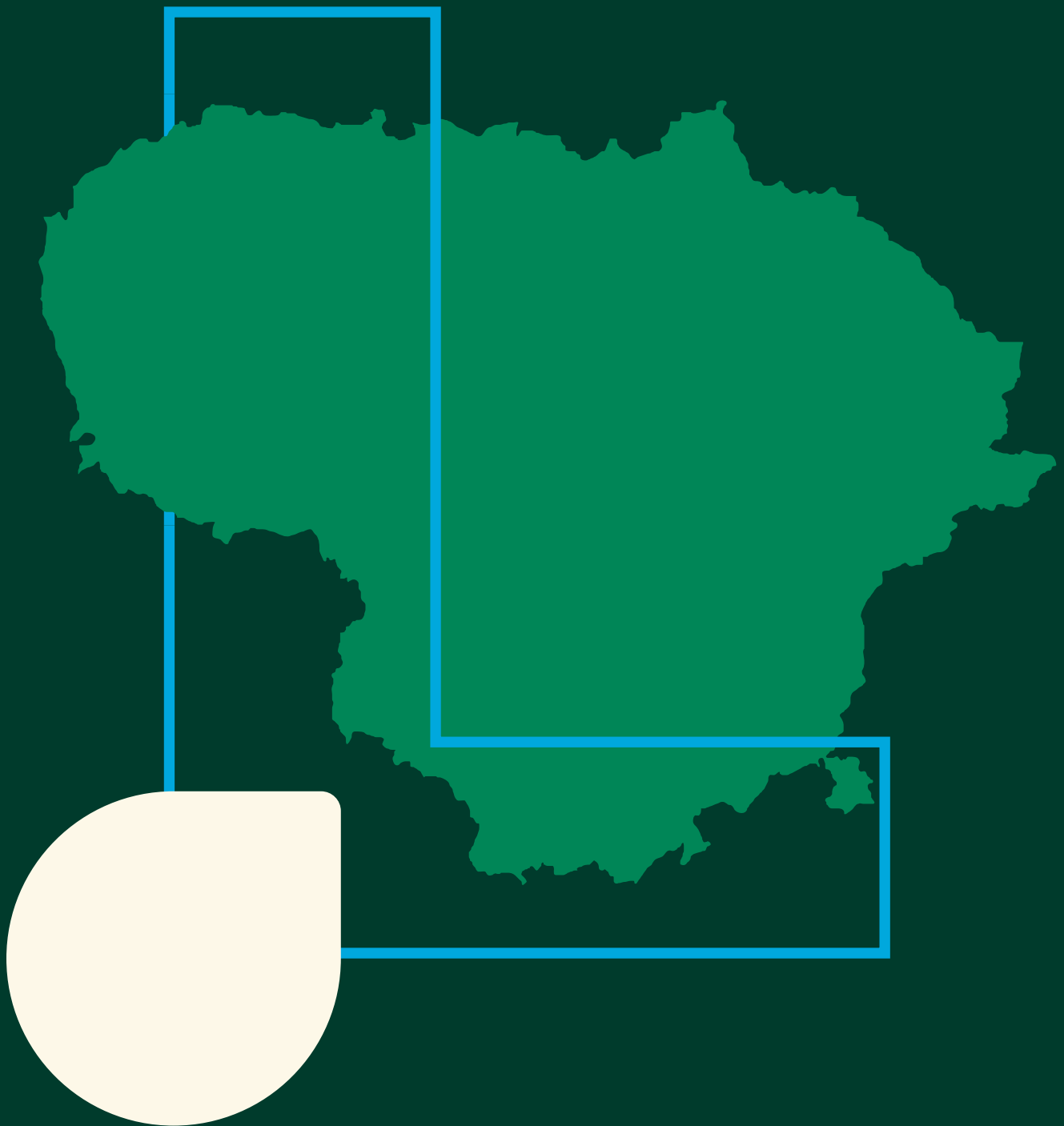


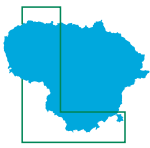
REAL DEAL country profile

# Lithuania



**REAL  
DEAL**

RESHAPING CITIZENS'  
DELIBERATION FOR THE  
EUROPEAN GREEN DEAL



# 1

## Overview

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Lithuania is a parliamentary democracy since its independence in 1991, adopting its current Constitution in 1992. The country joined the EU in 2004. Lithuania is a small unitary state with its territory divided into 60 municipalities and a strong central government, and has been improving its practices in environmental regulation, compliance monitoring and environmental democracy. Nevertheless, the [OECD 2021 Environmental Performance Review](#) has found that non-compliance remains a challenge, and compliance promotion and enforcement tools are underused. Lithuania has been a party to the Aarhus Convention since 2002 and [ranked first on the 70-country Environmental Democracy Index in 2015](#), in recognition of the country's well-developed regulatory framework for access to information, public participation in decision making and access to justice in environmental matters.

Lithuania is highly centralised, with local governments having little capacity to develop and implement their own policies. While, legally, municipalities are given numerous autonomous functions, local governments have few tax revenues of their own and rely heavily on transfers from the central government, in practice. In 2020, [Regional Development Councils were established](#) as platforms for inter-municipal co-operation, and they co-ordinate implementation of economic development policies and provision of public services in the region. When it comes to the environment specifically, the [Ministry of Environment \(MoE\)](#) is responsible for policymaking and regulation on the entire spectrum of environmental matters.

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# 2

## 2.1

# Dimensions of environmental governance

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## Transparency (access to information)

As per the 2019 EU Environmental Implementation Country Report, Lithuania has a centralised approach to disseminating environmental information. Information on most areas of environmental policy can be accessed through the main environmental portal of the [national protection agency](#), with the exception of information on the Habitats Directive. In cases where information related to EU legislation is not available on the main environmental portal, it is provided via the Ministry of Environment website. The Environmental Protection Agency (EPA) is the main authority for environmental impact assessment (EIA) and environmental permitting, and monitors air quality, status of surface water bodies, wildlife, and ecosystems. It also [collects, maintains, and provides information on the state of the environment and pollution releases](#). The EPA's annual indicator-based assessment "State of the Environment Only Facts" was last published in 2014, and the last in-depth state of the environment report came out in 2013. These publications were discontinued, largely due to a lack of resources and, since 2015, environmental information has been published exclusively on the relevant authorities' websites. A catalogue of references to environmental information maintained by different institutions is available on the MoE website, but [this fragmentation was found to make it more difficult for users to find and navigate environmental data](#).

Lithuania's performance on implementing the [INSPIRE Directive](#) was found to want some improvement, based on its 2016 implementation report and most recent monitoring data from 2017.

The Lithuanian Ministry of Environment has addressed transparency issues and corruption risks and implements a comprehensive programme for fighting corruption. The website of the ministry contains a special "Hotline" section on its home page, which provides information on how to submit a complaint about an environmental damage or corrupt behaviour of government officials, in a one-stop-shop approach. Lithuania seems to have implemented a one-stop-shop relating to environmental administration, as the



Government introduced in 2007 the one-stop-shop principle into public administration generally by adopting Resolution No. 875 “On Approval of the Examination Order of Applications of Individuals and their Servicing at Institutions, Agencies and Other Public Administration Establishments”. This obliges State and municipal institutions to follow this principle in serving individuals and examining their requests and complaints.

## 2.2

### Participation

In Lithuania, public participation in environmental decision making is regulated by several legal acts, in particular the Law on Environmental Protection and the Law on Environmental Impact Assessment of Proposed Economic Activity (the EIA Law). Moreover, there are general regulations on public information, consultation and participation in decision making in spatial planning and several specifications addressing these issues.

The Ministry of Environment website does not have a dedicated section for public consultations, but anyone can submit a proposal on a draft legal act via the dedicated website of the Lithuanian Parliament. In 2018, the government issued a methodology for public consultation with the aim of expanding public engagement. The MoE routinely provides drafts of new or amended legislation for comment to relevant government stakeholders, social and economic partners, associations, and the public. In every round of consultation, the draft project is published on the electronic information system where interested institutions and the public can provide comments. After every consultation period, the Ministry usually arranges a meeting to discuss comments but is not required to do so. The Ministry of Environment has also established a panel in which representatives of environmental NGOs, environmental officials and representatives of science and education institutions have equal participation. The National Commission on Sustainable Development and the National Committee on Climate Change also include NGO representatives.

***In Lithuania, public participation in environmental decision-making is regulated by several legal acts.***



Nevertheless, the [Aarhus Convention Implementation Report \(2016\)](#) mentions challenges such as the lack of public involvement in the early stages of the legislative process, generally low response rates and late submissions of comments. Actual public involvement in the environmental law and policy making is low ([EC, 2019a](#)). There is no active dialogue with civil society on key environmental policy priorities, particularly at the local level. Often, NGOs learn about regulatory initiatives belatedly, or may only be allowed to submit comments in writing, without a discussion. The same was found to be true for public consultation on specific projects. Information about IPPC permit applications is provided in the local, regional, or national press and the EPA considers proposals from the public when preparing an IPPC permit and informs the public about decisions. Public hearings are supposed to be part of every EIA process but normally, however, few comments are received during the [EIA process](#). Over 70% of surveyed communities indicated that the legal deadlines for accessing EIA documents are too short ([NAO, 2020](#)).

When it comes to public participation in land-use planning, there are also significant problems. All spatial planning documents must also undergo public consultation, but it is often superficial: 79% of complaints received by the State Territorial Planning and Construction Inspectorate concern public announcement rules ([NAO, 2019](#)).

## 2.3

### Access to Justice

Lithuanian legal acts, in general, ensure broad access to justice in environmental cases for individuals and non-governmental organisations and the review and the administrative court's jurisdiction cover procedural and substantive legality of an action. There are no restrictive standing rules in Lithuania and the costs for bringing a case to a court are relatively low. The 2019 EU Environmental Implementation Country Report found that significant progress is still needed to inform the general public about effective remedies for individuals and environmental associations in relation to access to justice in environmental matters under Lithuanian and EU law. This could be ensured, for instance, by providing detailed guidelines with information on how to take practical steps in accessing justice.

In accordance with the Law on Public Administration, an individual act must specify the appeal procedure, but this does not apply to general administrative acts. For those acts, in particular, it is important that information is easily available and user-friendly, but this was not found to be the case, currently. People have the right to approach a municipality for additional information on the administrative and judicial procedures (according to their declared place of residence), and the municipality must provide legal assistance free



of charge. Although this is very positive, it cannot replace structured and user-friendly information available from public authorities online.

Individuals or public bodies concerned have the right to bring actions directly in court to protect themselves against an activity, either by challenging the decision allowing such activity, or by claiming compensation of damage suffered because of the activity (Article 7 of the Law on Environmental Protection). The Supreme Administrative Court of Lithuania has confirmed that the Aarhus Convention grants community-based organisations the right to defend the public interest in the environmental sphere. However, there is a lack of clarity on whether NGOs have the right to contest the lawfulness of provisions of a normative legal act before a court. Lithuania applies the ‘loser pays’ principle, which means that unsuccessful litigants may be ordered to provide remuneration for legal services and litigation costs incurred by the other party if awarded by the court. These costs might include the paid stamp duty, representation expenses, costs connected with the investigation of the case, and transport costs, among others and may have a deterring effect. Legal aid available to the public can be primary (legal information and legal consultations outside the judicial procedure) or secondary (preparation of procedural documents, representation in courts).

There are two “legal clinics”, at Vilnius University and Mykolas Romeris University, that provide primary legal aid (European e-Justice Portal, 2020). People have the right to approach a municipality for additional information on the administrative and judicial procedures, and the municipality must provide legal assistance free of charge. However, the information on access to justice is not readily available online (EC, 2019a). The secondary legal aid is granted through five special services (in Vilnius, Kaunas, Klaipėda, Panevėžys and Šiauliai), which are accountable to the Ministry of Justice (European e-Justice Portal, 2020). No legal aid is available to NGOs, however.

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Lithuanian Courts' internet portals provide user-friendly information about access to justice in general, but do not provide specific information for environmental cases. Judicial training and capacity building are also an important part of environmental justice and governance. Lithuania takes proactive measures to ensure judicial capacity building is prioritised, since the court system seems to support continuing education. This means that judges are expected to take part in compulsory training required by the relevant legislation, which includes environmental law topics. The training is provided by specialised judicial academies and training institutes in environmental matters primarily focusing on environmental crimes.

The Seimas (parliamentary) Ombudsman's Office provides for another recourse for public complaints on environmental issues. This office deals with complaints about misconduct in public administration, including public authorities' failure to fulfil their environmental duties, but only about 10% of such complaints refer to environmental issues (Kazakevicius, 2019).

## 2.4

### **Compliance assurance, accountability, and effectiveness**

In Lithuania, the Environmental Protection Department (EPD) under the Ministry of Environment, created in 2018 by a merger of regional EODs, carries out compliance assurance functions regarding environmental regulations. It has four territorial environmental quality control divisions and four territorial accounting and tax control divisions and, as of July 2021, the EPD expanded its remit to cover forests and protected areas. The 2018 merger of eight regional EPDs has improved the efficiency and co-ordination of environmental policy implementation and harmonised the interpretation of regulatory requirements across the country and established common competence standards for compliance monitoring and enforcement, reducing the administrative burden for businesses.

EPD staff carry out inspections, and sometimes they work with other authorities such as the Police Department (with whom they signed a cooperation agreement in 2020). This work comprises investigating administrative misconduct and criminal offences in the environmental field, organising joint educational seminars to promote compliance and conducting training courses for respective staff. Public complaints are managed by the Notification Division of the EPD and its territorial units. Most complaints concern industrial activities, forestry, and nature protection, and almost 40% of complaints are addressed through EPD inspections (drawing resources away from planned site visits), while the rest are referred to other competent authorities. The MoE website includes a special





hotline that explains how to submit a complaint about an environmental nuisance or environmental damage.

The EPD online reports of annual inspection plans and quarterly inspection have limited information. Most inspection reports indicate only the number of inspections but offer no details on follow-up actions and penalties (Kazakevicius, 2019). Individual inspection reports, even for IPPC installations, are not available to the public. In 2016-2020, an average of 63% of environmental inspections detected at least one violation, which is a high level of non-compliance. An average of 35% of these infringements were found to be committed in the field of nature protection and 22% were related to waste management. Around 5% of the detected infringements resulted in environmental damage.

## ***Guidance on good environmental practices is largely lacking.***

The Lithuanian Code of Administrative Offences (Chapter 18) contains about 100 articles providing for administrative sanctions for environmental misconduct by physical persons, and the Law on Environmental Protection sets penalties for legal persons. Most of these sanctions are fines, and the maximum fine for environmental infringements by companies is more than EUR 200.000, but the average fine in 2020 was only EUR 1.045, which the OECD find to be too low to have a deterrent impact. The Lithuanian Criminal Code establishes penalties for environmental crimes, including fines and imprisonment. Namely, violations that entail serious damage to the environment are punishable by up to six years in prison, and almost all criminal environmental cases referred by the EPD to the Public Prosecutor's Office are pursued in court. However, in 2015-2019, the regular courts heard an average of 18 criminal environmental cases, with roughly half of them resulting in convictions.

Guidance on good environmental practices is largely lacking, but Lithuania was found to increasingly recognise the need to provide consultation and advisory support to operators to increase voluntary compliance. There are some financial measures under the Eco-Innovation LT programme to encourage small and medium-sized enterprises to adopt an EMS, carry out production technology and environmental audits or install eco-innovative technology.





The annual volume of imposed administrative fines dropped by more than half over 2016-2020. Moreover, only about two-thirds of the amount of imposed fines was collected in 2016-2019; this share was up to 83% in 2020. Most of the 200-300 cases concerning environmental violations heard in the country's administrative courts are initiated by operators contesting the inspector-imposed sanctions. Operators are often successful in reducing the already low fines due to the poor preparation of EPD cases before the courts. This diminishes the effectiveness of administrative fines even further. Revenues from administrative and criminal fines are channelled to the state treasury and are earmarked to the Environmental Protection Support Programme administered by the MoE (for example, fines for environmental violations, pollution charges for exceedance of permitted emission and effluent limits, infringements of building regulations, and compensation for environmental damage).

Strategic environmental assessment (SEA) is carried out for plans and programmes prepared by governmental or municipal institutions that are likely to have a significant impact on the environment. Recent SEAs at the national level include those of the National Air Pollution Reduction Plan in 2019 and of the National Comprehensive Plan of the Territory of Lithuania in 2019-2020.

Lithuania transposed the EU Environmental Liability Directive (ELD, 2004/35/EC) through the Law on Environmental Protection in 2010 and this law defines environmental damage as adverse change to all elements of the environment, including air – a boarder definition than the one in the ELD.

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# 3

## Institutional context

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Apart from the Ministry of Environment, several other ministries have environment-related responsibilities, such as the Ministries of Energy; Economy and Innovation; Agriculture; Transport and Communications; Health; and Education, Science and Sport.

The Ministry of Energy, for example, has a dedicated Climate Change Management Policy Group and the Ministry of Transport and Communications has a Future Mobility Policy Group. To ensure co-ordination between these ministries on environment-related matters, Lithuania has established a consultative National Commission on Sustainable Development, which is chaired by the prime minister. Members of this Commission are high-level representatives of the Ministries of Environment, Economy and Innovation, Finance, Social Security and Labour, Energy, Agriculture, Education Science and Sport, Transport and Communications, Interior, Culture, Health, Foreign Affairs, the Statistics Department, the Association of Local Authorities, scientists, and representatives of non-governmental organisations (NGOs) and business associations. In addition, the National Committee on Climate Change was set up in 2001 and renewed in 2018, and it also includes representatives of relevant ministries, municipalities, NGOs, and academia.

Inter-institutional working groups collaborate on legislation and strategic documents (e.g., a working group to prepare an Environment Protection and Climate Change Management Plan), as well as on joint initiatives such as the National Plan for Decreasing Ambient Air Pollution and the State Plan for Waste Management. One such working group has been set up at the level of vice ministers. In 2020, the prime minister established a government working group to better co-ordinate the implementation of the National Energy and Climate Plan and address topics on the EU's Green Deal agenda (Chapter 3). In addition, there are many inter-institutional advisory expert groups, including the Co-ordination Council for Forest Sanitary Protection, the Fisheries Board, the Hunting Advisory Board, and the working group on food waste.



# 4

## Role of Civil Society

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The [Eurobarometer figures from 2017](#) show that people in Lithuania agree relatively strongly (80 % of respondents) that an individual can play a role in protecting the environment. In Lithuania, [representatives of the public can participate in institutions such as committees or working groups](#) that have been set up to accompany processes such as the development of water basin management plans. However, [to improve civic engagement](#), Lithuania needs to move beyond formal compliance with legal requirements and procedures, and focus instead on achieving genuine impact ([OECD, 2015](#))

Environmental awareness in Lithuania is lower than the EU average, with only 40% of its citizens considering protecting the environment to be “very important” (the average is 53% across the European Union). The growing levels of waste generation and air pollution are key issues of concern for Lithuanians. For respondents, the main solutions are changing consumption patterns (35%), providing more information and education (30%), changing production patterns (30%) and improving enforcement (29%) ([EC, 2019b](#)). Additionally, awareness of biodiversity and the need to protect it have risen in the last five years ([EC, 2018](#)).

Environmental education is a priority in the National Sustainable Development Strategy (2011). The MoE promotes environmental education activities with support of EU structural funds. Raising public awareness of the environment was one of its 2014-2020 priorities. Under the NECP, the education ministry is obliged to integrate climate change issues into primary and secondary education curricula. Additionally, environmental education in secondary schools relies mostly on integration of sustainable development aspects into natural science courses, but there is no consistent approach to teaching these subjects. However, several Lithuanian NGOs (such as the Lithuanian Fund for Nature, the Lithuanian Green Movement, and the Lithuanian Children and Youth Centre’s Sustainable Schools programme) are active in environmental education, [complementing government efforts](#).