

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

15 August 1996 No I-1495
(As last amended on 30 June 2008 – No X-1654)
Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall regulate the process of environmental impact assessment of the proposed economic activity and relationships between participants in this process.
2. This Law has 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** shall mean the Ministry of Environment or another institution authorised by the Government co-ordinating the process of environmental impact assessment and performing other functions specified by this Law.
2. **Proposed economic activity** shall mean an activity envisaged covering construction of new construction works, reconstruction of existing construction works, manufacturing of products, introduction, upgrading or changing of the manufacturing process and technology equipment, changes in production technique, quantity (volume) or type of products, extraction of subsoil resources and utilisation of other natural resources, also the economic activity provided for in land management, forest management and water management projects and another economic activity likely to affect the environment.
3. **Organiser (developer) of the proposed economic activity** shall mean a natural or legal person, also the branches of undertakings of the European Union Member States and other foreign

states operating in Lithuania, where they are planning the economic activity subject to the environmental impact assessment procedures specified by this Law.

4. **Drafter of environmental impact assessment documents** shall mean a natural person authorised by the organiser (developer) of the proposed economic activity and holding an appropriate higher education or qualification in the field corresponding to the specific character of the drafted documents of environmental impact assessment or parts thereof or a legal person whose specialists hold the appropriate higher education or qualification in the field conforming to the specific character of the drafted documents of environmental impact assessment or parts thereof.

5. **Process of environmental impact assessment** shall mean determination, description and evaluation of the likely effect of the proposed economic activity on the environment.

6. **Entities of environmental impact assessment** shall mean the state and municipal institutions analysing programmes for and reports on environmental impact assessment and providing conclusions within the scope of their competence.

7. **Effect on the environment** shall mean a change envisaged to occur in the environment as a result of the proposed economic activity.

8. **Significant effect on the environment** shall mean a change envisaged to occur in the environment to prevent, reduce, offset the environmental effect whereof or to eliminate effects whereof requires taking of appropriate measures.

9. **Decision** shall mean a reasoned document of the specified form adopted by the competent authority in accordance with the established procedure indicating whether the proposed economic activity may, or may not, be permitted in the selected location in light of provisions of relevant laws and other legal acts, the nature of the activity and/or its effect on the environment.

10. **Public concerned** shall mean the public affected or likely to be affected by, or having an interest in, the proposed economic activity. For the purposes of this definition, non-governmental organisations participating in the solution of environmental protection problems and meeting the requirements of laws of the Republic of Lithuania shall also be deemed to be the public concerned.

11. **Public** shall mean one or more natural or legal persons and their organisations, associations or groups.

Article 3. Object and Process of Environmental Impact Assessment

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

1) the List of the Proposed economic Activities Subject to an Environmental Impact Assessment (Annex 1);

2) the List of the Proposed Economic Activities Subject to Screening for an Environmental Impact Assessment (Annex 2).

2. Environmental impact assessment shall be conducted when a proposed economic activity is included in the List of the Proposed Economic Activities Subject to an Environmental Impact Assessment, where it transpires in the course of screening of the proposed economic activity (hereinafter referred to as “screening”) that the proposed economic activity must be subject to an environmental impact assessment on an obligatory basis, or in the case indicated in subparagraph 3 of paragraph 1 of Article 7 of this Law.

3. All participants in the process of environmental impact assessment of the proposed economic activity shall have the right to require, and the competent authority to decide, having regard to the size, nature or location of the proposed economic activity, that the screening for environmental impact assessment be conducted also in respect of the proposed economic activity not included in the lists indicated in paragraph 1 of this Article.

4. The territorial planning documents and/or technical projects of construction works and installations providing for the activity referred to in paragraph 1 of Article 7 of this Law and subject to an environmental impact assessment may be co-ordinated and approved solely upon conducting of environmental impact assessment of the proposed economic activity and adoption of a decision permitting the pursuit of the proposed economic activity.

5. The process of environmental impact assessment of the proposed economic activity shall consist of:

1) screening for environmental impact assessment, information of participants in the process of environmental impact assessment and information of the public of the adopted screening conclusion;

2) development of a programme for environmental impact assessment of the proposed economic activity (hereinafter referred to as the “programme”), information of the public of the developed programme, co-ordination and approval thereof;

3) drawing up of a report on environmental impact assessment of the proposed economic activity (hereinafter referred to as a “report”), co-ordination thereof and granting of access thereto to the public;

4) adoption of a decision and information of participants in the process of environmental impact assessment of the decision adopted.

6. Where the proposed economic activity has been awarded, in compliance with the procedure laid down by legal acts of the Republic of Lithuania, the status of an object of the State border or an object of national defence, and application of provisions of this Law to this activity may have an adverse effect on the aims of State defence, the competent authority shall decide on a case-by-case basis whether such an activity is subject to requirements of this Law.

Article 4. Objectives of Environmental Impact Assessment

The objectives of environmental impact assessment shall be as follows:

1) to identify, describe and assess the likely direct and indirect effect of the proposed economic activity on public health, fauna and flora, soil, surface and the underground, air, water, climate, the landscape and biodiversity, material assets and immovable cultural properties as well as interaction between these components of the environment;

2) to minimise the adverse effect of the proposed economic activity on public health and other components of the environment listed in subparagraph 1 of this Article or to prevent this effect;

3) to ascertain whether the proposed economic activity may be permitted in the selected location upon evaluating the nature and environmental effect thereof.

Article 5. Participants in the Process of Environmental Impact Assessment

1. Participants in the process of environmental impact assessment shall be as follows:

1) the competent authority – the Ministry of Environment or another institution authorised by the Government;

2) entities of environmental impact assessment of the proposed economic activity: the state institutions in charge of health care, fire protection, protection of cultural properties as well as county and municipal institutions;

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

4) the drafter of documents of environmental impact assessment;

5) the public.

2. Entities of environmental impact assessment may also be other state institutions not referred to in subparagraph 2 of paragraph 1 of this Article where they are invited to participate by the competent authority or where they have their own interest in participation in the process of environmental impact assessment and the competent authority approves thereof in light of the nature, size or location of the proposed economic activity. In such cases, the competent authority shall give a written notice to all entities of environmental impact assessment, the organiser

(developer) of the proposed economic activity and the drafter of documents of environmental impact assessment as to other state institutions participating in the process of environmental impact assessment.

Article 6. Functions of Participants in the Process of Environmental Impact Assessment

1. The competent authority shall:

1) co-ordinate the process of environmental impact assessment;

2) conduct screening, consider and approve programmes, consider evaluation of proposals of the public concerned, reasoned proposals of the public concerned, reports, conclusions of entities of environmental impact assessment regarding the programmes, reports and feasibility of the proposed economic activity and shall adopt a decision thereon;

3) where necessary, involve consultants. Participation of consultants in the process of environmental impact assessment of the proposed economic activity shall be organised by the competent authority on its own account.

2. The organiser (developer) of the proposed economic activity shall, on its own account, conduct the procedures of environmental impact assessment prescribed for it by this Law.

3. The drafter of documents of environmental impact assessment shall identify, describe and assess the likely effect of the proposed economic activity on the environment, develop a programme and draw up a report as well as conduct the procedures of environmental impact assessment prescribed for it by this Law.

4. Entities of environmental impact assessment of the proposed economic activity shall, within the scope of their competence, consider programmes and reports and submit conclusions on the programmes, reports and feasibility of the proposed economic activity.

5. The public shall, in accordance with the procedure laid down by the Ministry of Environment, submit reasoned proposals concerning environmental impact assessment of the proposed economic activity and the likely effect of this activity on the environment.

CHAPTER II

ENVIRONMENTAL IMPACT ASSESSMENT

Article 7. Screening and Environmental Impact Assessment

1. Environmental impact assessment shall be conducted when:

1) the proposed economic activity is included in the List of the Proposed economic Activities Subject to an Environmental Impact Assessment;

2) it transpires in the course of screening that the proposed economic activity is subject to an environmental impact assessment;

3) implementation of the proposed economic activity may affect the areas of the Natura 2000 network, and the institution responsible for organisation of protection and management of protected areas establishes, in accordance with the procedure laid down by the Ministry of Environment, that this effect may be significant.

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

3. Screening shall be conducted by the competent authority in compliance with the methodological instructions for screening of the proposed economic activity drawn up and approved by the Ministry of Environment.

4. Screening shall be conducted on the basis of the information supplied by the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment on the site whereat the proposed economic activity is intended to be carried out as well as the information describing the proposed economic activity (the size of the project, the technologies and substances used, utilisation of natural resources, use of hazardous materials, production of waste, management thereof, pollution and nuisances, the likely interaction with another proposed economic activity, risk of accidents and prevention thereof).

5. The competent authority may, having regard to the size, nature or location of the proposed economic activity, request the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment to supply additional information required for conducting of screening.

6. The competent authority shall conduct a screening procedure and make a conclusion whether an environmental impact assessment is required on the basis of the information referred to in paragraphs 4 and 5 of this Article as well as having regard to:

1) the environmental sensitivity of the location which is likely to be affected by the proposed economic activity, characteristics of the ecosystem, landscape, the nature of areas of used land, local infrastructure, concentration of industrial facilities, the relative abundance, quality and regenerative capacity of natural resources, the absorption capacity of the natural environment, paying particular attention to protected areas, also the environmental protection purposes of a Natura 2000 site, densely populated areas, wetlands, forest areas, protection zones, the analysis of

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;

2) the likely effect of the proposed economic activity on public health, fauna, flora, soil, water, air, climate, the landscape, material assets, cultural heritage and the inter-relationship between all of these factors, having regard in particular to the likely extent of the impact, the transfrontier nature of the impact, the complexity of the impact, the probability of the impact, the duration, frequency and reversibility of the impact as well as the geographical area and size of the population.

7. The competent authority shall, within 20 working days of the receipt of information for conducting of screening, submit in writing to the organiser (developer) of the proposed economic activity and to entities of environmental impact assessment a reasoned screening conclusion on the necessity of an environmental impact assessment procedure. The screening conclusion on environmental impact assessment shall be valid for 3 years from the publication of the screening conclusion.

8. The organiser (developer) of the proposed economic activity shall inform the public of the obligatory nature of an environmental impact assessment procedure under provisions of paragraph 1 of this Article or of the screening conclusion in accordance with the procedure approved by the Ministry of Environment.

9. The public concerned shall, within 10 working days of publication of the screening conclusion, have the right to submit to the competent authority reasoned proposals to reconsider the screening conclusion in accordance with the procedure laid down by the Ministry of Environment.

10. The organiser (developer) of the proposed economic activity and entities of environmental impact assessment shall, within 10 working days of the receipt of the screening conclusion, have the right to submit to the competent authority a reasoned request for reconsideration of the screening conclusion.

11. The competent authority shall, on receipt of a reasoned request of the organiser (developer) of the proposed economic activity or reasoned proposals of the public concerned to reconsider the screening conclusion, invite participants in the process of environmental impact assessment to participate in the adoption of the final screening conclusion on the obligatory nature of an environmental impact assessment procedure.

12. When, while reconsidering the screening conclusion, entities of environmental impact assessment request to supply additional information on the proposed economic activity, the organiser (developer) of the proposed economic activity must supply such information to the entities of environmental impact assessment. The latter shall, within 5 working days of the receipt

of the information in writing, inform the organiser (developer) of the proposed economic activity and the competent authority of their conclusions as to the obligatory nature of an environmental impact assessment procedure.

13. Having considered conclusions of all entities of environmental impact assessment, the competent authority shall, within 5 working days, adopt a final reasoned screening conclusion as to the obligatory nature of an environmental impact assessment procedure.

14. Where the final screening conclusion is in conflict with the conclusion adopted under provisions of paragraph 6 of this Article, the organiser (developer) of the proposed economic activity shall inform thereof the public in accordance with the procedure laid down by the Ministry of Environment.

15. The organiser (developer) of the proposed economic activity may initiate an environmental impact assessment without a screening procedure.

Article 8. Programme for Environmental Impact Assessment

1. A programme for environmental impact assessment shall be developed when the proposed economic activity is subject to mandatory environmental impact assessment under provisions of paragraph 1 of Article 7 of this Law.

2. A programme shall be developed by the drafter of documents of environmental impact assessment in compliance with the regulations of development of a programme for and drawing up of a report on environmental impact assessment approved by the Ministry of Environment.

3. A programme shall establish the content of a report, the issues to be considered therein.

4. A programme must contain the following information:

1) a brief description of the main alternatives considered by the drafter of documents of environmental impact assessment;

2) a brief description of the characteristics, technological process and the materials intended to be used, needs for natural resources and use of land (at the stages of construction and operation);

3) a brief description of the areas which are likely to be significantly affected;

4) information on the components of the environment and the effect to be considered in the course of assessment;

5) information on the aspects based on which the effect of the proposed economic activity on public health will be assessed;

6) information on the methods of forecasting and assessment of the effect on the environment to be employed in the course of assessment as well as the measures to avoid, reduce or offset adverse effects on the environment;

7) information on the probability of the environment of another state being significantly affected by the proposed economic activity;

8) other relevant information.

5. The drafter of documents of environmental impact assessment shall inform the public of a programme developed in accordance with the procedure laid down by the Ministry of Environment and shall submit the programme developed to entities of environmental impact assessment.

6. Entities of environmental impact assessment shall consider a programme and, within 10 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 protection, protection of cultural properties and county institutions must indicate, when presenting conclusions on the programme, whether they wish to consider a report. Where the entities of environmental impact assessment responsible for fire protection, protection of cultural properties and the county authorities indicate that they do not wish to consider the report, they shall not be presented the report.

7. Entities of environment impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or amend a programme. In such cases, the drafter of documents of environmental impact assessment shall supplement or amend the programme and shall resubmit it to the entities of environmental impact assessment, who shall consider the programme and, within 5 working days from the receipt thereof, present their reasoned conclusions to the drafter of documents of environmental impact assessment.

8. The drafter of documents of environmental impact assessment shall submit a programme and all conclusions of entities of environmental impact assessment to the competent authority.

9. Where, prior to approval of a programme, the council of a municipality within the territory whereof an economic activity is intended to be carried out adopts a reasoned negative decision regarding the feasibility of the proposed economic activity, the procedures of environmental impact assessment may not be resumed during the entire period of validity of the decision adopted by the municipal council, with the exception of the cases when the proposed economic activity is of national significance and implementation thereof is provided for in the state strategic plans approved by the Government of the Republic of Lithuania. The municipality's administration shall forthwith (within 3 working days) give a notice of the negative decision adopted by the municipal council to the competent authority and the organiser (developer) of the proposed economic activity and enclose the decision of the municipal council. On receipt of the

decision of the municipal council, the competent authority shall notify the public thereof in accordance with the procedure laid down by the Ministry of Environment.

10. Having considered a programme, the Ministry of Environment shall have the right to make reasoned requests for the drafter of documents of environmental impact assessment to supplement or amend the programme.

11. Having considered a programme and conclusions of entities of environmental impact assessment, the competent authority shall approve the programme within 10 working days of the receipt thereof.

12. Where conclusions of entities of environmental impact assessment are in conflict with each other and/or the competent authority has received reasoned proposals of the public concerned, the competent authority shall, prior to approving a programme, invite the organiser (developer) of the proposed economic activity, the drafter of documents of the environmental impact assessment and entities of environmental impact assessment to participate in consideration of their conclusions and/or reasoned proposals. The representatives of the public concerned who have presented the reasoned proposals shall also be invited.

13. Where the proposed economic activity is subject to the procedures of transboundary environmental impact assessment under the 1991 United Nations Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter referred to as the “Convention”), the competent authority shall approve a programme upon receipt of a reply of the European Union Member State and/or a foreign state party to the Convention (hereinafter referred to as a “foreign state”) whose environment is likely to be adversely affected regarding the intention to participate in the process of transboundary environmental impact assessment. The programme shall be approved also in the absence of a reply from a European Union Member State under paragraph 2 of Article 11 of this Law or from a foreign state under provisions of the Convention.

Article 9. Report on Environmental Impact Assessment

1. A report on environmental impact assessment shall be drawn up by the drafter of documents of environmental impact assessment according to a programme approved by the competent authority. This report must contain an exhaustive analysis of all the issues provided for in the programme and the following information: description of the pollutants to be emitted; description of production and management of waste; description of the aspects of the environment likely to be affected by the proposed economic activity; definition and evaluation of the likely direct and indirect effect of the proposed economic activity on public health, fauna and flora, soil, land surface and the underground, air, water, climate, landscape, biodiversity, material assets and

immovable cultural properties as well as the inter-relationship between the above aspects of the environment; description of the measures envisaged to prevent, reduce and offset adverse effects on the environment or eliminate them; analysis of the alternatives studied by the drafter of documents of environmental impact assessment indicating the reasons for this choice taking into account the best production techniques as well as the likely effect on the environment; information on the technical or practical problems encountered by the drafter of documents of environmental impact assessment in the course of environmental impact assessment; information on probable emergencies, the measures of prevention or mitigation thereof and response thereto; analysis of data of the performed environmental monitoring, guidelines for the environmental monitoring intended to be performed, information on the likely significant adverse effect on the environment of another European Union Member State and/or a foreign state, also a summary of the entire information considered in the report.

2. The organiser (developer) of the proposed economic activity shall, in accordance with the procedure laid down by the Ministry of Environment, make a report available to the public.

3. The drafter of documents of environmental impact assessment shall submit an adjusted report to entities of environmental impact assessment in compliance with the reasoned proposals of the public concerned. They shall verify whether the report contains an exhaustive analysis of the issues falling within their scope of competence and provided for in a programme.

4. Entities of environmental impact assessment shall consider a report and, within 20 working days from the receipt thereof, submit reasoned conclusions on the report and feasibility of the proposed economic activity to the drafter of documents of environmental impact assessment.

5. Entities of environment impact assessment shall have the right to present reasoned requests for the drafter of documents of environmental impact assessment to supplement or amend a report. The drafter of documents of environmental impact assessment must supplement or amend the report and resubmit it to the entities of environmental impact assessment. The latter shall consider the report and, within 10 working days from the receipt thereof, provide reasoned conclusions on the report and feasibility of the proposed economic activity to the drafter of documents of environmental impact assessment.

6. The drafter of documents of environmental impact assessment shall submit to the competent authority a report, conclusions of entities of environmental impact assessment on the report and feasibility of the proposed economic activity and a substantiated evaluation of proposals of the public concerned. When the proposed economic activity is subject to procedures of transboundary environmental impact assessment under the Convention, the drafter of documents of

environmental impact assessment shall also submit a substantiated evaluation of proposals of the European Union Member State and/or foreign state likely to be adversely affected.

7. The competent authority shall have the right to request to repeat organisation of making a report available to the public where, after the report has been made available to the public, it is substantially amended, revised or supplemented in principle (for example, new locations, technology alternatives, mitigation measures, are proposed, etc.) upon the receipt of reasoned conclusions of entities of environmental impact assessment and the reasoned requests of the competent authority to amend or supplement the report.

8. All participants in the process of environmental impact assessment shall, during the carrying out of procedures of environmental impact assessment and until the competent authority adopts a decision, have the right to refer to the competent authority and entities of environmental impact assessment on the issues falling within the scope of their competence by submitting in writing the information on possible violations in identifying, describing and assessing the likely effect of the proposed economic activity on the environment or when carrying out the procedures of environmental impact assessment.

Article 10. Decision on the Feasibility of the Proposed economic Activity

1. Having considered a report, conclusions of entities of environmental impact assessment on the report and feasibility of the proposed economic activity, substantiated evaluation of proposals of the public concerned, also the reasoned proposals of the public concerned received in writing, the competent authority shall, within 25 working days of the receipt of the report:

- 1) make reasoned requests to amend or supplement the report, or
- 2) adopt a decision.

2. When the proposed economic activity is subject to a transboundary environmental impact assessment under the Convention, the competent authority shall, having regard to the outcome of inter-state consultations, adopt a decision upon completion of the procedures of transboundary environmental impact assessment within the time limit laid down in paragraph 1 of this Article.

3. The competent authority shall forward a decision to entities of environmental impact assessment and to the organiser (developer) of the proposed economic activity or to the drafter of documents of environmental impact assessment in writing.

4. Where conclusions of entities of environmental impact assessment regarding the feasibility of the proposed economic activity are in conflict with each other and/or the competent authority has received reasoned proposals of the public concerned, the competent authority shall, prior to adopting a decision, invite the organiser (developer) of the proposed economic activity, the

drafter of documents of the environmental impact assessment and entities of environmental impact assessment to participate in consideration of their conclusions and/or reasoned proposals. The representatives of the public concerned who have presented reasoned proposals shall also be invited.

5. Where it is established that implementation of the proposed economic activity will have significant adverse effects on the sites of the Natura 2000 network and in the absence of alternative solutions regarding the proposed economic activity, the proposed economic activity may be permitted solely in the cases when its solutions are related to public health, preservation of certain components of the environment or other relevant reasons in light of an opinion of the European Commission. In such cases, all possible compensation measures as are necessary to protect the overall coherence of the Natura 2000 network must be provided for and implemented. An institution responsible for organisation of the protection and management of protected areas shall inform the European Commission of these compensatory measures in accordance with the procedure laid down by the Ministry of Environment.

6. A positive decision adopted by the competent authority shall be valid for 5 years from the adoption thereof.

7. Where the competent authority adopts a decision that the proposed economic activity may not be permitted in a selected location by reason of violations of respective statutory provisions and/or the likely adverse effect on the environment, the proposed economic activity may not be carried out.

8. The competent authority and the organiser (developer) of the proposed economic activity shall, in accordance with the procedure laid down by the Ministry of Environment, notify the public of a decision and make it available to the public. Where the proposed economic activity has undergone the procedures of transboundary environmental impact assessment under the Convention, the competent authority shall submit information on the decision also to the European Union Member State and/or a foreign state likely to be adversely affected.

CHAPTER III

FINAL PROVISIONS

Article 11. Transboundary Environment Impact Assessment

1. Where it transpires in the course of screening or development of a programme that the economic activity intended to be carried out in the territory of the Republic of Lithuania is likely to have a significant adverse effect on the environment of another European Union Member State or

where another European Union Member State which, in its opinion, may become a state likely to be adversely affected, so requests, the Republic of Lithuania shall notify the European Union Member State of the proposed economic activity, the likely transboundary effect thereof, submit information on the nature of a decision to be adopted, specify a period within which the European Union Member State likely to be adversely affected may indicate its intention to participate in the process of transboundary environmental impact assessment and indicate a preliminary time-frame for the drawing up of a report.

2. On receipt of the information referred to in paragraph 1 of this Article, a European Union Member State likely to be adversely affected shall have the right, within a time-frame indicated in the notification, to give a notice to the Republic of Lithuania confirming the receipt of the notification and indicating whether it intends to participate in the process of assessment of the transboundary impact. Where the European Union Member State likely to be adversely affected fails to respond within the time-frame indicated in the notification, the Republic of Lithuania shall perform environmental impact assessment in compliance with its national legal norms and effective practice.

3. Upon receipt of a response from a European Union Member State likely to be adversely affected indicating its desire to participate in performance of transboundary environmental impact assessment, the Republic of Lithuania must provide the European Union Member State likely to be adversely affected with appropriate information concerning the proposed economic activity and its likely significant transboundary adverse effect on the environment, the information on procedures of environmental impact assessment and indicate a time-frame within which the European Union Member State likely to be adversely affected may submit its proposals. The time-frame must be of sufficient duration for incorporation of the proposals or additional information submitted by the European Union Member State likely to be adversely affected in a report prior to adoption of a decision by the competent authority.

4. Upon receipt of proposals or additional information on the proposed economic activity from a European Union Member State whose environment is likely to be adversely affected, the Republic of Lithuania shall initiate interstate consultations with the European Union Member State likely to be adversely affected over the likely transboundary impact of the proposed economic activity and the measures which it intends to take to reduce or eliminate the environmental effect.

5. When the economic activity intended to be carried out within the territory of the Republic of Lithuania is likely to have a significant adverse effect for a foreign state or when this foreign state requires so, environmental impact assessment shall be performed in compliance with the Convention, treaties to which the Republic of Lithuania and the respective foreign state are parties.

Article 12. Accessibility of the Information Required for Performance of Environmental Impact Assessment

The state or municipal institutions possessing the information on the environment required for performance of environmental impact assessment must provide the organiser (developer) of the proposed economic activity or the drafter of documents of environmental impact assessment with access to this information in accordance with the procedure laid down by the Government of the Republic of Lithuania.

Article 13. Publicity of the Process of Environmental Impact Assessment

1. In the course of environmental impact assessment, the public concerned shall have the right to obtain from other participants in the process of environmental impact assessment of the proposed economic activity, in accordance with the procedure laid down by the law, information on the likely effect of the proposed economic activity on the environment.

2. Information of the public and participation in the process of environmental impact assessment of the proposed economic activity shall be organised, at its own expense and in accordance with the established procedure, by the organiser (developer) of the proposed economic activity.

3. A procedure for providing information to the public and participating in the process of environmental impact assessment of the proposed economic activity shall be laid down by the Ministry of Environment.

4. 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 as well as intellectual property rights where such information may not be disclosed according to legal acts of the Republic of Lithuania.

Article 14. Responsibility of Participants in the Process of Environmental Impact Assessment

Participants in the process of environmental impact assessment shall, in accordance with the procedure laid down by the law, be responsible for compliance with provisions of this Law, provision of the correct information and the conclusions and decisions made within the scope of their competence.

Article 15. Consideration of Disputes

1. Disputes over the application of this Law, conclusions of entities of environmental impact assessment, conclusions and decisions of a competent authority, a decision of a municipal council referred to in paragraph 9 of Article 8 of this Law shall be considered in accordance with the procedure laid down by laws of the Republic of Lithuania.

2. Disputes between legal and natural persons of the Republic of Lithuania and foreign states shall be resolved in accordance with the procedure laid down by laws of the Republic of Lithuania, unless treaties of the Republic of Lithuania provide for another procedure for considering and resolving these disputes.

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

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

Annex 1
to the Republic of Lithuania
Law on Environmental Impact Assessment
of the Proposed Economic Activity

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

1. Agriculture and aquaculture:

- 1.1. Rearing of pigs (900 and more places for sows; 3 000 and more places for other pigs);
- 1.2. Rearing of poultry (85 000 and more places for broilers; 60 000 and more places for hens);
- 1.3. Dams and other installations designed for the holding back or permanent storage of water (where the amount of water exceeds 5 million cubic metres or the area of water surface exceeds 250 hectares).

2. Extractive and processing industry:

- 2.1. Extraction of oil or oil refining (excluding manufacturing of lubricants from crude oil);
- 2.2. Extraction of natural gas (where the extracted amount exceeds 500 000 cubic metres per day);
- 2.3. Peat extraction (where the surface of the site is equal to or exceeds 150 hectares);
- 2.4. Mining of other minerals or quarries (where the surface of the site is equal to or exceeds 25 hectares).

3. Energy industry:

- 3.1. Thermal power stations and other combustion installations, including industrial installations for the production of electricity, steam and hot water (with the output of 300 megawatts or more);
- 3.2. Nuclear power stations or other nuclear reactors and the dismantling or decommissioning of such power stations or reactors*;
- 3.3. Production, processing, enrichment, storage or disposal of nuclear fuel;
- 3.4. 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, processing of asbestos or products containing asbestos (for asbestos products, with an annual production of 20 000 tonnes and more; for friction material,

with an annual production of 50 tonnes and more; for other uses of asbestos, utilisation of 200 tonnes of asbestos and more).

6. Chemical industry:

6.1. Production of organic chemicals, inorganic chemicals, phosphorous-, nitrogen- or potassium-based fertilizers (including compound fertilizers), other agrochemical products (including biocides), manufacture of pharmaceutical products on an industrial scale;

6.2. Construction of facilities for storage of petroleum, petrochemical, or chemical products (warehouses or sites) (with a capacity of 200 000 tonnes and more);

6.3. 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.

8. Infrastructure facilities:

8.1. Construction of sea ports, piers or terminals for loading or unloading which can take vessels of 1 350 tonnes and more;

8.2. Inland waterways, ports, piers or 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 roads of four and 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 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 m 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 kV or more and a length of 15 km and more).

9. Other proposed economic activity:

9.1. Construction of water catchment facilities (with an annual production capacity of 10 million cubic metres and more);

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 the flow between river basins (where the amount of water transferred is equivalent to or exceeds 100 million cubic metres/year) or works for the transfer of water resources between river basins (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 equivalent 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 50 000 population equivalent);

9.5. Construction and decommissioning of installations for the processing, utilisation, storage or disposal of radioactive waste;

9.6. Waste disposal installations for the incineration or chemical treatment as defined in Annex 3 to the Law on Waste Management under heading D9, or landfill of hazardous waste;

9.7. Waste disposal installations for the incineration or chemical treatment as defined in Annex 3 to the Law on Waste Management under heading D9 of non-hazardous waste (with a utilisation or disposal capacity equivalent to or exceeding 100 tonnes per day);

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

Annex 2
to the Republic of Lithuania
Law on Environmental Impact Assessment
of the Proposed Economic Activity

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

1. Agriculture and aquaculture, silviculture:

- 1.1. Rearing of pigs (less than 900, but more than 200 places for sows; less than 3 000, but more than 700 places for other pigs);
- 1.2. Other livestock rearing (with more than 200 places for livestock);
- 1.3. Rearing of poultry (less than 85 000, but more than 10 000 places for broilers; less than 60 000, but more than 10 000 places for hens);
- 1.4. Rearing of other poultry (with more than 10 000 places for other poultry);
- 1.5. Fish farming (in the sea or in ponds with an area exceeding 5 hectares);
- 1.6. Water management projects for agriculture, including irrigation and land drainage projects (with an area of more than 5 hectares);
- 1.7. Dams and other installations designed for the holding back or permanent storage of water (the amount of water less than 5 million cubic metres, but exceeding 200 000 cubic metres or the area of water surface less than 250 hectares, but exceeding 10 hectares);
- 1.8. Use of uncultivated land for intensive agricultural purposes (with an area exceeding 0.5 hectares);
- 1.9. Implementation of complex land management projects for the restructuring of rural land holdings;
- 1.10. Initial afforestation or deforestation for the purposes of conversion to another type of land use (with an area exceeding 1 hectares in urban and exceeding 10 hectares in rural locations);
- 1.11. 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 or processing of natural gas (where the extracted or processed amount is less than 500 000 cubic metres per day);
- 2.3. Mining of other minerals or quarries (where the surface of the site is less than 25 hectares, but more than 0.5 hectares);
- 2.4. Extraction of minerals or organic matter by marine or fluvial dredging;
- 2.5. Deep drillings (geothermal, water supplies, mineral water extraction, etc., with the exception of drillings for investigating the stability of the soil);
- 2.6. Underground mining.

3. Energy industry:

3.1. Thermal power stations and other combustion installations or industrial installations for the production of electricity, steam and hot water (with an output of less than 300 megawatts, but more than 20 megawatts);

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

3.3. Construction of gas storage facilities (with a capacity of more than 10 000 cubic metres);

3.4. Construction of storage facilities of other fossil fuels (warehouses or sites) (with a capacity of more than 1 000 tonnes);

3.5. Briquetting of coal or lignite;

3.6. Hydropower plants (hydroelectric power plants, windmills, sawmills or other power plants using the accumulated hydropower) (with an output of more than 0.1 megawatts);

3.7. Wind farms (with the height, including the length of blades, exceeding 10 metres or with at least 2 turbines).

4. Production and 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 more than 30 tonnes per day);

4.5. Surface treatment of metals and plastic materials using an electrolytic or chemical process (with a production capacity of more than 50 000 square metres per year);

4.6. Manufacture and assembly of motor vehicles or motor-vehicle engines (with the main area of more than 1 000 square metres);

4.7. Shipyards;

4.8. Construction or repair of aircraft;

4.9. Manufacture or repair of railway equipment (with the main area of more than 1 000 square metres);

4.10. Swaging by explosives.

5. Mineral construction materials industry:

5.1. Coke ovens (dry coal distillation);

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

5.3. Manufacture of glass or glass fibre;

5.4. Smelting mineral substances, including the production of mineral fibres (with a production capacity of more than 10 tonnes per day);

5.5. Manufacture of ceramic products (with a production capacity of more than 3 tonnes per day);

5.6. Manufacture of cement;

5.7. Manufacture of construction materials or structures of concrete (with a production capacity of more than 5 000 cubic metres per year);

5.8. Manufacture of bricks, tiles and construction products, in baked clay.

6. Chemical industry:

6.1. Manufacture of lubricants from crude oil;

6.2. Production and treatment of pharmaceutical products (with a daily production of more than 1 tonne), pesticides (with a daily production of more than 5 tonnes), paint and varnishes (with a production capacity of more than 10 tonnes per day), elastomers (with a production capacity of more than 10 tonnes per day), peroxides (with a production capacity of more than 5 tonnes per day), intermediate products (with a production capacity of more than 10 tonnes per day);

6.3. Construction of facilities for storage of petroleum, petrochemical, or chemical products (warehouses or storage areas) (with a capacity of less than 200 000 tonnes, but more than 5 000 tonnes);

6.4. Production of artificial skins or artificial fibres.

7. Food and tobacco industry:

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

7.2. Packing or canning of vegetable or animal products (with a production capacity of more than 5 tonnes per day);

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

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

7.5. Production of bread (with a production capacity of more than 10 tonnes per day);

7.6. Confectionery and syrup manufacture (with a production capacity of more than 5 tonnes per day);

7.7. Sugar factories;

7.8. Installations for the slaughter of animals (with a production capacity of more than 10 tonnes of carcasses per day);

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

7.10. Processing of meat or fish (with a production capacity of more than 5 tonnes per day);

7.11. Manufacture of yeast (with a production capacity of more than 2 tonnes per day);

7.12. Manufacture of spirits (with a production capacity of more than 1 000 litres per day);

7.13. Manufacture of tobacco products.

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. Treatment of fibres or textiles (with an annual production capacity of more than 200 000 square metres);

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

8.5. Manufacture of wood fibre slabs (with a production capacity of more than 5 000 square metres per day), manufacture of wood chip slabs (with a production capacity of more than 100 cubic metres per day) or manufacture of plywood (with a production capacity of more than 50 cubic metres per day).

9. Rubber industry:

Manufacture or treatment of elastomer-based products (with a production capacity of more than 15 tonnes per day).

10. Engineering facilities:

- 10.1. Construction of overhead electrical power lines (with a voltage lower than 110 kV and a length shorter than 15 km, but longer than 3 km);
- 10.2. Urban development projects, including the construction of shopping or entertainment centres, bus or trolleybus parks, car parks or garage complexes, sports and fitness complexes (with an area of more than 0.5 hectares);
- 10.3. Construction of elevated or underground railways, with the exception of the main public railways (with a length of more than 2 km);
- 10.4. Construction of railway, road, sea or air transport transshipment facilities or of terminals (with an area exceeding 0.5 hectares);
- 10.5. Construction of airports or airfields (with a basic runway length of less than 2 100 m);
- 10.6. Construction of regional roads (with a length of more than 2 km);
- 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 sea ports or piers which can take vessels of less than 1 350 tonnes, where the area of a port or pier is more than 1 hectare;
- 10.9. Construction of inland waterways, ports or piers for inland-waterway traffic which can take vessels of less than 1 350 tonnes, where the area of a port or pier is more than 1 hectare;
- 10.10. Dredging of sea port water areas and port access channels;
- 10.11. Construction of flood-relief hydrotechnical facilities (with an area of more than 1 hectare);
- 10.12. Construction of tramways, underground railways or other transport, used exclusively or mainly for passenger transport (with a length of more than 2 km);
- 10.13. Construction of suspended lines (e.g., lifts) or funicular railways, used exclusively or mainly for passenger transport (with a length of more than 500 m);
- 10.14. Construction of pipelines for the transport of oil and chemicals (with a diameter of less than 800 mm, and a length of less than 40 km);
- 10.15. Construction of pipelines for the transport of gas (with a diameter of less than 800 mm, and a length of less than 40 km, but more than 5 km);
- 10.16. Construction of aqueducts (with a length of more than 1 km);
- 10.17. Coastal work to combat erosion and maritime works capable of altering the coast (e.g., dykes, moles, etc.);
- 10.18. Construction of water catchment facilities (with an annual production capacity of less than 10 million cubic metres, but more than 350 000 cubic metres);

10.19. Building of bridges (with a length of more than 250 m).

11. Other proposed economic activities:

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

11.2. Utilisation to produce energy or disposal of non-hazardous waste, with the exception of the activity referred to in paragraph 9.7 of Annex 1;

11.3. Construction of waste water treatment plants:

11.3.1. urban or rural waste water treatment plants (with a capacity of less than 50 000, but more than 2 000 population equivalent);

11.3.2. 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);

11.3.3. industrial waste water treatment plants;

11.4. Utilisation or storage of sludge from waste water treatment plants or another contaminated matter;

11.5. Dumping of dredged material;

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

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

11.8. Storage of scrap iron, including scrap vehicles (with an area of more than 0.5 hectares);

11.9. Test benches for engines, turbines or reactors (with the main area of more than 500 square metres);

11.10. Destruction or recovery of explosive substances or identification of the location of destruction or recovery sites for explosive substances;

11.11. Knackers' yards (with a capacity of more than 10 heads of cattle per day);

11.12. Manufacture of primary cells (with an annual production capacity of more than 5 000 units);

11.13. Cleaning of lakes or adjustment of lake water level (with the area subject to cleaning or adjustment exceeds 0.5 hectares);

11.14. Extraction of sediments from the sea or inland water bodies for the purposes of construction, beach replenishment or restoration, raw materials for industry, etc.;

11.15. Enlargement of industrial site areas (with an area under expansion of more than 0.5 hectare);

11.16. Manufacture of ammunition;

11.17. Television, radio stations and radar installations (with a total power output of transmitting equipment of 20 kW and more);

11.18. Construction of crematoriums;

11.19. Establishment of new cemeteries;

11.20. Disposal or utilisation of hazardous waste, with the exception of:

11.20.1. the activity referred to in paragraph 9.6 of Annex 1;

11.20.2. utilisation of hazardous waste as defined in Annex 2 to the Law on Waste Management under heading R13 with a capacity not exceeding 10 tonnes of waste stored at one time.

12. Tourism and leisure:

12.1. Marinas (with an area of more than 0.2 hectares);

12.2. Development of holiday villages or hotel complexes outside urban areas (with an area under development of more than 0.5 hectares);

12.3. Permanent camp sites or caravan sites (with an area of more than 1 hectare);

12.4. Theme parks (with an area of more than 0.5 hectares).

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 not pursued for a period exceeding two years.

14. Any change or extension in the proposed economic activity included in the List of Proposed Economic Activities Subject to an 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 and other changes which may have adverse effects on the environment, with the exception of the cases referred to in paragraph 10 of Annex 1.

EU LEGAL ACTS IMPLEMENTED BY THIS LAW

1. Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (with the latest amendments done by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003).

2. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

* Nuclear power stations or other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.