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REPUBLIC OF LITHUANIA
LAW ON
ENVIRONMENTAL PROTECTION

21 January 1992 No I-2223

(As last amended on 14 May 2015 – No XII-1718)

CHAPTER I.
GENERAL PROVISIONS

Article 1. Definitions

As used in the Law:

1) **environment** shall mean the totality of interconnected elements (land surface and subsurface, air, water, soil, flora, fauna, organic and inorganic matter, anthropogenic components) as functioning in nature and the natural and anthropogenic systems uniting them;

2) **environmental protection** shall mean protection of the environment against physical, chemical, biological and another adverse effect or the consequences arising from the implementation of plans and programmes, pursuit of economic activities or utilisation of natural resources;

3) **natural resources** shall mean the elements of animate or inanimate nature (flora, fauna, including habitats, water, land (land surface and subsurface)) which are used or may be used by man for his needs;

4) **ecosystem** shall mean a functional system of animate and inanimate elements of the environment united by their interrelations and the processes of metabolism and energy exchange;

5) **normative standard of environmental protection** shall mean a digital or logical expression of the effect of economic or other activities on the environment as legalised in accordance with the established procedure;

6) **standard of environmental protection** shall mean a regulatory document drafted and approved in accordance with the established procedure and stipulating the general and multiple-use rules, general principles or characteristics of environmental protection;

7) **limitation of natural resources** shall mean the establishment of norms of utilisation of natural resources taking into consideration the data available on the amount of the natural resources, their renewal, and preservation for the future;

8) **harmful/adverse effect on the environment** shall mean deterioration or loss of the natural functions of an ecosystem or elements thereof;

9) **environmental monitoring** shall mean a systematic observation of the state of and changes in the environment and elements thereof, assessment and forecasting of the anthropogenic impact;

10) **environmental impact assessment** shall mean the process of determination, description and assessment of the likely effect of the proposed economic activity on the environment;

11) **environmental information** shall mean any information in written, visual, aural, electronic or any other material form on: the state of elements of the environment, landscape and biological diversity, including genetically modified organisms, and the interaction among these elements; factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment, landscape or biological diversity, and cost-benefit and other economic analyses and assumptions used in environmental decision-making; the state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment, landscape or biological diversity or, through these elements, by the factors, activities or measures referred to in this point;

12) **economic activities** shall mean economic and other activities affecting or likely to affect the environment;

13) **hazardous substances** shall mean noxious, harmful, combustible, explosive, corrosion-inducing and other substances which may harm a person and the natural processes taking place in the environment;

14) **contamination** shall mean emission (discharge, dispersal) of substances, preparations, organisms and micro-organisms or combinations thereof (hereinafter: 'contaminants') to the environment as a result of human activities;

15) **genetically modified organism** shall mean an organism (with the exception of man) whose genetic material has been modified in such a way and has acquired such qualities that could not have developed in the course of a natural process of propagation of the organism;

16) **consequences for or effects on the environment** shall mean the consequences or effects (physical, chemical, etc.) on the environment which lead or may lead to significant changes in the natural functions of an ecosystem or elements thereof;

17) **strategic assessment of consequences for the environment** shall mean the process of determination, description and evaluation of likely consequences for the environment of implementation of certain plans and programmes, in the course of which documents of strategic assessment of consequences for the environment shall be collected, consultations provided, account shall be taken of results of the assessment and consultations prior to adopting and/or approving a plan or a programme, and the information relating to adoption and/or approval of a decision regarding the plan or programme shall be provided;

18) **plans and programmes** shall mean national-, regional- or local-level planning documents (action plans and programmes, development plans (programming documents), plans and programmes for development of branches of the economy, strategies, conceptions, territorial planning documents, etc., including the plans and programmes which are co-financed by the European Community) which shall be drafted, approved and/or adopted according to the legal acts currently in force or in implementing public administration within one's remit and whose implementation consequences may be of importance for the environment, including complete or partial modifications to such plans and programmes;

19) **remedial measures** shall mean any actions, including mitigating and interim measures, to restore, in accordance with the established procedure, the damaged environment, elements thereof and/or their impaired functions to baseline condition or the alternatives being implemented which are equivalent to those elements of the environment and/or functions thereof;

20) **preventive measures** shall mean any measures taken in response to an event, act or omission with a view to preventing damage or another adverse impact on the environment or minimising it;

21) **environmental damage** shall mean a directly or indirectly occurring adverse change in the environment or elements thereof (including protected areas, landscape, biodiversity) or impairment of the functions or qualities thereof which are beneficial for the environment or people/the public (hereinafter: 'functions');

22) **public concerned** shall mean one or more natural or legal persons affected or likely to be affected by, or having an interest in, the taking of decisions, acts or omissions in the field of the environment and protection thereof as well as utilisation of natural resources. For the purposes of this definition, the associations and other public legal persons (with the exception of the legal persons established by the State or a municipality or institutions thereof) established in accordance with the procedure laid down by legal acts and promoting environmental protection shall in any case be deemed the public concerned;

23) **integrated pollution prevention and control permit** shall mean a written document which, in order to prevent pollution arising from industrial activities, to reduce or to eliminate it, establishes a system of operating conditions which includes control of the impact on environmental elements and authorises the operation of all installation, combustion plant, waste incineration plant, waste co-incineration plant fulfilling the criteria set out in the Rules for the Issue, Renewal and Revocation of Integrated Pollution Prevention and Control Permits as approved by the Minister of Environment or, in accordance with the procedure laid down by the Minister of Environment, a part of such an installation or two or more such installations or parts of the installations. The concepts of an installation, a combustion plant, a waste incineration plant and a waste co-incineration plant shall be defined by the Minister of Environment.

24) **permit** shall mean a written authorisation to operate all installation fulfilling the criteria set out in the Rules for the Issue, Renewal and Revocation of Permits as approved by the Minister of Environment or, in accordance with the procedure laid down by the Minister of Environment, a part of such an installation or two or more such installations or parts of the installations which are not subject to the requirement to hold a permit referred to in point 23 of this Article, but whose sources of pollution must be controlled, where such a permit stipulates environmental conditions for the operation of the installations concerned;

25) **environmental quality standard** shall mean the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof.

Article 2. Purpose of the Law

This Law shall regulate public relations in the field of environmental protection, establish the principal rights and duties of legal and natural persons in preserving the biodiversity, ecological systems and landscape characteristic of the Republic of Lithuania, ensuring a healthy and clean environment, rational utilisation of natural resources in the Republic of Lithuania, the territorial waters, continental shelf and economic zone thereof.

Other laws regulating the utilisation of natural resources and environmental protection and other legal acts shall be adopted on the basis of this Law.

The purpose of this Law shall be to ensure the implementation of the legal acts of the European Union indicated in the Annex to this Law.

Article 3. Object of environmental protection

The object of environmental protection shall be the environment of the territory of the Republic of Lithuania and the natural resources which are under the jurisdiction of the Republic of Lithuania.

Article 4. Principles of environmental protection

In the Republic of Lithuania, environmental protection shall be the concern and duty of the State and each resident thereof.

The policy and practice of the administration of environmental protection must direct public and private interests towards the improvement of the quality of the environment, encourage the users of natural resources to seek the ways and means to avoid or reduce adverse effects on the environment, and to make production ecologically safe.

Natural resources must be utilised in a rational and complex way, taking into consideration the feasibility of preservation and rehabilitation of nature, as well as the specific natural and economic features of the Republic of Lithuania.

Environmental protection shall be based on comprehensive, accurate and timely pooled environmental information.

Article 5. Remit of the Seimas of the Republic of Lithuania in the field of environmental protection

In formulating the state policy of environmental protection, the Seimas of the Republic of Lithuania shall:

- 1) establish the main policy lines of environmental protection and utilisation of natural resources;
- 2) approve the environmental strategy;
- 3) approve State budget appropriations to finance environmental protection measures;
- 4) ratify and denounce the main treaties on environmental protection and utilisation of natural resources of the Republic of Lithuania;

5) perform other functions prescribed by law.

Article 6. System of state administration of environmental protection

In the Republic of Lithuania, the state administration of environmental protection shall be carried out by the Government, the Ministry of Environment and other authorised state institutions.

The administration of environmental protection in the territories of municipalities shall, in accordance with the procedure laid down by the law, be carried out by appropriate institutions of local self-government.

Each of these institutions shall be responsible for the performance of the functions assigned to them by this Law.

In implementing the state policy of environmental protection, the Government of the Republic of Lithuania shall:

1) approve, on the recommendation of the Ministry of Environment, an action programme of the environmental strategy, state programmes for and schemes of the utilisation of natural resources and environmental protection;

2) shape, in accordance with the procedure laid down by law, the system of state institutions implementing the policy of environmental protection and utilisation of natural resources;

3) co-ordinate the activities of state and local self-government administration institutions in the field of environmental protection and utilisation of natural resources;

4) conclude and implement inter-state agreements of the Republic of Lithuania concerning environmental protection and utilisation of natural resources;

5) perform other functions prescribed by law.

In carrying out the administration of environmental protection and state regulation of utilisation of natural resources, the Ministry of Environment of the Republic of Lithuania shall:

1) organise and co-ordinate implementation of the state strategy in the field of environmental protection and utilisation of natural resources, develop long-term and targeted state programmes for environmental protection and utilisation of natural resources, provide for a procedure for implementing them and control implementation thereof;

2) organise and co-ordinate development of environmental protection schemes of national significance, other environmental protection measures, also develop these schemes

and measures, provide for a mechanism of implementation/application thereof and control implementation/application thereof;

3) draft laws, resolutions of the Government of the Republic of Lithuania and other legal acts on the issues of environmental protection and utilisation of natural resources, organise the drawing up of general, special and detailed documents of territorial planning on the issues of environmental protection, co-ordinate, within its remit, the drafting of the legal acts of state and municipal institutions and bodies regulating economic and other activities likely to affect the environment and territorial planning documents to ensure their compliance with laws on environmental protection and other legal acts;

4) prepare and approve, within its remit, the rates, normative standards, standards and rules of environmental protection and utilisation of national resources;

5) determine, within its remit, the limits and terms and conditions of utilisation of natural resources, a procedure for granting authorisations, regulate and control the accounting of natural resources, organise the setting up and management of state cadastres and registers assigned to the remit of the ministry;

6) submit to the Government of the Republic of Lithuania projects of establishment of protected areas;

7) regulate and control activities in protected areas, organise the management of strict state reserves, national and regional parks, compile and update the Red Data Book, organise and perform the works relating to preservation and enhancement of rare and vanishing flora, fungi and fauna, regulate a procedure for importing, exporting, carrying in transit plants, trophies of animal hunting and fishing, trading on the international market in rare and vanishing species of flora and fauna, also keeping animals in captivity;

8) establish and control emission (discharge, dispersal) standards for contaminants (except radionuclides) as well as a procedure for accounting for them, lay down a procedure for issuing permits to emit (discharge, disperse) the contaminants (except radionuclides);

9) lay down a procedure for producing and importing, carrying in transit, exporting, using, storing, burying, decontaminating, utilising and accounting for hazardous chemicals and hazardous waste, genetically modified organisms and potential sources of biological pollution;

10) lay down a procedure for assessing the conformity of products to the requirements of environmental protection, organise this work;

11) prepare and approve the methods of calculation of environmental damage;

12) organise and co-ordinate a complex environmental monitoring, create and regularly supplement a computer information system of environmental protection and utilisation of natural resources, make use of this information;

13) organise and co-ordinate, within its remit, the research relating to natural resources and utilisation thereof as well as environmental protection;

14) use, in accordance with the established procedure, the funds of the Environmental Protection Support Programme;

15) maintain contacts, in accordance with the established procedure and within its remit, with appropriate foreign institutions and international organisations, draft international treaties, sign these treaties, organise implementation thereof, also, on the assignment of the Government of the Republic of Lithuania or the Prime Minister, represent the Republic of Lithuania in foreign states or at international organisations;

16) prepare reports on the state of the environment in the Republic of Lithuania, co-ordinate and, within its remit, organise environmental education and information of the public, be in charge of in-service training of environmental protection professionals;

17) exercise the state control of environmental protection and utilisation of natural resources, lay down a procedure for exercising the state control of environmental protection and utilisation of natural resources;

18) submit proposals regarding formation of an economic system of environmental protection and utilisation of natural resources, participate in the development of a policy of duties on the natural resources imported and exported;

19) organise the implementation and control of other environmental protection measures;

20) perform other functions prescribed by the law.

The functions of other state institutions in the field of environmental protection shall be specified by other laws and regulations of these institutions.

In organising the implementation of environmental protection laws and the regulatory acts adopted by the Government and the Ministry of Environment on the issues of environmental protection, institutions of local self-government shall:

1) manage, use and protect the natural resources and objects of environmental protection assigned thereto;

2) distribute national natural resources according to the limits established for municipalities;

3) develop, approve and implement the municipal programmes, schemes of environmental protection and utilisation of natural resources and other environmental protection measures;

4) use, in accordance with the established procedure, the funds of the Special Municipal Environmental Protection Support Programme and approve appropriations for environmental protection;

5) establish and manage, in accordance with the procedure laid down by the law, municipal protected areas and landscape objects;

6) consider and co-ordinate, within their remit, the design of objects of the proposed activity;

7) manage the green areas of cities and rural residential areas, draft and approve the rules for protection of the green areas, declare as in need of protection the trees and bushes which are valuable from the dendrological, ecological, aesthetical, cultural and landscape formation perspective and which grow on State-owned land for non-agricultural purposes and on private land. An institution authorised by the Government shall specify the criteria on the basis of which the trees and bushes shall be attributed to those in need of protection;

8) establish, within their territory, the normative standards which are more stringent than national ones, subject to co-ordination with the state institutions which have approved them;

9) adopt decisions and control implementation thereof within their remit;

10) perform other functions prescribed by the law.

CHAPTER II.

RIGHTS AND DUTIES OF CITIZENS OF THE REPUBLIC OF LITHUANIA, THE PUBLIC CONCERNED, OTHER LEGAL AND NATURAL PERSONS

Article 7. Rights of citizens, the public concerned, other legal and natural persons

1. One or more natural or legal persons and the public concerned shall have the right:

1) to obtain information on the environment in accordance with the established procedure;

2) to participate, in accordance with the established procedure, in the process of environmental impact assessment of the proposed economic activity;

3) to require termination of the harmful effect of objects of economic activities on the environment;

4) to submit, in accordance with the procedure laid down by law, proposals regarding the mandatory nature of environmental impact assessment;

5) to conduct public environmental impact assessment;

6) to organise and participate in exercising public control of the environment;

7) to require state government and administration institutions to organise environmental education and instruction, also to freely promote environmental protection;

8) to file, in accordance with the procedure laid down by laws of the Republic of Lithuania, a complaint/application demanding to take appropriate action to prevent or minimise environmental damage or restore the environment to its baseline condition and demanding to punish the persons guilty of causing a harmful effect on the environment and the officials whose decisions or acts/failure to act have violated the rights of citizens, the public concerned, other legal and natural persons or the interests protected under law;

9) to visit natural areas, with the exceptions of those whose visiting is prohibited or restricted;

10) to refer, in accordance with the procedure laid down by laws of the Republic of Lithuania, to court where he/they believes/believe that his/their application filed in the accordance with the procedure laid down by the legal acts regulating the right to obtain information on the environment has been unlawfully dismissed, has been provided with a partially or completely inappropriate response or has not been given proper regard in compliance with the legal acts regulating the right to obtain information on the environment.

2. The public concerned shall have the right, in accordance with the procedure laid down by laws of the Republic of Lithuania, to refer to court for defence of public interest challenging the substantive or procedural legality of decisions, acts or omissions in the area of the environment and environmental protection as well as utilisation of natural resources.

Article 8. Duties of state government, administration and control institutions in ensuring the rights of citizens, the public concerned, other legal and natural persons

State government, administration and control institutions must, within their remit:

1) observe changes in the quality of environment and inform the public thereof, establish ecologically based and technically feasible normative standards and standards of environmental quality;

- 2) comply with or dismiss, on a reasoned basis, the proposals of citizens, the public concerned, other legal and natural persons concerning the issues of environmental protection;
- 3) make projects of the economic activities which may have a harmful effect on the environment available to the public;
- 4) prevent the violation of laws, normative standards and standards of environmental protection by entities of economic activities;
- 5) evaluate and have proper regard to reasoned proposals of the public regarding the mandatory nature of environmental impact assessment of the proposed economic activity;
- 6) evaluate and have proper regard to proposals of the public regarding environmental impact assessment of the proposed economic activity and the likely effect of the proposed economic activity on the environment;
- 7) ensure compensation for the damage caused to the environment or the adverse effect on the environment and punishment of the persons guilty of this damage to the environment through unlawful activities;
- 8) organise environmental education and instruction, provide information on the environment in accordance with the established procedure;
- 9) encourage citizens, the public concerned, other legal and natural persons to participate in the adoption and implementation of decisions in the field of environmental protection;
- 10) require, in accordance with the established procedure, responsible persons to take preventive, remedial or other environmental protection measures, also to control implementation of these measures.

Article 9. Duties of citizens, the public concerned, other legal and natural persons

Citizens, the public concerned, other legal and natural persons must protect the environment, utilise natural resources in a sparing manner, and avoid violation of the rights and interests of other users of the natural resources.

Article 10. Rights and duties of foreign citizens and stateless persons

Foreign citizens and stateless persons must abide by the duties of the citizens of the Republic of Lithuania as established by this Law and shall hold all the rights of the citizens of the Republic of Lithuania as stipulated by this Law, unless other laws of the Republic of Lithuania provide otherwise.

CHAPTER III.

UTILISATION OF AND ACCOUNTING FOR NATURAL RESOURCES

Article 11. Object of utilisation of natural resources

The object of utilisation of natural resources shall be the natural resources which are under the jurisdiction of the Republic of Lithuania.

Article 12. Protected areas and the nature frame

Protected areas shall be the following:

- 1) preservation areas – strict reserves, reserves and protected objects of landscape;
- 2) protection areas – protection zones intended for various purposes;
- 3) areas for restoration of natural resources – protected land parcels of natural resources;
- 4) complex areas – state parks (national and regional parks), areas of biosphere monitoring (strict biosphere reserves and biosphere grounds).

The nature frame shall join protected areas of a natural type and other ecologically important and sufficiently natural areas ensuring the general stability of landscape into a common system of ecological compensation zones of landscape management.

The protection of protected areas and utilisation of natural resources therein shall be regulated by the Law of the Republic of Lithuania on Protected Areas, other laws and legal acts.

Article 13. State accounting for natural resources

The procedure for state accounting for natural resources, cadastre management and drawing up of accounts shall be laid down by the Government of the Republic of Lithuania.

Article 13¹. Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania

1. The Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania shall be a state cadastre.

2. The Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania shall be set up, reorganised and liquidated in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Registers and by the Government of the Republic of Lithuania.

The Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania shall be managed by the leading management body of the Cadastre – the Ministry of Environment of the Republic of Lithuania – and by the management body of the Cadastre – the Environmental Protection Agency.

3. The following surface water bodies shall be registered in the Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania in accordance with the procedure laid down by the Government of the Republic of Lithuania:

1) the rivers whose length is at least 3 kilometres or whose basin area is at least 5 square kilometres;

2) the lakes and ponds whose water surface area is at least 0.5 hectare;

3) the rivers, lakes, ponds, channels and artificial impassable surface water bodies considered as the internal water bodies of national significance or subject to state environmental monitoring;

4) the surface water bodies joining the objects of the Cadastre of Rivers, Lakes and Ponds of the Republic of Lithuania indicated in points 1-3 of this paragraph.

Article 14. Users of natural resources

Natural resources may be used by legal and natural persons.

The basis of utilisation of natural resources shall be the right of ownership or the right of use.

The users of natural resources must:

1) assess the likely effect of economic activities on the environment at their own expense;

2) utilise natural resources in a rational and sparing manner, not violate the requirements of environmental protection;

3) implement the measures eliminating or reducing the adverse effect on the environment;

4) where it transpires that the environment is in imminent threat, take measures to prevent the danger, and where adverse effects have occurred, eliminate them without delay and inform the appropriate officers and institutions of environmental protection;

5) avoid violation of the rights and legitimate interests of other users of natural resources;

6) compensate for the damage caused to the environment by an unlawful act;

7) fulfil the legitimate requirements of authorised institutions of environmental protection and their officers.

CHAPTER IV. REGULATION OF ECONOMIC ACTIVITIES

Article 15. Environmental impact assessment

Economic activities shall be planned and pursued on the basis of this Law and other laws, regulatory acts, data of environmental monitoring and state accounting of natural resources, environmental protection programmes and schemes, landscape management projects and general plans taking into consideration the natural potential of the Republic of Lithuania.

An authorisation for economic activity may be issued for the proposed activity which, under the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity, is subject to an environmental impact assessment or a screening for environmental impact assessment, provided that there is in place an effective positive decision of the responsible authority on the feasibility of the proposed economic activity or a conclusion of the screening for environmental impact assessment that environmental impact assessment is not obligatory.

The institutions indicated in the second paragraph of this Article shall evaluate the submitted documents concerning the likely effect of economic activities on the environment and present conclusions within their remit or a reasoned decision on the feasibility of the activities. The decision shall be binding on the institution issuing permits for the economic activities.

The procedure for preparing the documents concerning the likely effect of economic activities on the environment shall be established by the Ministry of Environment of the Republic of Lithuania.

Article 16. Planning of the economic activity likely to affect the environment

The territorial organisation of the economic activity of legal and natural persons which is likely to affect the environment and state regulation of environment management shall be carried out in line with the documents of general and special territorial planning.

The legal and natural persons planning to construct, reconstruct or expand the objects likely to affect the environment and drafting the design documentation of general and

special territorial planning must, in the design documentation, provide for the measures of rational utilisation of natural resources and prevention of the adverse effect on the environment.

The design documentation shall, in accordance with the established procedure, be co-ordinated with local self-government institutions and the Ministry of Environment.

Article 17. Construction, reconstruction and expansion of objects of economic activities

Legal and natural persons may construct, reconstruct, or expand objects of economic activities only subject to having the design documentation which is in compliance with the requirements provided for in Article 16 of this Law.

The construction, reconstruction, or expansion of objects of economic activities in the absence of the design documentation provided for in Article 16 of this Law, or not in compliance with the requirements of environmental protection stipulated therein, in violation of the environmental protection restrictions of construction, reconstruction or expansion works shall be subject to the liability provided for by the law.

The imposition of liability shall not prevent the institutions of state administration of environmental protection and control as established in Article 6 of this Law or officials thereof from discontinuing, in accordance with the established procedure, the works of construction, reconstruction or expansion of the objects of economic activities.

Article 18. Acceptance of constructed, reconstructed, or extended objects of economic activities

The acceptance for operation of constructed, reconstructed, or extended objects of economic activities shall be permitted only subject to implementation of all the measures of environmental protection set forth in the design documentation.

Officials of the system of the Ministry of Environment shall participate in the acceptance of, or submit their conclusions on, constructed, reconstructed, or extended objects of economic activities.

Article 19. Operation of objects of economic activities

Legal and natural persons must, prior to commencing the operation of objects of economic activities and pursuit of economic activities, obtain an authorisation in the cases and in accordance with the procedure laid down by law.

Legal and natural persons shall operate objects of economic activities under the conditions established in the authorisation and not in violation of the normative standards and standards of environmental protection.

Legal and natural persons must, while operating the objects of economic activities whose operation is related to a harmful effect on the environment, at their own expense, monitor the degree of environmental pollution and its impact on the environment, ensure that information thereon be available to the public, and provide conditions for pollution control.

While operating objects of economic activities, legal and natural persons must, in accordance with the established procedure, account for the utilisation of natural resources and the contaminants emitted (discharged, dispersed) to the environment.

The legal and natural persons operating objects of economic activities or pursuing the economic activities which do not require authorisations must comply with the normative standards and standards of environmental protection established for such objects and activities.

Article 19¹. Integrated pollution prevention and control permit

The Rules for the Issue, Renewal and Revocation of Integrated Pollution Prevention and Control Permits (hereinafter: an ‘IPPC permit’) shall be approved by the Minister of Environment.

The Rules stipulate a procedure for the drafting, submission and coordination of an application for the issue or renewal of an IPPC permit (hereinafter: an ‘application for an IPPC permit’), drafting of the IPPC permit, the issue, renewal and revocation of the IPPC permit, as well as a procedure for the provision of information to another European Union Member State, holding of consultations with another European Union Member State and information about the adoption of a decision to issue the IPPC permit, a procedure for the provision of information to the public of another European Union Member State.

A natural or legal person, another organisation or a division of the legal person or another organisation (hereinafter in this Article: a ‘natural or legal person’) shall have the right to operate an installation (a part of the installation, two or more installations or parts of the installations) as referred to in the Rules indicated in paragraph 1 of this Article, which is operated or managed by the right of ownership, lease, loan for use, trust or on another legal ground, only if holding a valid IPPC permit and acting in compliance with the conditions set out therein.

Natural or legal persons must operate the installation referred to in the Rules indicated in paragraph 1 of this Article (a part of the installation, two or more installations or parts of the installations) in accordance with the following principles: take all the appropriate preventive measures against pollution; apply the best available production techniques as defined by the Ministry of Environment of the Republic of Lithuania, cause no significant pollution; prevent the generation of waste and, where waste is generated, ensure, in accordance with the order of priorities of waste management as stipulated in the Law of the Republic of Lithuania on Waste Management, that it is prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment; use energy efficiently; take the necessary measures to prevent accidents and/or limit their consequences; upon definitive cessation of activities, take the necessary measures to avoid any risk of pollution and return the site of operation to the satisfactory state.

IPPC permits shall be issued, renewed and revoked by an institution/institutions authorised by the Minister of Environment.

The National Health Centre under the Ministry of Health shall coordinate applications for an IPPC permit and, within its remit, participate in determining IPPC permit conditions in performing the functions assigned thereto in the area of management of noise and odour control under the Law of the Republic of Lithuania on Public Health and the Law of the Republic of Lithuania on the Management of Noise in accordance with the procedure and within the time limits laid down in the Rules indicated in paragraph 1 of this Article.

The institution authorised by the Minister of Environment shall give to the executive institution of a municipality a notice of the receipt of an application for the issue of an IPPC permit and possibilities of making the application for an IPPC permit available to the public.

The executive institution of the municipality having comments regarding an application for an IPPC permit shall, within seven working days, submit the comments to the institution authorised by the Minister of Environment.

The institution authorised by the Minister of Environment shall draft an IPPC permit upon the receipt of a decision of the body referred to in paragraph 4 of this Article to coordinate the application for an IPPC permit or the body fails, within the time limit laid down in the Rules indicated in paragraph 1 of this Article, to submit a decision to coordinate the application for an IPPC permit or to refuse coordination and after the institution authorised by the Minister of Environment and indicated in this paragraph has evaluated the

application for an IPPC permit and takes a decision to accept the application for an IPPC permit.

A procedure and time limits for taking a decision to accept the application for an IPPC permit and a decision to issue an IPPC permit shall be laid down in the Rules indicated in paragraph 1 of this Article.

The institution authorised by the Minister of Environment must issue an IPPC permit not later than within 20 working days from the taking of the decision to accept the application for an IPPC permit.

The IPPC permit shall be issued provided that the installation referred to in paragraph 2 of this Article (part of the installation, two or more installations or parts of the installations) and the operating conditions of the installation concerned meet the requirements of the Rules indicated in paragraph 1 of this Article.

The issue of the IPPC permit shall be refused where:

1) after the taking of a decision to accept the application for an IPPC permit, it is established that the application for an IPPC permit and/or other documents required to be submitted under the Rules indicated in paragraph 1 of this Article contain information known to be false or falsified;

2) the previous IPPC permit was revoked in the cases specified in points 1, 2, 3 or 6 of paragraph 12 of this Article, and six months have not lapsed from the revocation of the IPPC permit.

The IPPC permit shall be renewed in accordance with the procedure and within the time limits laid down in the Rules indicated in paragraph 1 of this Article.

The IPPC permit shall be renewed if at least one of the following conditions is fulfilled:

1) substantial change is planned (when it is planned to change the nature or functioning of the installation referred to in the Rules indicated in paragraph 1 of this Article (a part of the installation, two or more installations or parts of the installations) or it is planned to extend it, where such a change or extension may have significant adverse effects on human health or on the environment, as stipulated in the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity);

2) the issued IPPC permit stipulates, in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article, the conditions under which the IPPC must be renewed, as well as time limits for renewing the IPPC permit;

3) after the institution authorised by the Minister of Environment reconsiders, in accordance with the established procedure and in compliance with the Rules indicated in paragraph 1 of this Article, permit conditions for the IPPC permit, it is established that it is necessary to renew the IPPC permit (results of monitoring show that the pollution caused by the installation is of such significance that the existing emission limit values of the IPPC permit need to be revised or new such values need to be included in the IPPC permit; the operational safety requires other techniques to be used; in the event of changes in regulatory requirements, where it is necessary to specify stricter operating conditions of the installation or to otherwise ensure compliance with new or updated normative standards of environmental protection or standards of environmental protection and/or conformity with a new or updated environmental quality standard; in the event of changes in other requirements or documents which must be complied with in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article or where, in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article, it is possible to apply other measures to reduce emissions);

4) in the event of changes in the natural or legal person operating the installation (part of the installation, two or more installations or parts of the installations), as referred to in paragraph 2 of this Article;

In the cases indicated in paragraph 10 of this Article, a natural or legal person referred to in paragraph 2 of this Article must refer to the institution indicated in paragraph 3 of this Article for renewal of the IPPC permit.

The IPPC permit shall be revoked if at least one of the following conditions is fulfilled:

1) the installation (part of the installation, two or more installations or parts of the installations) is operated in violation of the conditions set out in the IPPC permit, and a person whose environmentally harmful activities have been suspended on the grounds stipulated in the Law of the Republic of Lithuania on State Control of Environmental Protection fails, within the time limit indicated by the institutions exercising state control of environmental protection, to eliminate the irregularities detected;

2) when in the cases indicated in points 2, 3 and 4 of paragraph 10 of this Article the holder of the IPPC permit fails to renew the IPPC permit within the time limit and in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article;

3) it is established that information has been supplied for the issue and/or renewal of the IPPC permit on which permit conditions for the IPPC permit were based, where the information was known to be false or falsified;

4) at the request of the holder of the IPPC permit;

5) upon liquidation of the legal person holding the IPPC permit, as indicated in paragraph 2 of this Article, upon the death of the natural person holding the IPPC permit, as indicated in paragraph 2 of this Article, where he is adjudicated as incapacitated or of limited legal capacity or declared missing, and the successor to the person's rights fails to apply for renewal of the IPPC permit in accordance with the established procedure;

6) in the event of a failure to implement a resolution to discontinue environmentally harmful activities adopted in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Control of Environmental Protection.

The IPPC permit shall be revoked by a reasoned decision of the issuing institution in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article.

The holder of the IPPC permit shall be notified thereof in writing, with the exception of the cases indicated in point 5 of paragraph 12 of this Article, indicating grounds for revocation of the IPPC permit.

If the infringement is minor and no significant damage is caused to the interests protected by this Law and the legal acts of the European Union regulating industrial emissions and no significant damage is caused to the environment and human health, and the person holding the IPPC permit has terminated the actions which violate the law, eliminated the consequences of the actions and compensated for the damage caused, while compliance with provisions of this Law may be ensured by other means, the institution authorised by the Minister of Environment may, acting in accordance with the principles of fairness and reasonableness, maintain the IPPC permit.

The institution/institutions authorised by the Minister of Environment must, in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article, reconsider permit conditions for the IPPC permit and, in the cases indicated in point 3 of paragraph 10 of this Article, inform the holder of the IPPC permit of the duty to renew the IPPC permit within the specified time limit.

Note. Permits for operation of the installations referred to in Article 19¹ of the Law of the Republic of Lithuania on Environmental Protection (or parts of the installations, or two or more installations), where they were issued until 1 June 2013, shall be subject to provisions of this Law (No XII-287) regarding renewal of integrated

pollution prevention and control permits within the time limits and in accordance with the procedure laid down by the Ministry of Environment of the Republic of Lithuania.

Article 19². Permit

The Rules for the Issue, Renewal and Revocation of Permits shall be approved by the Minister of Environment.

The Rules shall stipulate a procedure for the drafting and submission of an application for the issue or renewal of a permit, the drafting of the permit, the issue, renewal and revocation of the permit.

A natural or legal person, another organisation or a division of the legal person or another organisation (hereinafter in this Article: a ‘natural or legal person’) shall have the right to operate an installation (a part of the installation, two or more installations or parts of the installations) as referred to in the Rules indicated in paragraph 1 of this Article, which is operated or managed by the right of ownership, lease, loan for use, trust or on another legal ground, only if holding a valid permit and acting in compliance with the conditions set out therein.

Natural or legal persons must operate the installation (a part of the installation, two or more installations or parts of the installations) in accordance with the following principles: take all the appropriate preventive measures against pollution; cause no significant pollution; prevent the generation of waste and, where waste is generated, ensure, in accordance with the order of priorities of waste management as stipulated in the Law of the Republic of Lithuania on Waste Management, that it is prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment; use energy efficiently; take the necessary measures to prevent accidents and/or limit their consequences.

Permits shall be issued, renewed and revoked by an institution/institutions authorised by the Minister of Environment.

The institution authorised by the Minister of Environment must issue a permit not later than within 20 working days from the acceptance of the application.

The permit shall be issued provided that the installation referred to in paragraph 2 of this Article (part of the installation, two or more installations or parts of the installations) and the operating conditions of the installation concerned meet requirements of the Rules indicated in paragraph 1 of this Article.

The issue of the permit shall be refused where:

1) it is established that the documents required to be submitted under the Rules referred to in paragraph 1 of this Article in order to obtain a permit contain the information known to be false or falsified;

2) the previous permit was revoked in the cases specified in points 1, 2, 3 or 6 of paragraph 9 of this Article, and six months have not lapsed from the revocation of the permit.

The permit shall be renewed if at least one of the following conditions is fulfilled:

1) when it is planned to change the nature or functioning of the installation referred to in the Rules indicated in paragraph 1 of this Article (a part of the installation, two or more installations or parts of the installations) or it is planned to extend it, where such a change or extension may have significant adverse effects on human health or on the environment, as stipulated in the Law of the Republic of Lithuania on Environmental Impact Assessment of the Proposed Economic Activity;

2) following a review of conditions of the permit in accordance with the procedure laid down by the Rules indicated in paragraph 1 of this Article, where, in the cases and in accordance with the procedure laid down by these Rules, it is established that the permit must be renewed;

3) in the event of changes in regulatory requirements, when there is the need to establish more stringent operating conditions of the installation (part of the installation, two or more installations or parts of the installations) or otherwise ensure compliance with a new or updated environmental quality standard, normative standard of environmental protection or standard of environmental protection;

4) in the event of changes in the natural or legal person operating the installation (part of the installation, two or more installations or parts of the installations), as referred to in paragraph 2 of this Article;

5) The institution/institutions indicated in paragraph 3 of this Article must, in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article, reconsider permit conditions and, in the cases indicated in points 2 and 3 of paragraph 6 of this Article, inform the holder of the permit of the duty to renew the permit within the specified time limit.

In the cases indicated in paragraph 6 of this Article, a natural or legal person referred to in paragraph 2 of this Article must refer to the institution indicated in paragraph 3 of this Article for renewal of the permit.

The permit shall be revoked if at least one of the following conditions is fulfilled:

1) the installation (part of the installation, two or more installations or parts of the installations) is operated in violation of the conditions set out in the permit, and a person whose environmentally harmful activities have been suspended on the grounds stipulated in the Law of the Republic of Lithuania on State Control of Environmental Protection fails, within the time limit indicated by the institutions exercising state control of environmental protection, to eliminate the irregularities detected;

2) the holder of the permit fails, in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article, an application for the renewal of the permit, when it must be renewed in the cases indicated in points 2, 3 and 4 of paragraph 6 of this Article;

3) it is established that information has been supplied for the issue and/or renewal of the permit on which permit conditions were based, where the information was known to be false or falsified;

4) at the request of the holder of the permit;

5) upon liquidation of the legal person holding the permit, as indicated in paragraph 2 of this Article, upon the death of the natural person holding the permit, as indicated in paragraph 2 of this Article, where he is adjudicated as incapacitated or of limited legal capacity or declared missing, and the successor to the person's rights fails to apply for renewal of the permit in accordance with the established procedure;

6) in the event of a failure to implement a resolution to discontinue environmentally harmful activities adopted in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Control of Environmental Protection.

The permit shall be revoked by a reasoned decision of the issuing institution in accordance with the procedure laid down in the Rules indicated in paragraph 1 of this Article. The holder of the permit shall be notified thereof in writing, with the exception of the cases indicated in point 5 of paragraph 9 of this Article, indicating grounds for revocation of the permit.

If the infringement is minor and no significant damage is caused to the interests protected by this Law and the legal acts of the European Union regulating the operation of an installation referred to in paragraph 2 of this Article (parts of the installation, two or more installations or parts of the installations) and no significant damage is caused to the environment and human health, and the person holding the permit has terminated the actions which violate the law, eliminated the consequences of the actions and compensated for the damage caused, while compliance with provisions of this Law may be ensured by other

means, the institution authorised by the Minister of Environment may, acting in accordance with the principles of fairness and reasonableness, maintain the permit.

Note. Permits for operation of the installations referred to in Article 19² of the Law of the Republic of Lithuania on Environmental Protection (or parts of the installations, or two or more installations), where until 1 June 2013 the installations were operated under integrated pollution prevention and control permits, shall be subject to provisions of this Law (No XII-287) regarding renewal of permits in accordance with the procedure laid down by the Ministry of Environment of the Republic of Lithuania.

Article 20. Production and use of hazardous chemicals

The legal and natural persons using hazardous chemicals must comply with the procedure laid down for using, storing, accounting for, burying, decontaminating, transporting, carrying in transit, importing and exporting such materials.

Such materials shall be stored, buried and decontaminated at the expense of producer or user thereof.

A procedure for using, storing, accounting and issuing authorisations for, burying, decontaminating, transporting, carrying in transit, importing and exporting hazardous chemicals shall be laid down by the Ministry of Environment.

In the Republic of Lithuania, the production, deployment, carriage in transit and import of chemical weapons shall be prohibited.

Article 21. Production and use of radioactive materials

A procedure for using, storing, accounting for, disposing, decontaminating, importing, exporting, carrying in transit and transporting in the Republic of Lithuania radioactive materials and waste and other sources of ionising radiation shall be laid down by the Law of the Republic of Lithuania on Nuclear Safety, the Law of the Republic of Lithuania on Radiation Protection and the Law of the Republic of Lithuania on Nuclear Waste Management.

Article 22. Biological sources of pollution

A procedure for and normative standards of use, storage, accounting for, development, multiplication, decontamination, carriage in transit, import and export of

potential sources of pollution shall be laid down by the Ministry of Environment in conjunction with the Ministry of Health.

In the Republic of Lithuania, the production, deployment, carriage in transit and import of biological weapons shall be prohibited.

Article 22⁽¹⁾. Genetically modified organisms and genetically modified products

The activities relating to genetically modified organisms and genetically modified products and the state administration of use thereof shall be regulated, and the rights, duties and liability of the users of these organisms and products shall be established by the Law on Genetically Modified Organisms.

Article 23. Waste management

Persons must comply with the waste management requirements set forth by laws of the Republic of Lithuania and other legal acts. Waste management expenses shall be borne by the polluter.

Article 24. Repealed as of 12 April 2005.

CHAPTER V.

**SYSTEM OF MONITORING OF THE STATE OF ENVIRONMENT
AND LIMITING OF ADVERSE EFFECTS ON THE ENVIRONMENT**

Article 25. System of monitoring of the state of the environment

A uniform system of environmental monitoring covering state environmental monitoring and the environmental monitoring of economic entities shall be established for the monitoring of the state of the environment and components thereof.

The Ministry of Environment shall conduct environmental monitoring and coordinate the environmental monitoring conducted by the economic entities.

State environmental monitoring shall be funded from the State budget. Economic entities shall conduct environmental monitoring at their own expense.

The content and structure of and a procedure for conducting state environmental monitoring and the environmental monitoring of economic entities shall be established by the Law on Environmental Monitoring.

Article 26. System of limiting of adverse environmental effects

The adverse effect of economic activities on the environment shall be restricted by normative standards, standards, limits, legal and economic regulation measures.

In the Republic of Lithuania, the regulations of environmental protection concerning the limit values of concentration of chemical, biological, and physical contaminants in the environment and in individual components of the environment, the use of the contaminants emitted (discharged, dispersed) to the environment, chemicals and other materials hazardous to the environment, utilisation of natural resources, noise, vibration, electromagnetic fields and other impact, radiation safety, general anthropogenic pressure and other normative standards of environmental protection shall be established.

Introduction of new technologies, new products or materials must comply with the normative standards and standards provided for by environmental protection and other legal acts.

Article 27. Drafting of plans and programmes, strategic assessment of effects thereof on the environment

The plans and programmes whose implementation may significantly affect the environment shall be drafted and implemented in compliance with this Law and other laws as well as legal acts regulating strategic assessment of effects on the environment, territorial planning and environmental monitoring.

A procedure for strategic assessment of effects of plans and programmes on the environment shall be established by the Government of the Republic of Lithuania.

CHAPTER VI.

ECONOMIC MECHANISM OF ENVIRONMENTAL PROTECTION

Article 28. Economic measures of environmental protection

Ecological and economic interests of the State shall be co-ordinated by the economic mechanism of environmental protection as set forth in the laws and other legal acts of the Republic of Lithuania. The mechanism shall consist of:

- 1) taxes for the utilisation of natural resources;
- 2) taxes for environmental pollution;
- 3) regulation of crediting;
- 4) state subsidies;

- 5) the pricing policy;
- 6) economic sanctions and compensation for losses;
- 7) other ecological taxes and measures.

Article 29. Implementation methods of economic measures of environmental protection

The introduction of low-waste technology and the manufacturing of ecological products shall be promoted by tax reduction, credit privileges, and state subsidies.

Article 30. State funding of measures of environmental protection

Environmental protection measures shall be financed by the users of natural resources, the State and municipalities in accordance with appropriate regulatory acts.

The State budget funds allocated for environmental protection shall be used in accordance with the priority axes and programmes specified by the Government of the Republic of Lithuania.

The funds of the Environmental Protection Support Programme and the funds of the Special Municipal Environmental Protection Support Programme shall be additional sources of funding of environmental protection. Foreign credits may be an additional source of funding.

The funds of the Environmental Protection Support Programme and the procedure for using them shall be specified by the Law of the Republic of Lithuania on the Environmental Protection Support Programme.

CHAPTER VII.

**STATE CONTROL OF ENVIRONMENTAL PROTECTION
AND LEGAL RESPONSIBILITY**

Article 31. State control of environmental protection

In the Republic of Lithuania, the state control of environmental protection and utilisation of natural resources shall be exercised by officials of the system of the Ministry of Environment – state inspectors of environmental protection.

In performing official duties, state inspectors of environmental protection shall have the right to:

1) suspend, in accordance with the established procedure, the construction or reconstruction of objects of economic and other activities, suspend or restrict the activities of legal and natural persons where laws on environmental protection are being violated or where these activities do not comply with the normative standards, rules, limits and other conditions established in respect of environmental protection;

2) upon presentation of an official identification document, freely enter on foot/in a vehicle the territories and objects of all enterprises, establishments, organisations, farms, military units and border areas in order to exercise therein the state control of environmental protection and utilisation of natural resources and to conduct control tests and measurements;

3) in the cases and in accordance with the procedure specified by the Law on State Control of Environmental Protection and other laws, issue mandatory instructions, draw up statements, acts and other documents in the specified format;

4) in accordance with the established procedure, hear cases of administrative offences and impose administrative penalties;

5) stop and inspect ships of the Republic of Lithuania and foreign countries, other means of water transport in the internal and territorial waters and in the economic zone of the Republic of Lithuania, namely, exercise the state control of environmental protection and utilisation of natural resources, also exercise this control in ships of the Republic of Lithuania in international waters;

6) in order to prevent violations of laws on environmental protection which are subject to administrative or criminal liability, stop and examine the vehicles of suspects, perform a person's search and inspection of items in accordance with the established procedure, seize the items and documents, survey a place of an accident;

7) verify, in compliance with international commitments, the activities of legal and natural persons of the Republic of Lithuania relating to the utilisation of natural resources in international waters;

8) bring, in the cases provided for by law, the persons who have violated laws on environmental protection to the police or to the municipal premises of a residential area or district for identification purposes;

9) keep, carry and use, in accordance with the established procedure, a service weapon and special means, namely, handcuffs, gas for self-defence, working dogs, the means of stopping the vehicles by force;

10) wear a uniform of the established model.

In exercising state control of environmental protection and utilisation of natural resources, the Ministry of Environment shall establish institutions of non-statutory inspectors of environmental protection and approve regulations thereof.

Article 32. Environmental damage and restoration of the state of the environment

It shall be recognised that damage has been caused to the environment where there is a direct or indirect adverse effect:

1) on the favourable conservation status of species or habitats maintained or aimed at preservation, also the status of biodiversity, forests, landscape and protected areas;

2) on the ecological, chemical, microbial and/or quantitative condition of surface and ground water and/or ecological capacity (potential) as defined in the Law of the Republic of Lithuania on Water;

3) on land, that is, land contamination, when contaminants are introduced on, in or under land (into the subsurface);

4) on other elements of the environment (functions thereof), when requirements of environmental protection are violated.

Users of natural resources as well as the persons pursuing economic activities (hereinafter: 'economic entities') must take all the measures necessary to prevent environmental damage, damage to human health and life, property and interests of other persons, and the persons guilty of causing damage must restore the state of the environment, where possible, to baseline condition as it was prior to the causing of damage to the environment and compensate for all losses. The baseline condition shall be determined on the basis of the information available on the best state of the environment.

The state of the environment shall be restored by rehabilitating the damaged environment or elements thereof or the impaired functions thereof.

In the event of damage to land (surface thereof or the subsurface) as elements of the environment, any threat of adverse effect on human health must be eliminated.

Environmental damage shall be assessed and calculated according to the methods approved by the Minister of Environment having regard to the baseline condition, the significance of the adverse effect on the environment, possibilities and duration of natural restoration of the environment, however, previously identified adverse effects, that is, prior to occurrence of environmental damage, and occurring as a result of specific economic activities whose pursuit is allowed, in accordance with the established procedure, by authorised

institutions and which are carried out not in violation of requirements of environmental protection shall not be assessed.

The adverse effects on the environment of the economic activities whose pursuit is allowed, in accordance with the established procedure, by authorised institutions and which are carried out not in violation of requirements of environmental protection shall be compensated for by economic entities by complying with the requirements of environmental protection and other requirements set forth by this Law and other laws.

Article 32⁽¹⁾. Application of preventive and remedial measures

In the presence of an imminent threat of environmental damage, an economic entity must, without delay, take all the necessary preventive measures. Where the imminent threat of environmental damage is not dispelled, despite the preventive measures taken by the economic entity, the economic entity must forthwith inform thereof the Ministry of Environment or an institution authorised by it.

Where environmental damage has occurred, the economic entity must, without delay, notify thereof the Ministry of Environment or an institution authorised by it and take:

1) all the necessary actions to immediately control, contain, remove or otherwise manage contaminants and/or other damage factors in order to limit or prevent further environmental damage and adverse effects on human health or further impairment thereof;

2) the necessary remedial measures according to provisions of the fifth paragraph of this Article.

The Ministry of Environment or an institution authorised by it shall have the right and duty, at any time:

1) to require an economic entity to supply the entire information on any situation in the course of which damage was caused to the environment or a threat thereof occurred or in suspected cases that such a situation may occur;

2) to require an economic entity to take necessary preventive and/or remedial measures;

3) to require an economic entity to take or issue to the appropriate entity instructions concerning all actions to collect contaminants and/or remove, control or otherwise manage other factors having a damaging effect on the environment in order to prevent or limit environmental damage and adverse effect on human health;

4) to give compulsory instructions to an economic entity regarding the application of preventive and/or remedial measures;

5) to take, at its own discretion, the necessary preventive and/or remedial measures in the cases provided for in the fourth paragraph of this Article.

Where an economic entity fails to comply with the duties provided for in this Article or is not required to bear the costs of preventive and/or remedial measures or where a person liable for causing environmental damage has not been identified, municipal and/or state authorised institutions shall, within their remit, implement the necessary measures on their own account or with the help of third parties.

Remedial measures shall be implemented solely subject to a prior approval of the Ministry of Environment or an institution authorised by it.

A procedure for selecting remedial measures and obtaining a prior approval in relation to the measures shall be laid down by the Minister of Environment.

Article 32⁽²⁾. Reimbursement of costs

The full costs for preventive and/or remedial measures shall be borne by an economic entity which has caused environmental damage or the imminent threat of such damage, also in the cases when the appropriate measures have been implemented by the institutions authorised by a municipality or the State (at their own discretion or with the help of third parties).

The economic entity shall not be required to bear the cost of preventive and/or remedial actions only in the case when the environmental damage or imminent threat of such damage occurred due to force majeure, also where it proves that the environmental damage or imminent threat of such damage:

1) was caused by the actions of a third party (acts, omission), despite the fact that appropriate safety measures were in place;

2) resulted from strict compliance with a compulsory instruction emanating from an institution authorised by law other than an instruction consequent upon contamination or incident caused by the economic entity's own activities (act, omission).

The costs of an economic entity for preventive and/or remedial measures shall be reimbursed in the cases provided for in the second paragraph of this Law by the persons who have caused environmental damage or, where these persons cannot be identified, by state or municipal institutions.

Article 33. Claims for compensation for damage

The following persons shall have the right to file claims regarding the damage caused:

- 1) the persons whose health, property or interests have been impaired;
- 2) officials of the Ministry of Environment, other officials authorised by law, when damage has been done to the interests of the State.

The Ministry of Environment, the institutions subordinate thereto or other state or municipal institutions may, within their remit, file claims over compensation for environmental damage and other losses, including the application of preventive and/or remedial measures, against an economic entity or another person who has caused environmental damage or the imminent threat of such damage within five years from the date on which these measures were completed or the liable economic entity or third party was identified, whichever of the mentioned circumstances is later.

Environmental damage and other losses may be recognised as minor damage and shall not be recovered where environmental damage is not extensive and the costs of recovery thereof exceed the amount to be recovered.

A procedure for recognising environmental damage and other losses as minor damage and methods of the calculation of recovery costs of minor damage shall be established by the Minister of Environment upon co-ordination with the Minister of Finance.

Article 34. Legal responsibility, procedure for examining disputes on issues of environmental protection and adopting decisions thereon

Persons in breach of the requirements of environmental protection shall be held liable under laws of the Republic of Lithuania.

Economic entities shall be subject to civil liability irrespective of their guilt for any environmental damage or imminent threat of such damage as a consequence of their economic activities, with the exception of the cases provided for by this Law.

The civil liability indicated in the second paragraph of this Law shall not apply to persons in pursuit of the activities the principal purpose of which is national defence or international security and the sole purpose of which is protection against natural disasters.

Disputes on issues of environmental protection and utilisation of natural resources shall be examined and resolved by courts of the Republic of Lithuania in accordance with the procedure laid down by law.

Disputes between legal and natural persons of the Republic of Lithuania and foreign states shall be resolved in accordance with the procedure established by the law of the

Republic of Lithuania, unless international treaties of the Republic of Lithuania provide for another procedure for examining and resolving these disputes.

CHAPTER VIII.

INVOLVEMENT OF THE REPUBLIC OF LITHUANIA IN INTERNATIONAL COOPERATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 35. International cooperation of the Republic of Lithuania in the field of environmental protection

The Republic of Lithuania shall, guided by universally recognised and proclaimed international principles of environmental protection, conclude international treaties on the issues concerning environmental protection and shall participate in the activities of international environmental protection organisations.

In co-operating with other states on the issues concerning environmental protection, the Republic of Lithuania shall:

- 1) seek both regional and universal ecological safety;
- 2) tackle regional and global issues concerning environmental protection;
- 3) provide objective information on the ecological situation in Lithuania to the parties concerned;
- 4) manage and regulate general issues concerning natural resources;
- 5) contribute to elimination of adverse consequences of ecological disasters and accidents;
- 6) develop scientific and technical contacts;
- 7) fulfil other international obligations concerning environmental protection.

Article 36. Relation between laws of the Republic of Lithuania on environmental protection and international treaties on environmental protection

Laws of the Republic of Lithuania must comply with the international treaties ratified by Lithuania on issues of environmental protection and universally recognised international norms of environmental protection.

The rules stipulated in the international treaties of the Republic of Lithuania on the issues of environmental protection must conform to the normative standards and standards of environmental quality established in the Republic of Lithuania.

VICE CHAIRMAN
OF THE SUPREME COUNCIL
OF THE REPUBLIC OF LITHUANIA

BRONISLOVAS KUZMICKAS

Vilnius, 21 January 1992

No I-2223

Annex to
the Law of the Republic of Lithuania
on Environmental Protection

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2004 special edition, Chapter 15, Volume 6, p. 157).

2. Directive 2004/35/EC of the European Parliament and of the Council of 21.04.04 on environmental liability with regard to the prevention and remedying of environmental damage (OJ 2009 special edition, Chapter 15, volume 8, p. 357) with the latest amendments done by Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 (OJ 2009 L 140, p. 114).

3. Directive 2010/75/EC of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ 2010 L 334, p. 17).