

2 DESCRIPTION OF THE EIA PROCEDURE

2.1 GENERAL

Environmental Impact Assessment (EIA) is a process that predicts, examines and evaluates potential environmental impacts of a proposed economic activity and ensures that the decision makers know the public opinion before giving development consent and are provided with information about negative environmental effects, which might arise from development actions.

According to Lithuanian legislation, the EIA should be performed only for activities that have the potential for significantly affecting the environment due to the nature, size or proposed location of the activity. The activity of construction of nuclear power plants and other nuclear installations is included in the List of the Types of Proposed Economic Activities that shall be Subject to the Environmental Impact Assessment (*Annex 1 of the Republic of Lithuania Law on Environmental Impact Assessment of the Proposed Economic Activity, State Journal, 2005, No. 84-3105*). Therefore performance of EIA for this proposed economic activity is obligatory. The planned schedule of the EIA procedure for this proposed economic activity is presented in the following figure (Figure 2.1-1).

STAGE OF WORK	2007												2008												2009			
	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3					
EIA procedure																												
Stage 1																												
Preparation of the EIA program	■																											
Submission of the preliminary EIA program to EIA parties			■																									
Domestic and international commenting				■																								
Submission of the final EIA program to the competent authority						■																						
Approval of the EIA program								■																				
Stage 2																												
Preparation of the EIA report									■																			
Publication of the preliminary EIA report for commenting																												
Domestic and international commenting																												
Submission of the final EIA report to the competent authority																												
Decision if the proposed economic activity may be carried out																												
Participation and interaction																												
Stakeholder group	■			■																								
International consultancies																												
Meetings with public						■																						

Figure 2.1-1. Planned schedule for the EIA procedure.

2.2 EIA PROCEDURE

The Law on Environmental Impact Assessment of Proposed Economic Activity of the Republic of Lithuania (*State Journal, 2005, No. 84-3105*) and regulations supporting the law define the legal requirements for the EIA procedure. The EIA is performed in two subsequent stages (Figure 2.2-1). In the first stage, the EIA program has been prepared and presented to the authorities and public for a review. The EIA program defines the scope and content of the EIA Report and has already been approved by the competent authority (Ministry of Environment of Lithuania). In the second stage, the EIA Report is

prepared based on the approved EIA program and the opinions and statements. Before the competent authority decides if the proposed economic activity is permitted on the chosen site, the EIA Report is reviewed by the EIA Relevant Parties and public.

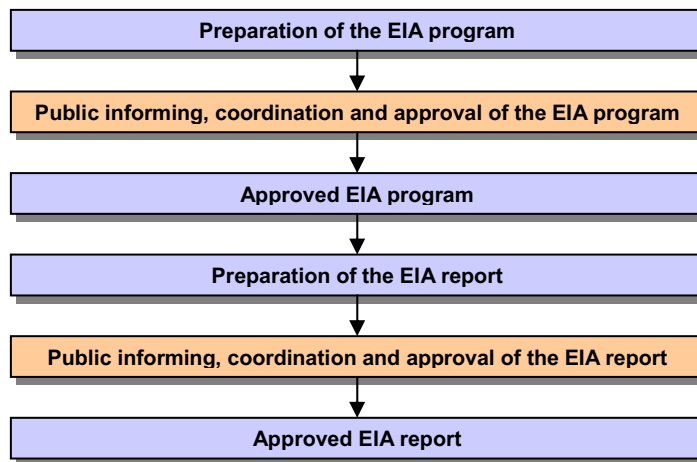


Figure 2.2-1. General overview of the EIA procedure.

2.3

PREPARATION OF THE EIA REPORT

The Environmental Impact Assessment Report is prepared by the Developer of the Environmental Impact Assessment documents according to the program, approved by the Competent Authority. All the issues, foreseen in the program, are thoroughly analyzed in this Report. Implementation of procedures for the EIA Report is presented in Figure 2.3-1.

The Organizer of the Proposed Economic Activity according to the order, established by the Ministry of Environment, organizes the presentation of the Report to the public. The Developer of the Environmental Impact Assessment documents, according to the motivated suggestions made by the interested public, presents the updated Report to the Relevant Parties. The Relevant Parties check whether the Report thoroughly analyzes issues in their competence, foreseen in the program.

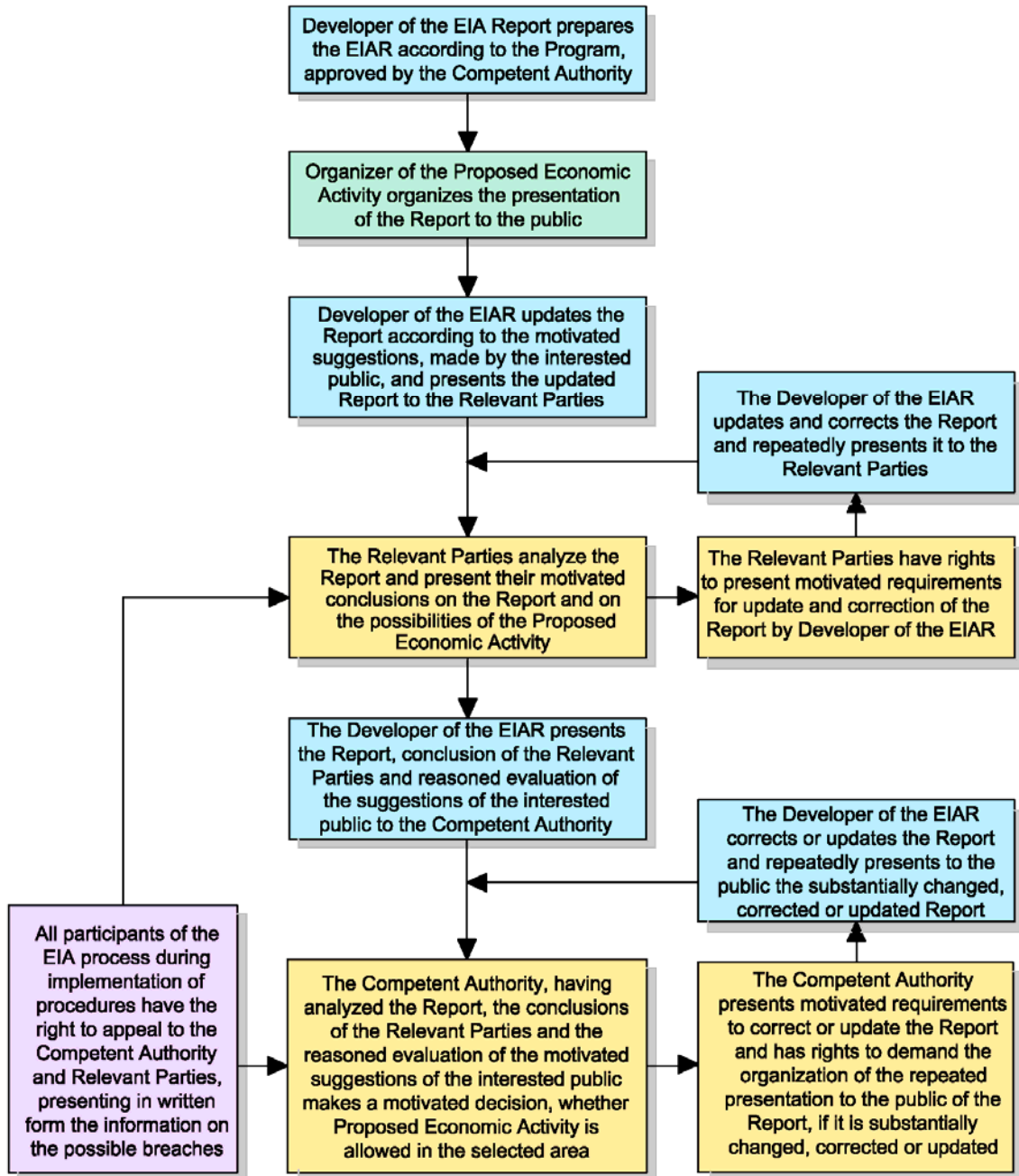


Figure 2.3-1. Implementation of procedures for EIA Report.

The Relevant Parties analyze the Report, and within 20 working days from its reception present their motivated conclusions on the Report and on the possibilities of the Proposed Economic Activity to the Developer of the Environmental Impact Assessment documents. The Relevant Parties have the right to present motivated requirements for update and correction of the Report by the Developer of the Environmental Impact Assessment documents. The Developer of the Environmental Impact Assessment documents has to update and correct the Report and present it again to the Relevant Parties. The Parties analyze the Report and within ten working days from its reception present motivated conclusions on the Report and on the possibilities of the Proposed Economic Activity to the Developer of the Environmental Impact Assessment documents.

The Developer of the Environmental Impact Assessment documents presents the Report, conclusion of the Relevant Parties on the Report and the possibilities of the Proposed Economic Activity, and reasoned evaluation of the suggestions of the

interested public to the Competent Authority. The Competent Authority has the right to demand the organization for a repeated public introduction of the Report, if, after the public introduction of the Report, it has been substantially changed, corrected or updated (for instance, new locations, technological alternatives, impact mitigating measures, etc. are suggested) due to motivated conclusions, received from Relevant Parties and motivated requirements by the Competent Authority to correct or update the Report.

All the participants of the EIA process during the implementation of procedures on the Environmental Impact Assessment of the Proposed Economic Activity have the right to appeal to the Competent Authority and Relevant Parties on the issues of their competence, until the Competent Authority makes a decision. In their appeal the participants need to present in written form the information on the possible breaches establishing, characterizing and assessing the possible environmental impact due to Proposed Economic Activity or when implementing Environmental Impact Assessment procedures.

2.4 INFORMING THE PUBLIC

An EIA process ensures effective and well-timed public participation and consultation. All interested citizens and interest groups have the right to express their opinions at virtually every stage of the EIA process. The reasons why the public must be involved in the EIA process include:

- local inhabitants may provide local expertise and knowledge;
- public participation may help to identify the important issues or concerns determining the scope of the EIA;
- local inhabitants may propose additional project alternatives;
- public participation ensures that possible later conflicts will be avoided;
- positive public opinion might serve as a useful additional argument when requesting development consent;
- public participation ensures the openness of the EIA and the acceptability and credibility of EIA decision-making.

Non-governmental organizations (NGOs) and community groups might significantly contribute at the practical and policy levels of EIA process. They can provide a point of contact and organize public and informal meetings. In addition, NGOs can often provide considerable expertise and experience which is unavailable to consultants, developers or public authorities. They usually have links with other NGOs, international specialists and advisers as well as a network of volunteers and staff with direct and often extensive EIA experience in dealing with policy and decision makers.

The Law on Environmental Impact Assessment of Proposed Economic Activity of the Republic of Lithuania (*State Journal, 2005, No. 84-3105*) defines the rights and functions of the public, ensuring public participation throughout the whole process of Environmental Impact Assessment. Procedural details of public participation are provided in the Order of Informing the Public and Public Participation in the Process of Environmental Impact Assessment, approved by the Ministry of Environment (*State Journal, 2005, No. 93-3472*).

2.5 ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

In cases when an economic activity that is proposed to be carried out in the territory of the Republic of Lithuania may cause a significant negative impact on the environment

of any other State that has signed the United Nations Convention on Environmental Impact Assessment in a Transboundary Context (*Espoo Convention, 1991. State Journal, 1999, No. 92-2688*), or upon request of such a State, the public is participating in the process of environmental impact assessment in accordance with the requirements of the above mentioned Convention, international agreements between relevant States and the Republic of Lithuania, the Law on Environmental Impact Assessment of Proposed Economic Activity of the Republic of Lithuania (*State Journal, 2005, No. 84-3105*), and other relevant legal acts.

The EIA process is performed in compliance with the Espoo Convention. The Competent Authority has to inform the countries which might suffer the detrimental environmental impacts of the proposed economic activity. After the Competent Authority gets the responses from the countries concerned and their comments on the EIA Report, it delivers them to the organizer of the proposed economic activity.

2.6

DECISION ON THE POSSIBILITIES OF THE PROPOSED ECONOMIC ACTIVITY

After analyzing the Report, the conclusions of the Relevant Parties on the possibilities for the Proposed Economic Activity, the reasoned evaluation of the motivated suggestions of the interested public and motivated suggestions, presented in a written form by the interested public, within 25 working days from the reception of the Report the Competent Authority

- 1) presents motivated requirements to correct or update the Report;
- 2) makes a motivated decision, whether the Proposed Economic Activity, with the respect to requirements of relevant laws and regulations, the character of activity and (or) environmental impact, is allowed in the selected area.

The Competent Authority presents a motivated decision in a written form to the Relevant Parties and to the Organizer of the Proposed Economic Activity or to the Developer of the Environmental Impact Assessment documents.

When the conclusions of the Relevant Parties on the possibilities of the Proposed Economic Activity contradict one another, the Competent Authority, before making a decision, invites the Relevant Parties to participate in the process of discussion of their conclusions. It also invites the representatives from public, who had presented motivated suggestions.

If it is determined that the implementation of the Proposed Economic Activity causes significant negative effects to the areas of the European Ecological Network “Natura 2000,” and there are no alternative ways of decision for activities, the Proposed Economic Activity may be allowed only in those cases, when its decisions are related to public health, preservation of certain environmental components or taking into consideration the opinion of the European Commission, and for other significant reasons. In such cases, all possible compensating measures, necessary for preservation of integrity of the areas of the European Ecological Network “Natura 2000,” have to be foreseen and implemented. The authority in charge of the organisation of the security and management of protected areas (the State Service for Protected Areas) informs the European Commission about these compensation measures, following the Order on Strategic Evaluation of Environmental Results of Plans and Programs, approved by the Ministry of Environment (*State Journal, 2004, No. 130-4650*).

If the Competent Authority makes a decision that the Proposed Economic Activity due to breaking of requirements of relevant laws and regulations and (or) possible negative

impact to the environment is not allowed in the selected area, the Proposed Economic Activity may not be implemented.

The Competent Authority and the Organizer of the Proposed Economic Activity, according to the requirements of the Order of Informing the Public and Public Participation in the Process of Environmental Impact Assessment (*State Journal, 2005, No. 93-3472*), present the motivated decision to the public on whether Proposed Economic Activity, taking into consideration requirements of the relevant laws and regulations, the nature of activity and impact to the environment, is allowed in a selected area, and give the opportunity to get acquainted with it.

The positive decision made by the Competent Authority on the opportunities of the Proposed Economic Activity is valid for five years from the public notification day.