions submitted by the public during the environmental impact assessment procedure is placed on the competent public authority;
	In order to fulfil the recommendations, it is necessary to implement legislative measures - to amend the Law on Environmental Impact Assessment of Planned Economic Activities and to provide that the public shall submit comments and (or) proposals regarding the EIA documents and the planned economic activity to the competent public authority. Provisions of the Law on Planned Economic Activities regarding public participation after amendment will be following: - In Article 8 (7): “7. <b>The public concerned shall have the right to submit proposals for the program to the competent authority and the organiser (developer) of the proposed economic activity or the drafter of the environmental impact assessment documents within a specified proposals submission period of at least 10 working days from the date of publication of the information received by the competent authority.</b> ” - In Article 8 (11): “11. <b>The competent authority shall, after examining and evaluating a programme, proposals of the public concerned accompanying it and the evaluation of the proposals</b> , based on conclusions of entities of environmental impact assessment, 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

	<p>shall be submitted to entities of environmental impact assessment before the expiry of the validity of the programme.”</p> <ul style="list-style-type: none"> <li>- In Article 9 (4): “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. <b>The public concerned shall have the right to submit proposals to the competent authority and the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment within ten working days from the publication</b> of the 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.”</li> <li>- In Article 11 (3): “<b>After preparing the report, the drafter of the environmental impact assessment documents shall organize the public acquaintance with the report in accordance with the procedure established by the Minister of the Environment, informing the public about it not later than 20 working days in advance. The public shall have the right to inspect the report and to submit proposals to the competent authority and the drafter of the environmental impact assessment documents, before and during this public acquaintance and before the deadline referred to in paragraph 10 of this Article.</b>”</li> <li>- In Article 11 (10): “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. <b>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</b> on the environmental impact assessment of the proposed economic activity and the report.”</li> </ul> <p>In Article 12 (1): “1. <b>The competent authority shall, after examining and evaluating proposals of the public concerned and the evaluation of the proposals</b>, 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:</p> <ul style="list-style-type: none"> <li>- 1) provide reasoned requests to revise or supplement the report, or</li> <li>- 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.”</li> </ul> <p>On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fd57fcb0bf9f11ec9f0095b4d96fd400?positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056">https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fd57fcb0bf9f11ec9f0095b4d96fd400?positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056</a>) to the stakeholders (social partners, public, subordinates and other institutions). On 31 May 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted to the Government of the Republic of Lithuania.</p> <p>Following the amendment of the Law on Environmental Impact Assessment of Planned Economic Activities, it will also be necessary to change the Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>).</p>
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Outline of the steps necessary to implement the proposed measures	<p>The amendment of the Law on Environmental Impact Assessment of Planned Economic Activities will be made in accordance with Actions to be taken for the implementation of legislative measures. Also, during the preparation of the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities, public consultation was held in December 2021 (<a href="https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimo-pakeitimo">https://epilietis.lrv.lt/lt/konsultacijos/viesoji-konsultacija-del-planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimo-pakeitimo</a>), some of the proposed changes have been formulated in the light of the results of this consultation.</p> <p>On 19 April 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted for consultation through the Legal Information System (TAIS) (<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fd57fcb0bf9f11ec9f0095b4d96fd400?positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056">https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fd57fcb0bf9f11ec9f0095b4d96fd400?positionInSearchResults=1&amp;searchModelUUID=59e1e048-67f2-4d2b-a293-56f7341bc056</a>) to the stakeholders (social partners, public, subordinates and other institutions). The proposed changes have been discussed in advance with some public authorities and stakeholders.</p> <p>On 31 May 2022 the draft amendment to the Law on Environmental Impact Assessment of Planned Economic Activities was submitted to the Government of the Republic of Lithuania.</p>
Actors involved	The Ministry of Environment of the Republic of Lithuania and its separate subdivisions, subordinate institutions (e. g Environmental Protection Agency), the Government of the Republic of Lithuania, the Seimas of the Republic of Lithuania, its respective committees, the President of the Republic of Lithuania, social partners, the public and other institutions.
Final date by when implementation of	31 December 2022
recommendation will be completed	
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>The amendment of the Law on Environmental Impact Assessment of Proposed Economic Activity entered into force 1 January 2023 (enclosed).</b></p> <p><b>Following the amendment of the Law on Environmental Impact Assessment of Proposed Economic Activity, the Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017) were supplemented with Procedural schedule for public information and participation in the process of environmental impact assessment of the proposed economic activity and approved by the Order of the Minister of Environment 23 May 2023 (enclosed).</b></p>

<p><b>Recommendation: Para. 2 (a) (vi) of decision VII/81</b></p>	<p>In paragraph 2 (a) (vi) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p>(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:</p> <p>(vi) When publishing the decision, the competent public authority provides evidence to the public, either in or along with the decision, of how due account was taken of the outcome of the public participation;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>Article 11 (9) of the Law on Environmental Impact Assessment of Planned Economic Activities (<a href="https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr">https://e-tar.lt/portal/lt/legalAct/TAR.0539E2FEB29E/asr</a>) states that “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.” Article 11 (12) of the same Law provides that “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 [...].”</p> <p>Regulations on Environmental Impact Assessment of the Proposed Economic Activity (approved by Order of the Minister of Environment of the Republic of Lithuania No. D1-885 of October 31, 2017; last amendment in 2022; <a href="https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr">https://e-tar.lt/portal/lt/legalAct/81ad5250be4511e79122ea2db7aeb5f0/asr</a>) provides that:</p> <p>“13. The annexes to the program and report shall contain information considering the documents collected and / or prepared during the EIA: &lt;...&gt;</p> <p>13.3. documents on public information and participation in the EIA process: copies of the notices and notices announced on the notice boards of wards and municipalities with an information mark about the publication; copies of newspapers in which notices have been published; copies of the notices and notices published on the websites of the administration(s) of the municipality(s) in the territory(s) of which the proposed economic activity is planned; the minutes of the public hearing of the report; registration of proposals of the public concerned concerning the proposed economic activity and environmental impact assessment (Annex 2 to the Regulations); evaluation of proposals of the public concerned carried out by the drafter of the EIA documents together with the organiser of the proposed economic activity (Annex 3 to the Description of the Procedure); documents proving that a reasoned written reply has been given to the representatives of the public concerned and indicating how the proposals submitted by them have been taken into account or have not been taken into account; cross-border consultation documents;”</p> <p>&lt;...&gt;</p> <p>“87. Having adopted a decision on the impact of the proposed economic activity on the environment, the Agency shall, within working days from its adoption, publish on its website the decision, the EIA documents on which the decision on the environmental impact of the proposed economic activity was adopted and the minutes of the consideration of the proposals for public access. The decision on the environmental impact of the proposed economic activity and related information may be made available to the public concerned during the Agency’s working hours at the Agency’s premises.”</p> <p>During the examination of the case ACCC/C/2013/98, only the provisions on the decision to be made available to the public by the</p>

	<p>competent authority of the Law on Environmental Impact Assessment of Planned Economic Activities were in force in Lithuania. Those provisions did not specifically require the competent authority to provide the public with the decision, including the environmental impact assessment documents on the basis of which the decision was taken, including the results of public participation.</p> <p>In 2017, the provisions of the Regulations on Environmental Impact Assessment of the Proposed Economic Activity implementing the Law on Environmental Impact Assessment of Planned Economic Activities were additionally accepted, stipulating that the competent authority must submit the public with the environmental impact assessment documents based on which the decision was taken, including the results of public participation. These provisions, which are valid from 2017 and explicitly require the competent authority to provide the public with the decision, including the environmental impact assessment documents based on which the decision was taken, including the results of public participation, were not assessed at the time of Decision VII / 81 was adopted.</p> <p>In the light of the above-mentioned legal framework, no additional legislative measures are needed to implement the recommendation. However, for proper implementation of the provisions of the legislation, it is planned to conduct law enforcement training for the specialists of the Environmental Protection Agency, during which the Environmental Protection Agency would also be reminded that the decision shall be made available to the public with all the accompanying documents.</p>
Outline of the steps necessary to implement the proposed measures	Law Enforcement Training for the Environmental Protection Agency.
Actors involved	The Ministry of Environment of the Republic of Lithuania, Environmental Protection Agency
Final date by when implementation of recommendation will be completed	31 December 2022
<b>Progress Report (up to 1 October 2023)</b>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>Law enforcement training(s) for the specialists of the Environmental Protection Agency and Fire and Rescue Department was conducted on 24 November 2022.</b></p> <p><b>Additionally, Ministry of Environment is planning to organize Law Enforcement Training for the Environmental Protection Agency in the last quarter of 2023.</b></p> <p><b>Additional information, explaining main amendments of the Law on Environmental Impact Assessment of Proposed Economic Activity has been posted on the website of the Ministry of Environment:</b>  <a href="https://am.lrv.lt/uploads/am/documents/files/PAV%20pasikeitimai%20nuo%202023-01-01.pdf">https://am.lrv.lt/uploads/am/documents/files/PAV%20pasikeitimai%20nuo%202023-01-01.pdf</a></p>

<p><b>Recommendation: Para. 2 (b) of decision VII/81</b></p>	<p>In paragraph 2 (b) of decision VII/81, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p>(b) The State Security Department receives clear instructions to refrain from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>Article 3 of the Law on Criminal Intelligence of the Republic of Lithuania provides that “subjects of criminal intelligence shall be guided by the Constitution of the Republic of Lithuania, this and other laws, international treaties of the Republic of Lithuania and other legal acts”, as well as that “criminal intelligence is based on the principles of legality, <b>respect for human rights and freedoms</b>, protection of the public interest, conspiracy, confidentiality, coordination of public and secret actions”. In Article 5 of the same Law there are provisions for the protection of human rights and freedoms in criminal intelligence, such as “<b>criminal intelligence shall not violate human rights and freedoms</b>. Individual restrictions on these rights and freedoms are temporary and shall only be applied in accordance with the laws, and for the reason to protect the rights and freedoms of another person, property, public and state security [...]. In cases <b>where human rights and freedoms have been violated</b>, the subjects of criminal intelligence must, in accordance with the procedure established by law, restore the violated rights and freedoms and compensate for the damage caused thereby.”</p> <p>Article 4 (2) of the Law on Intelligence of the Republic of Lithuania enshrines the general principles of the intelligence institutions: “legitimacy”, “<b>respect for human rights and fundamental freedoms</b>”, “supremacy of public and state interests”, “accountability to the highest governing institutions, which are in charge of ensuring national security”. Article 21 of the same law provides for possible parliamentary control over intelligence institutions, as well as that the Seimas Committee of the Republic of Lithuania “prepares proposals for the improvement of legal acts related to the activities of intelligence institutions and <b>the protection of human rights in intelligence and counterintelligence</b>”.</p> <p>Pursuant to Article 24 of the Law on Intelligence, the internal control of an intelligence institution shall be organized by the head of the institution, who shall take the actions specified in this Article in order to ensure the legality, economy, efficiency, effectiveness and transparency of the institution. These include the establishment of separate units to carry out operational, management, compliance, information systems and other assessments of the intelligence services, as well as the adoption of internal legislation.</p> <p>On 23 December 2021, the Law Amending and Supplementing the Law on Intelligence was adopted (<a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.1881C195D0E2/QDeuzuJiMj">https://www.e-tar.lt/portal/lt/legalAct/TAR.1881C195D0E2/QDeuzuJiMj</a>). This Law amended the procedure for handling complaints about intelligence officers conducting intelligence and counterintelligence that had been in force until then. From 1 January 2022, the new wording of Article 23 of the Law on Intelligence came into force: “Complaints submitted by natural and legal persons regarding actions of intelligence institutions and (or) intelligence officers that <b>violate human rights or freedoms</b> in the course of intelligence and counter-intelligence shall be investigated <b>by intelligence controllers in accordance with the procedure established by the Law on Intelligence Controllers</b>.” Until then, complaints regarding intelligence officers conducting intelligence and counterintelligence were investigated in accordance with the procedure established by the Law on the Seimas Ombudsman of the Republic of Lithuania.</p> <p>Article 23 of the Law of Intelligence, as amended on 23 December 2021, was aligned with the Law on Intelligence Controllers of the Republic of Lithuania, newly adopted on 23 December 2021 (<a href="https://e-tar.lt/portal/lt/legalAct/fa177910658911eca9ac839120d251c4">https://e-tar.lt/portal/lt/legalAct/fa177910658911eca9ac839120d251c4</a>). Article 1 of the Law on Intelligence Controllers indicates the main purpose - “to establish a legal framework for the independent supervision of external intelligence institutions, <b>which would guarantee the independence, legitimacy and compliance of the activities of intelligence institutions with the requirements of protection of human rights and freedoms</b>.”</p>

The Law on Intelligence Controllers, which entered into force on 1 January 2022, defines the purpose, tasks, principles and requirements of intelligence controllers' activities, rights, obligations and prohibitions intelligence controllers. The activities of the intelligence controllers are regulated in detail, i. e. the procedures for dealing with complaints and reports received from applicants and intelligence officers, etc., such as Article 11, which provides that the intelligence controller “shall assess the lawfulness of the collection of intelligence information and the application of intelligence methods and other activities of intelligence bodies and / or intelligence officers, abuse of power, bureaucracy, **possible violation of human rights and freedoms** or legitimate interests or possible processing of personal data processed for the purposes of national security or defense or **other possible violations of human rights and freedoms in the field of public administration**”, Article 14 states that “the intelligence controller shall conduct investigations following a notification from an intelligence officer, or upon a complaint from an applicant, or on his own initiative, to identify indications that intelligence authorities and / or intelligence officers **may be abusing their powers or violating human rights and freedoms** or legitimate interests, or potentially violates the requirements for the processing of personal data processed for the purposes of national security or defence, **or is otherwise potentially violates human rights and freedoms in the field of public administration.**”

An Office of Intelligence Controllers will be established to ensure the work of the intelligence controllers ([https://www.lrs.lt/sip/portal.show?p\\_r=35403&p\\_k=1&p\\_t=279641](https://www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=279641)). It will consist of two intelligence controllers, civil servants and employees.

In view of the above-mentioned legal framework (in force before and after Decision VII / 81), in particular in view of the adoption of the new Law on Intelligence Controllers on the establishment of intelligence controllers and their Office, no further legislative measures are needed to implement the recommendation.

However, it will be necessary to take enforcement and / or administrative measures by providing the State Security Department with clear instructions to refrain to refrain from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.

Prior to the adoption of Decision VII / 81, the Ministry of the Environment, taking into account the provisions of the Law on Intelligence, which obliges the head of the intelligence institution to take actions to ensure the legitimacy of its activities, including respect for human rights and fundamental freedoms wrote a letter to the State Security Department. The institution was informed in writing by the Ministry of the Environment about the Aarhus Convention Compliance Committee findings and recommendations, the letter explained the grounds and reasons for the adoption of recommendation regarding the giving clear instructions to the State Security Department.

Nevertheless, taking into account Article 24 of the Law on Intelligence Controllers of the Republic of Lithuania, which entered into force on 1 January 2022, which provides that “the Intelligence Controller shall **provide methodological recommendations and / or consultations to intelligence institutions on improving their activities related to intelligence and counterintelligence.** Methodological recommendations and / or consultations shall not be linked to specific investigations conducted by the Intelligence Ombudsman and shall be **provided in order to ensure the legitimacy of the activities of intelligence institutions and compliance with the requirements for the protection of human rights and freedoms.**”, it is planned to contact the appointed intelligence controllers so that they could formulate methodological recommendations and / or provide advice to the State Security Department (and potentially other intelligence institutions) on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.



	<p>It should be mentioned that a request was submitted to the Constitutional Court of the Republic of Lithuania by a group of members of the Seimas to examine whether Article 12 of the Law on the Ombudsman of the Republic of Lithuania and relevant provisions of the Law on Intelligence Controllers of the Republic of Lithuania (e.g. Article 2 (3), Article 11 (3)), insofar as they relate to the examination of complaints regarding activities of intelligence institutions and (or) officials and the transfer of the handling of complaints to the competence of the intelligence controller, are not in conflict with the Constitution.</p> <p>If the Constitutional Court finds that the transfer of the handling of complaints regarding the activities of intelligence institutions to the competence of intelligence controller is in conflict with the Constitution, the Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee shall be approached instead the new appointed intelligence controllers or its Office. Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee in accordance with its authority would contact the State Security Department on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>Pursuant to the provisions of the Law on Intelligence Controllers (e.g. Article 7, which provides that “on the proposal of the Speaker of the Seimas, after consideration by the Seimas Committee exercising parliamentary control over intelligence institutions and the Seimas Committee responsible for ensuring human rights and freedoms, the Seimas shall appoint two intelligence controllers for a term of 5 years”), it is necessary to appoint intelligence controllers and establish the Office of Intelligence Controllers.</p> <p>It is necessary to contact the appointed intelligence controllers so that they could formulate methodological recommendations and / or provide advice to the State Security Department (and potentially other intelligence institutions) on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p> <p>However, if finds that the transfer of the handling of complaints regarding the activities of intelligence institutions to the competence of intelligence controller is in conflict with the Constitution, the Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee shall be approached instead the new appointed intelligence controllers or its Office, who, in accordance with their authority, apply to the Department of Homeland Security for abstaining from conduct which may be construed as punishing, harassing or otherwise restricting persons seeking to exercise their rights to participate in decision-making or access to justice under the Aarhus Convention. Seimas Ombudsman's Office and / or the Seimas National Security and Defence Committee in accordance with its authority would contact the State Security Department on refraining from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention.</p>
<p>Actors involved</p>	<p>Seimas of the Republic of Lithuania, Seimas Committee exercising parliamentary control over intelligence institutions (Seimas National Security and Defence Committee), Seimas Committee responsible for ensuring human rights and freedoms (Seimas Human Rights Committee), Speaker of the Seimas, who has the right to nominate intelligence controllers, intelligence controllers, the Office of Intelligence Controllers, Ministry of the Environment, State Security Department, Constitutional Court of the Republic of Lithuania, Seimas Ombudsman's Office</p>
<p>Final date by when implementation of recommendation will be completed</p>	<p>Given that the intelligence controllers have not yet been appointed, the Office of the Intelligence Controllers has not been established, which makes it impossible to formulate methodological recommendations and / or provide advice to the State Security Department under Article 24 of the Law on Intelligence Controllers implementation of recommendation are expected to be completed by 31 December 2023 at the latest.</p>

<p><b>Progress Report (up to 1 October 2023)</b></p>	<p><b><u>IMPLEMENTED</u></b></p> <p><b>On 21 March 2023, the Parliament of the Republic of Lithuania appointed for a 5 year term a new Intelligence Controller of the Republic of Lithuania. It is intended to form three units in the newly established Office of Intelligence Controllers: the Supervision Unit would be specifically engaged in inspections, supervision of intelligence institutions and provision of methodological recommendations and consultations; the Investigations unit – for processing complaints and reports and Administration unit.</b></p> <p><b>Office of Intelligence Controllers performs continuous supervision of the legality of the activities of intelligence institutions, checks the validity and legality of the application of the methods of these institutions, investigates possible violations of human rights, checks the legality of personal data processing, examines complaints of intelligence officers, makes recommendations to intelligence institutions, upon detecting signs of a possible criminal act, applies to pre-trial investigation institution or prosecutor.</b></p>
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