



MINISTRY OF THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

Budgetary institution, A. Jakšto str. 4, LT-01105 Vilnius,
tel. (8-5) 266 3661, fax [REDACTED], e-mail info@am.lt, http://www.am.lt.
Data collected and stored in the Register of Legal Entities, code 188602370

State Security Department

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Giedrė Ričkutė

Gintarė Izokaitytė, + 370 696 84706, e-mail: izokaityte@am.lt

¹ Ibid., paragraph 69.

DETAILED METADATA

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