

**PREPARATION OF NATIONAL
EMISSION REDUCTION AND AMBIENT AIR
QUALITY ASSESSMENT PROGRAMMES**

EuropeAid/114743/D/SV/LT

**LEGISLATION GAP ASSESSMENT
REPORT**

31 JULY 2005
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EXECUTIVE SUMMARY

The overall objective of the project with reference EuropeAid/114743/D/SV/LT – Preparation of national emission reduction and ambient air quality assessment programmes (hereinafter “the Project”) is to assist the Republic of Lithuania in developing the system for emission control, air quality assessment and management on different scales in accordance with the relevant EU requirements.

The Activity B1 of the Project is aimed at the preparation of the gap assessment of the Lithuanian legislation and administrative/institutional system for the air quality management in relation to the relevant EU directives. The Gap Assessment Report prepared by the group of experts (“the Report” or “the Gap Assessment Report”) identifies the gaps in the current Lithuanian legislation with respect to the EU the emission reduction and air quality assessment and management rules.

With the exception of the Directive 2004/107/EC, other EU ambient air quality legislation has been duly, though not completely, transposed into the Lithuanian legislations. Some adjustments must be made in the procedure of information dissemination, and submission to the European Commission. Other than that, minor changes in definitions are required to interlink the entire system of the AAQ management and assessment legislation.

More extensive problems have been found in the overlapping systems of health and environment protection. The current set of health-related legislation and environmental one duplicate each other. In addition, some old forms of air protection are included in the legislation which opens for the breach of EU law and the Lithuanian Constitution.

System of ambient air pollution control parallel to the ambient air protection, as applied in residential and recreational territories, and managed by the Ministry of Health, may not be evaluated without calculations and comparison of the limit values set by the ambient air quality (AAQ) legislation and those under the auspices of health policy. However, it is clear that the legislation allows for a possibility of limit values to be different than those set by the EU AAQ requirements. In case such limit values are higher, Lithuania would be in violation of the EU law. If such limit values are stricter (lower) then the obligation of an EU Member State to inform the European Commission under Article 4.6 of the Directive 96/62/EC should have been fulfilled by the Government of the Republic of Lithuania.

Legislation establishing sanitary protection zones (SAZ) in terms of ambient air pollution allows for the possibility of increased pollution within sanitary protection zones. Further, it allows for changing rather than strictly fixing SAZ territories depriving owners of adjacent land and buildings of legal certainty as to the status of their property, activities they may carry out within their land plots, and rights they are granted with respect to their property. Hence the aforementioned legislation may be considered to infringe upon the constitutional right to property.

The cross-sectorial issues in this Report involve assessment of interrelation of the Lithuanian IPPC and EIA legislation, and the EU AAQ legislation. There are no substantial drawbacks in how AAQ is reflected among important areas of IPPC and EIA. However, more integrated approach would be beneficial at the institutional level. Namely, the related legislation and implementation documents should be cross-referenced to allow the officers improve administration of AAQ assessment and management “in the field”.

INTRODUCTION

Hereby the Legislation Gap Assessment Report (Activity B1) of the project with reference EuropeAid/114743/D/SV/LT – Preparation of national emission reduction and ambient air quality assessment programmes (hereinafter “the Project”) is presented. The overall objective of the Project is to assist the Republic of Lithuania in developing the system for emission control, air quality assessment and management on different scales in accordance with the relevant EU requirements.

Aim of the Project

The Activity B1 of the Project is aimed at the preparation of the gap assessment of the Lithuanian legislation and administrative/institutional system for the air quality management (i.e. for the implementation of the measures below) in relation to the relevant EU directives:

1. Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management
2. Directive 2004/107/EC - Official Journal L 23 of 26 January 2005 (4th)
3. Directive 2002/3/EC - Official Journal L 67 of 9 March 2002 (3rd)
4. Directive 2000/69/EC - Official Journal L 313 of 13 December 2000 (2nd)
5. Directive 1999/30/EC - Official Journal L 163 of 29 June 1999 (1st)

Present report (“the Report” or “the Gap Assessment Report”) identifies the gaps in the current Lithuanian legislation with respect to the EU the emission reduction and air quality assessment and management rules. Therefore the full range of Lithuanian AAQ, health, IPPC and EIA legislation was reviewed to address all relevant issues. The assessment of the institutional and administrative capacities needed for the successful implementation of the ambient air quality legislation will be presented as a separate output of the Activity B1.

The Report comprises not only the legal gap inventory, but also contains a detailed action plan for the elimination of the identified gaps. In addition to the legislation directed at limit values and assessment techniques, cross-sectorial issues are addressed in this report, as well as overall system of ambient air quality assurance in Lithuania.

List of Assessed Legislation

Primarily, the following legal acts of the Republic of Lithuania (Laws, Governmental Resolutions (**GR**), Orders of the Ministers (**MO**) of Environment (**MoE**) and Health (**MoH**)) were scrutinised in the course of legislation gap assessment:

1. Law of the Republic of Lithuania No. VIII-1392 of 4 November 1999 on Ambient Air Protection (hereinafter referred to as “the Law on Ambient Air Protection”);
2. Common Order of MoE & MoH No. 591/640 “On Designation of Ambient Air Pollution Norms” of 11 December 2001 (hereinafter referred to as “the Order on the Ambient Air Pollution Norms”);
3. Order of the MoE No. 596 “On Ambient Air Quality Assessment” of 12 December 2001 (hereinafter referred to as “the Order on the Ambient Air Quality Assessment”);
4. Order of the MoE No. 517 “On Affirmation of the Ambient Air Quality Assessment Programme” of 23 October 2003 (hereinafter referred to as “the Ambient Air Quality Assessment Programme”);

5. Order of the MoH No. 512 "On approval of the Hygiene Norm HN 35:2002 "Affirmation of the Limit Values for the Air Polluting Substances in the Residential Environment"" of 18 October 2002 (hereinafter referred to as "HN 35:2002");
6. Common Order of the MoE & MoH No. 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality";
7. Common Order of MoE & MoH No. 544/508 "On Affirmation of the ozone norms and assessment in the ambient air" of 17 October 2002 (hereinafter referred to as "the Order on the Ozone norms and assessment");
8. Order of the MoE & MoH No. D1-265/V-436 "On the Approval of the Order of Provision of the Information on the Ambient Air Pollution Levels Exceeding the Alert or Information Thresholds to the Public and Concerned Institutions" of 26 May 2005.

Other legal acts have been taken into account as much as they were related to the integration of the EU Air Quality legislation into the cross-sectorial regulations.

Team of the Legalisation Gap Assessment

Legal experts Dr. Dalia Foigt, Stasys Drazdauskas and Ieva Žebrytė are members of the Attorneys at law "Foigt & partners / Regija Borenius". Under its auspices the said lawyers have developed their expertise in numerous environmental projects, including areas of waste management, chemical substances, GMOs, greenhouse gas emissions and various other aspects of pollution.

Established in 1993, Attorneys at law Foigt & partners / Regija Borenius is one of the most experienced law firms in the competitive Lithuanian legal services market. It is a full service business law firm with 16 lawyers and an ever growing supporting staff of six persons.

Responding to the ever-growing Baltic and European market demands, Regija Borenius formed in 2004 a strategic partnership with Fenno-Baltic group of law firms led by one of the leading law firms in Finland, Attorneys at law Borenius & Kempainen Ltd., having offices also in Latvia (Liepa, Skopina / Borenius) and Estonia (Luiga Mody Hääl / Borenius), and providing high quality legal services compliant with international standards throughout the Baltic region, Finland and beyond.

LEGISLATION GAP ASSESSMENT FINDINGS

1. Directive 1996/62/EC

Council Directive of 27 September 1996 **on ambient air quality assessment and management** (96/62/EC)

1. The definition “Limit value” established by the Article 2 of the *Law on Ambient Air Protection* shall be amended in order to comply with the Directive 96/62/EC. The definition established in the Order on *Ambient Air Quality Assessment* is equivalent to the definition set in the Directive 96/62/EC, however in case of discrepancies between the order of a minister and the law, the Law on Ambient Air Protection would be applied. Administrative problems might arise in enforcement stage due to inferior legal power of the orders of ministers as compared to the laws. It is recommended to bring the law into full compliance with the EU legislation and for the MOs to refer to the provisions of the former.
2. The definition of the “Zone” contained in Article 2 of the *Law on Ambient Air Protection* is not formulated properly. The law in question sets that the “Zone” means part of the territory of the state, where the pollution level has been measured in accordance with the established order. The definition neither indicates the purposes for the establishment of the zones, nor establishes any other characteristics of the zones. In order to understand what the term “Zone” actually means, other legal acts implementing the *Law on Ambient Air Protection* must be taken into account. Thus the definition of zones is to be derived through a systematic approach to the existing legislation of minor legal power. Although negative effects are not likely to appear in the process of application of such legislation, in order to fully comply with the objectives of the Directive, the definition of “Zone” must be amended.
3. Compliance of the Lithuanian legislation with the Article 4.6 of the Directive 96/62/EC is subject to doubt. The article in question sets the obligation for the MS to inform the Commission when more stringent limit values and alert thresholds are adopted at the national level. Point 52 of the Governmental Resolution No. 21 “On Co-ordination of the European Union Matters” of 19 January 2004, obliges the Government Chancery to inform the Commission about the national legal acts, transposing and implementing the directives into national law. Point 2 of the Annex of the Order on Provision of Reports to the European Commission related to the Implementation of the European Union Legal Acts in Environmental Sector approved by the Governmental Resolution No. 388 of 07 April 2004 obliges the Ministry of Environment to submit reports to the Commission on ambient air assessment and management according to the Directive 96/62/EC. These obligations are, however, not sufficient in order to fully comply with the obligation contained in Article 4.6 of the Directive 96/62/EC. It is recommended that a new MO is drafted or an existing MO on *Provision of Reports to European Commission in Environmental Sector* is amended by establishing an obligation to provide the Commission with the information on more stringent limit values, in case these are set by the Lithuanian legislation, in accordance with the Article 4.6 of the Directive 96/62/EC.
4. The Lithuanian legislation does not establish an obligation to provide the Commission with the information on the limit values or alert thresholds for the

pollutants not referred to in Annex I of Directive 96/62/EC. Therefore Article 4.7 of the Directive 96/62/EC is not implemented into the Lithuanian legislation yet. It is recommended that a new MO is drafted or an existing MO on *Provision of Reports to European Commission in Environmental Sector* is amended by establishing the obligation to provide the Commission with the information on the limit values or the alert thresholds for pollutants not referred to in Annex I of the Directive 96/62/EC.

5. The *Order on Ambient Air Quality Assessment* must be amended by establishing the right to use a combination of measurements and modelling techniques where the levels over a representative period are below a level lower than the limit value set in the Article 6.3 of the Directive 96/62/EC. Though such combined usage is not prohibited in Lithuanian legislation, it is not expressly allowed either. Hence problem might arise in the implementation stage, especially where private parties will be involved in any relevant capacity.
6. Neither the provision of the Article 10.3 of the *Law on Ambient Air Protection*, nor the Articles 7 and 12 of the *Order on the Ambient Air Pollution Norms* is sufficient to comply with the Article 7.3 of the Directive 96/62/EC. The article of the Directive in question requires the MS to draw up action plans indicating short-term measures to be taken where there is a risk of the limit values and/or alert thresholds being exceeded, in order to reduce that risk and to limit the duration of such an occurrence. The *Ambient Air Pollution Norms* must be amended establishing an obligation not only to prepare programmes on pollution reduction indicating long term measures (Appendix 7), but also action plans indicating short-term measures.
7. Article 10 of the Directive 96/62/EC was not transposed in the Lithuanian legislation yet. The article in question establishes that in case the alert thresholds are exceeded, information concerning recorded levels and the duration of the episode must be forwarded to the Commission within 3 months. The Order of the MoE No. 322 “On the Provision of Information and Data to the European Commission from Ambient Air Quality Measuring Stations” of 27 June 2003 establishes an obligation to provide the Commission with the information and data from the ambient air quality measuring stations only for the reporting year. The Lithuanian legislation establishes neither the obligation to forward the Commission the information on alert threshold excess cases, nor sets the time limit for provision of such information. A new MO should be drafted or an existing MO on *Provision of Reports to European Commission in Environmental Sector* amended to contain an obligation to provide the Commission with information concerning recorded levels and the duration of the episode(s) as referred to in Article 10 of the Directive 96/62/EC.
8. The Lithuanian legislation does not establish an obligation to inform the Commission on excess, duration and values as well as the reasons for each recorded excess in accordance with the Article 11.1 of the Directive 96/62/EC. A new MO should be drafted or an existing MO on *Provision of Reports to European Commission in Environmental Sector* should be amended to contain an obligation to provide the Commission with information on the excess of limit values, duration and reasons for such excess as referred to in Article 11.1 of the Directive 96/62/EC.
9. The *Order on the Ambient Air Pollution Norms* does not specify the factors, which have been taken into account when setting limit values and alert thresholds. *Ambient*

Air Pollution Norms should be amended respectively in order to comply with the Annex II of the Directive 96/62/EC.

10. The Order on the *Ambient Air Pollution Norms* does not specify the guidelines, which have been taken into account when selecting air pollutant for consideration. The *Air Quality Assessment Programme* must be amended to include the guidelines for selecting air pollutants for consideration in the future (Annex III of the Directive 96/62/EC).

2. Directive 1999/30/EC

Council Directive No 1999/30/EC of 22 April 1999 relating to **limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air** (98/C 360/04)

1. In general, the Directive 99/30/EC was duly transposed into the Lithuanian legislation. The shortcomings in implementation and cross-sectorial application of air quality norms and other provisions of the Directive 99/30/EC are discussed in greater detail below.
2. In terms of definitions, remarks in the Point 1.1 here above apply to the preset directive.
3. HN 35:2002 establishes limit values or maximum allowable concentrations (MAC) for the pollutants regulated by the Directive 99/30/EC, but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive 99/30/EC.

It is not possible to assess the compatibility of the MAC with Directive 99/30/EC from a legal point of view or common sense perspective because the reference units (periods for measurements, values etc.) are different. If technical analysis and comparison of the MAC with the limit values set by the Directive 99/30/EC provided the answers to that question, and it appeared that the MAC are stricter, it would be justifiable under the terms of the health policy because these limit values apply only to the residential and recreational territories. On the other hand, the EC Principles for Air Quality Management are based on the effects approach. The ambient air quality standards (limit values and guide values) for pollutants are set according to their scientifically-observed or estimated effects on human health and/or on the environment. Additional regulation of the pollutants is superfluous though not outright contradictory to the Ambient Air Quality legislation of the EC.

4. Zones where the limit values are exceeded due to natural causes, from natural sources have not been designated in Lithuania. If there is no need for such practice this partial transposition of the Directive 99/30/EC is not contrary to the EU law. Neither Common Order of the MoE & MoH No. 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality", nor the *Ambient Air Quality Assessment Programme* foresees a possibility to designate such zones.
5. Co-location of PM_{2,5} and PM₁₀ sampling points is not prohibited by the Lithuanian legislation, but is not expressly provided for. A specification could be included

among the provisions of the Order on the Ambient Air Quality Assessment. It is recommended to amend this act accordingly.

6. Compliance of the Lithuanian legislation with the Articles 8.1 and 8.2 of the Directive 99/30/EC is subject to doubt. The article in question requires for certain information to be made available to the “public” and the “organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations & other relevant health-care bodies by means, for example, of broadcast media, press, information screens or computer-network services.” Article 17 of the Law on Environmental Monitoring (No. VIII-529, adopted on 20 October 1997) provides that information on ambient air is available to the public and <...> institutions <...> in accordance with laws. Bearing in mind that the distinction in the meaning of “institution” and “organisation” is very clear in Lithuanian legislation, it is unlikely that the said provisions of Ambient Air Pollution Norms would be interpreted as granting the right of access to the information to the organisations representing various public interests, unless they are “institutions”.
7. The effectiveness, proportionality & dissuasiveness of the measures usually prescribed for environmental offences in the Republic of Lithuania are yet to be assessed on the Community level.

3. Directive 2000/69/EC

Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air

1. In terms of definitions, the remarks in the Point 1.1 here above apply to the preset directive.
2. HN 35:2002 establishes limit values or maximum allowed concentrations (MAC) for the pollutants regulated by the Directive 2000/69/EC, but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive 2000/69/EC.

It is not possible to assess the compatibility of the MAC with Directive 99/30/EC from a legal point of view or common sense perspective because the reference units (periods for measurements, values etc.) are different. If technical analysis and comparison of the MAC with the limit values set by the Directive 99/30/EC provided the answers to that question, and it appeared that the MAC are stricter, it would be justifiable under the terms of the health policy because these limit values apply only to the residential and recreational territories. On the other hand, the EC Principles for Air Quality Management are based on the effects approach. The ambient air quality standards (limit values and guide values) for pollutants are set according to their scientifically-observed or estimated effects on human health and/or on the environment. Additional regulation of the pollutants is superfluous though not outright contradictory to the Ambient Air Quality legislation of the EC.

3. Compliance of the Lithuanian legislation with Article 7 of the Directive 2000/96/EC is subject to doubt. The article in question requires for certain information to be made available to the “public” and the “organisations such as environmental organisations,

consumer organisations, organisations representing the interests of sensitive populations & other relevant health-care bodies by means, for example, of broadcast media, press, information screens or computer-network services." Art. 17 of the Law On Environmental Monitoring (No VIII-529, adopted on 20 October 1997) provides that information on ambient air is available to the public and <...> institutions <...> in accordance with laws. Bearing in mind that the distinction in the meaning of "institution" and "organisation" is very clear in Lithuanian legislation, it is unlikely that the said provisions of Ambient Air Pollution Norms would be interpreted as granting the right of access to the information to the organisations representing various public interests, unless they are "institutions".

4. The effectiveness, proportionality & dissuasiveness of the measures usually prescribed for environmental offences in Lithuania are yet to be assessed on the Community level.

4. Directive 2002/3/EC

Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 **relating to ozone in ambient air** (Directive 2002/3/EC)

1. In order to comply with the Article 3.3 of the Directive 2002/3/EC, the Order on the *Ozone Norms and Assessment* shall be amended to specify the requirements for the preparation of programmes and plans aimed at attaining the target value.
2. Paragraph 9 of the Order on the *Ozone Norms and Assessment* does not specify that levels of ozone in ambient air that must *be below, or equal to*, the target values set out in Section II of Annex I of the Order on the *Ozone Norms and Assessment*. It does not establish the obligation of the Ministry of Environment and Ministry of Health to prepare cost-effective measures for such zones with the aim of achieving the long-term objectives. The Order on the *Ozone Norms and Assessment* must be amended respectively.
3. Paragraph 10 of the *Ozone Norms and Assessment* provides that while reviewing the long-term objectives the progress of *the national emissions* reduction shall be taken into account, however according to Article 4.3 of the Directive 2002/3/EC the long-term objectives shall be subject to the progress towards attaining the *national emission ceilings*. The criteria established in the *Ozone Norms and Assessment* ("progress of the reduction of national emissions") is different from the criteria set in the Directive ("progress towards attaining the national emission ceilings"). The Lithuanian provision has a slightly different meaning hence placing the Lithuanian law into partial compliance with the EU norms. There is a necessity to clarify that after the national emission ceilings have been attained the goal is to continue reducing the emissions, while remaining aware of the set national emissions ceilings and their envisioned EU-wide reduction. The *Ozone Norms and Assessment* must be amended respectively.
4. Article 7.3. of the *Law on Ambient Air Protection* contains the provision, according to which the Ministry of Environment has a right to consult the institutions of other states about the pollution reducing issues. However, there are no provisions as to the consultation with third countries as per Article 8.4 of the Directive 2002/3/EC, as

well as regarding the *plans and programmes* referred to in Articles 8.1 and 8.2 of the said directive. The *Ozone Norms and Assessment* must be amended respectively.

5. Paragraph 12.2 of the *Ozone Norms and Assessment* ensures that certain information indicated in Article 6.1 (b) of the Directive 2002/3/EC shall be made available to the relevant organisations (such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies). However Point 12.2 of the *Ozone Norms and Assessment* lists these organisations while using the abbreviation “i.e”, which establishes an exhaustive list of organisations. In order to fully comply with this provision of the Directive 2002/3/EC, an exhaustive list must be changed to a recommended list of institutions.

5. Transposition of the Fourth Daughter Directive

For the transposition of the Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 **relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (hereinafter Directive 2004/107/EC)**, it is recommended to use one of the following alternative ways. Either by amending the Ambient Air Pollution Norms and the Order on the Ambient Air Quality Assessment to include the pollutants regulated by the Directive 2004/107/EC **or** by drafting a new MO designed specifically for arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in the ambient air.

6. Overlapping Environmental and Health Policies Implementation Systems in the Air Quality Sector

The European Community Sixth Environment Action Programme (Sixth EAP) focuses on air pollution concerns under the **Environment and Health target area**. The aim is to reach acceptable levels of air quality that does not have negative impacts on or risks to the **environment and/or health**.

EC Principles for Air Quality Management include the effects-based approach. Ambient air quality standards (limit values and guide values) for pollutants are set according to their scientifically-observed or estimated effects on (first and foremost) **human health** and/or on (second) **the environment** and are not based on the technological or economic feasibility of achieving them. Finally, the same standards apply in general throughout the EU. This principle of universality provides for only one exception – there are provisions for special areas (e.g. for nature conservation).

Integrated approach of the EC Environmental Policy reflects on measures taken to reduce air pollution at one point or in one area, which should not lead to an increase in air pollution elsewhere, or to an increase in pollution of another environmental medium (based on the principles of Integrated Pollution Prevention and Control (IPPC)).

6.1. Indoors and Outdoors Pollution

People are exposed to air pollutants, both indoors and outdoors, depending on the activities of individuals. Ambient air (outdoor air) quality should be considered as an indicator of true population exposure since factors related to buildings and indoor sources of air pollution influence personal exposure. Thus, air quality must be ensured by monitoring, restricting and preventing indoors and outdoors air pollution.

Indoors air quality is an important determinant of population health and wellbeing. Most of people's time (about 80–90% in Europe) is spent inside buildings. These buildings are mostly homes, workplaces and industrial environments. However, it is necessary to note that, as the WHO concerns all indoors areas, the EU health protection regulation is more orientated towards air quality in working places.

In Lithuania, there is no differentiation between indoors and outdoors air, thus, no relevant regulation is set and the responsibilities are shared between various institutions. The regulation on air pollution is targeted at a variety of territories/ areas but does not cover all aspects of indoors/outdoors air quality. It is one of the obstacles for Lithuania to fully implement the EU legislation in national laws.

The major document, establishing provisions on hygiene norms of pollution in residence houses and other such objects that would be defined as "in-doors air" in the EU, in Lithuania is the HN 35:2002.

However, this hygiene norm applies only to air pollution at the residential and recreational territories, as well as public and residential buildings, except working lodgement, which is regulated separately as there is a special norm on working lodgement approved the Ministry of Labour and Social Security.

Special pollution (hygiene) norms for schools, smoking areas, working areas (where work with dangerous pollutants is carried out) and other kinds of indoor areas are set by separate MOs. However, these regulations do not cover all "indoor" areas. E.g. there is no hygiene norm approved for industrial buildings and areas (in essence, workplaces). Some aspects of air protection in such areas are covered by aforementioned hygiene norms on working lodgement; however this is not covered in full.

The above mentioned differentiation and sharing of competences does not correspond with the EU law, the WHO recommendations and general practice of the European countries. Responsibilities and competences regarding indoors and outdoors air quality in European countries are traditionally shared between the Governmental bodies of environment and health protection. The Ministry of Environment should be responsible for outdoors air while the Ministry of Health should ensure the quality of indoors air.

The unified indoors/outdoors norms for pollutants, methods of monitoring, management and clearly shared responsibilities between competent institutions would be compatible with the EU and the WHO principles and would ensure more effective, economic and simplified environment and health protection.

6.2. Development of Homogenous Air Quality Measurement System

One of the main aims of the 6th EAP is the integration of environment protection within the Community. One of the major sources of conclusions and decisions concerning air protection is the comparison between pollution estimates (average values) of various times and areas. Thus, the pollution assessment norms must be set in accordance with the same criteria and be measured in the same way. The EU directives and the HN 35:2002 set different frames of reference, hence preventing the comparison of the two systems of ambient air quality assessment.

The Order of the Minister sets the reference of the maximum allowed concentration (mg/m³) in "one-time" and twenty four hours averaging periods while the Daughter Directives to the Air Quality Framework Directive (96/62/EC) make use of various time frames over which limit values should be met:

- hourly limit values;
- 24-hour limit values;
- annual average limit values;
- winter period (1 October to 31 March) average limit values;
- maximum daily 8-hour mean (running average) limit values;
- AOT40 limit values. The AOT40 is the sum of the difference between hourly concentrations exceeding 80 mg/m³ (40 ppb) and 80 mg/m³, only taking into account hourly measured values between 8:00 and 20:00 CET each day of the period May to July.

Moreover, the Directive is very clear under what conditions the standards were set (temperature of 293 °K and a pressure of 101,3 kPa) hence providing for well-grounded initial data for reference and modelling. Latter are not set in the Lithuanian law in its turn showing that the two systems are out of reach for objective evaluation. Surely, legal assessment does not allow to draw conclusions on the compatibility of the systems. However, its is evident that, because of different frames of reference set in Lithuanian and the EU law, the set values are incomparable. Therefore, there is no possibility to assess whether the limit values set out in the HN 35:2002 - MAC - are in compliance with the directives in question.

The existence of two systems for the same areas is superfluous. The compatibility of their coexistence to the EU AAQ system is subject to doubt. The clear division of the responsibilities of the Governmental institutions (MoE and MoH) must be delimited in accordance with the "in doors"/"out-doors" principle and the homogenous application of the EU AAQ system must be implemented in Lithuania to allow for better management of the ambient air quality, protection of health and economy of State resources.

6.3. Sanitary Protection Zones

One of the health safeguards, set by the Soviet regime and were sanitary zones (SAZ) established in the territories of increased pollution. The territory of such zones were set in accordance with the parameters established by legal acts and actual situation of possible spread of pollutants. These zones come under the auspices of the environmental law of the

Republic of Lithuania. As Lithuania is a member of the EU, it must implement the requirements of the EU law too.

Lithuania did not fully refuse old soviet regime, now there is double system of environment protection implemented. Evidently, these too different regulations involve different principles and requirements, and are not compatible.

The result is that the EU law is not sufficiently implemented, as well as the regulation does not comply with the safeguard of constitutional human rights.

The discrepancy between the law and the implementing act is at the definition of SAZ. The Law on Ambient Air Protection establish SAZ as one of the means for ambient air protection. In the Law, SAZ is defined as territory of land situated around a source or several sources of pollution where special regime is established by the Government or its assigned institution.

The special act on SAZ is the Order of the MoE No. V-586 "On Rules for Establishment of Boundaries and Regime of Sanitary Protection Zones" of 19 August 2004. In this Order, SAZ is described as a "territory situated around a source or several sources of pollution, as well as the territories adjacent to the roads, where special regime of use of land apply for the purposes of health protection".

The MO sets more expanded version of definition adding "special regime of use of land" in place of mere "special regime". This means that special regime for the use of land is set by the MO while none of the laws sets such possibility. Moreover, there are two ways of establishing a SAZ: by performing health impact assessment and by rules set in legal acts. Once the margins of SAZ are established, they may be revised and expanded or reduced.

The County Service Centre of Social Health, the Centre of Extreme Situations for Health or the Centre of Radiation Security may pass a compulsory decision on expanding a SAZ-status territory. This decision can be taken in situation if the information on increased pollution or risks to health is received. Moreover, boundaries of SAZ must be expanded if the level of pollution in residential or recreational territory is, or may be, higher than limit value in case of opposite direction of the wind or unfavourable conditions for the dispersion of the pollutants.

SAZ must be set taking into account the volume and noxiousness of the emitted pollutants, and evaluating the current or possible area of pollution. In a territory of SAZ, it is forbidden to build residential houses, hotels, establishments of education and health services, buildings of entertainment, to establish territories of recreation and other. Notably, the areas included to SAZ territories may belong to private persons other than owners or entrepreneurs of the polluting object.

Article 23 of the Constitution of the Republic of Lithuania sets out that property is inviolable. Property rights are protected by law, and property may be taken over only in cases and under the conditions provided for by the law in the public interest and, subject to fair compensation. Article 54 of the Constitution sets that the State shall secure the protection of the natural environment, wildlife and plants, individual objects of nature and protected areas and shall supervise a sustainable use of natural resources, their renewal and replenishment. The Constitutional Court of the Republic of Lithuania has ruled that the State

must ensure the balance between public and private interests. The constitutional right to property must be protected as a status quo guarantee to the people.

This right is not absolute and might be restricted on grounds of public needs, however, there are special conditions set for such restricting: property right may be restricted only by law, the restrictions must be essential for democratic society and have reasoning of protection of the rights and freedoms of other persons, values established by the Constitution or constitutionally based purposes, the principle of proportion must be followed. However, none of restrictions should deny the property itself. If the right to property is restricted to the extent that its essence is recalled and its protection is not ensured, the property right is considered to have been violated.

Concluding the aforementioned requirements of the regime of SAZ, it is obvious that the regime restricts the rights of the owner to use the land. The provision of above mentioned legal acts do not set any provisions in favour of such owners. There are no legal or economical guarantees for the owners of lands beside polluters set by any legal acts.

7. Cross-sectorial Issues and Implementation

Integrated Pollution Prevention and Control (IPPC) (96/61/EC) as amended by Directive 2003/35/EC implements the policy of taking integrated measures for the prevention and control of pollution and requires permits for prescribed activities. These permits must impose emission limits, among others, required under air sector directives. The EIA process required by the Directive 85/337/EEC is also part of ambient air pollution regulation. The Strategic Environmental Assessment Directive (2001/42/EC) lays down the procedure for undertaking an “environmental assessment” of plans and programmes which fall within its scope. Environmental Impact Assessment Directive (85/337/EEC) as amended by Directive 97/11/EC and Directive 2003/35/EC requires an EIA for new projects which are judged to have a significant impact on the environment.

Since it is not the object of this research, it is hereby presumed that the above EU IPPC and EIA was duly transposed into Lithuanian legislation. However, the IPPC and EIA legislation in Lithuania is assessed in this Report with regard to transposition of the Ambient Air Quality norms for better understanding of the legal grounds for implementation of the AAQ legislation.

First and foremost, the **Regulations for the Preparation of the Environmental Impact Assessment Programme and Report** as affirmed by the Order of the MoE No. 262 of 30 June 2000 must be amended (in particular Section 4) to include the references to the chemical substances covered by the EU AAQ legislation, updated legal acts, techniques and models, as well as to exclude sanitary zones for the air pollution as per above recommendations.

Obligation to include all chemical substances covered by the AAQ scheme into the tables or the Programme and the Report, in case the activity under scrutiny is envisioned to emit these, must be set.

Further, **Methodical Guidelines for Screening under the Environmental Impact Assessment** as affirmed by the Order of the MoE No. 263 of 30 June 2000, must be amended to include potential emissions of EU AAQ pollutants among the “relevant aspects” for

assessment. This is needed to ensure that data is continued to be collected for monitoring and management purposes.

Finally, working materials used by the inspectors implementing the IPPC legislation (compliance of activities with permit details) must be amended to include relevant references to the updated legal acts, as well as explanations of the interrelations between the IPPC and the EU Ambient Air Quality legislation. Such document at the moment is Environment Protection Inspection Guide published by State Environment Protection Inspection („Aplinkos apsaugos inspektavimo vadovas“, Valstybinė aplinkos apsaugos inspekcija). In any event, this could coincide with updating of the said Guide to include ISO 14001:2004 standards, instead of ISO 14001:1996 which were actual at the time of completion of the Guide (in 2002). This also includes cross-referencing the Environment Protection Inspection Guide with the Guidebook on the Ambient Air Quality Assessment, which is one of the planned outcomes of the present Project (Activity E1).

CONCLUSIONS

The following documents shall be amended to ensure compliance with the EU Ambient Air Quality legislation:

1. The Law of the Republic of Lithuania No. VIII-1392 of 4 November 1999 on Ambient Air Protection (hereinafter referred to as the Law on Ambient Air Protection);
2. Common Order of MoE & MoH No. 591/640 "On Designation of Ambient Air Pollution Norms" of 11 December 2001 (hereinafter referred to as "the Ambient Air Pollution Norms");
3. Order of the MoE No. 596 "On Ambient Air Quality Assessment" of 12 December 2001 (hereinafter referred to as "the Order on the Ambient Air Quality Assessment");
4. Order of the MoE No. 517 "On Affirmation of the Ambient Air Quality Assessment Programme" of 23 October 2003 (hereinafter referred to as "the Ambient Air Quality Assessment Programme");
5. Common Order of the MoE & MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality";
6. Common Order of the MoE & MoH No. 544/508 "On Affirmation of the Ozone Norms and Assessment in the Ambient Air" of 17 October 2002 (hereinafter referred to as "the Ozone Norms and Assessment").

It is further recommended to draft new legislation on the Provision of Information to the European Commission concerning:

- the limit values or alert thresholds for pollutants not referred to in Annex I of Directive 96/62/EC;
- more stringent limit values and alert thresholds adopted at national level;
- Recorded levels and the duration of the episode(s) of alert threshold excess;
- The reasons for each recorded excess in the zones.

For the transposition of the Directive 2004/107/EC, it is recommended to amend the Order on the *Ambient Air Pollution Norms* and the Order on the *Ambient Air Quality Assessment* to include the pollutants regulated by the directive in question.

It is recommended to annul the Order of the MoH No. 512 "On approval of the Hygiene Norm HN 35:2002 "Affirmation of the Limit Values for the Air Polluting Substances in the Residential Environment"" of 18 October 2002 (hereinafter referred to as "HN 35:2002"); or to amend HN 35:2002 to exclude the outdoor application and EU Ambient Air Quality pollutants. In any event maintenance of dual system of assessment and modelling is undesirable from the economic and institutional perspective.

In addition, it allows for double regulation and encumbers administration of fines in case of breach. It is to be considered as incompliant with the law of the Republic of Lithuania and the EC law because:

- 1) The background of such restriction is not set in any law, as the Law on Ambient Air Protection does not state that the right to property could be somehow restricted, but just by an MO. The boundaries of the SAZ may be expanded or narrowed by a decision of a number of State agencies; however, such possibility is not embedded in law.
- 2) There is no public need for SAZ, because they do not ensure protection of air as the latter does not have boundaries, and cannot be confined to a specified territory. The presence of modelling techniques should allow us to monitor, manage and improve

air quality, not to serve as justification for the limitation of the right to property. Under the requirements of the EC law, the ambient air must be protected as a whole. The limit values for pollution are set and must be ensured without any exceptions, unless the EC law specifies otherwise (for example in case of presence of increased amounts of chemical substances in the ambient air due to natural causes).

- 3) There are no requirements concerning compensations or guarantees for the owners of land where SAZ regime applies.
- 4) The principle of proportionality is not followed because the SAZ regime establishes more favourable conditions to entrepreneurs which pollute the environment, and is likely to allow increased air pollution.
- 5) The major principle of the EC environmental law setting that pollution must remain in the territory of the polluter is ignored as the double system of protection is set.

Therefore it is recommended to amend the Order of the MoE No. V-586 "On Rules for Establishment of Boundaries and Regime of Sanitary Protection Zones" of 19 August 2004 to exclude SAZ for ambient air protection and with respect to out doors air pollution.

Preparation of National Emission Reduction and Ambient Air Quality Assessment Programmes Table of Concordance

Country:	Lithuania	Date Table Completed:	31 July 2005
Person(s) completing Table:	Dr. Dalia Foigt		
Council Directive of 27 September 1996 on ambient air quality assessment and management (96/62/EC)			

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 1	[Objectives]	Common Order of MoE&MoH No. 591/640 "On Designation of Ambient Air Pollution Norms" of 11 December 2001; Order of the MoE No. 596 "On Ambient Air Quality Assessment" of 12 December 2001; Order of the MoE No. 517 "On Affirmation of the Ambient Air Quality Assessment Programme" of 23 October 2003.	Yes	1. Hereinafter referred to as the <i>Ambient Air Pollution Norms</i> ". 2. Hereinafter referred to as the Order on the <i>Ambient Air Quality Assessment</i> ". 3. Hereinafter referred to as the <i>Ambient Air Quality Assessment Programme</i> .	
Art. 2	Definitions	Art. 2 of the Law on Ambient Air Protection No. VIII-1392 of 04 November 1999.	Yes	Hereinafter referred to as <i>Law on Ambient Air Protection</i>	
	1. ambient air				
	2. pollutant	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
	3. level	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
	4. assessment	Point 2 of the Order on <i>Ambient Air Quality Assessment</i> .	Yes		
	5. limit value	Art. 2 of the <i>Law on Ambient Air Protection</i> , contains the definition but it is different from that in the Directive (no restriction to exceed fixed level); Point 2 of the Order on <i>Ambient Air Quality Assessment</i> contains definition identical to that of the directive.	Partial	Problems might arise in enforcement stage due to the inferiority of the legal power hierarchy of the orders of ministers and the laws. In case of discrepancies between order of minister and the laws the latter would be applied. This means that the right definition of "limit value" contained in the order of minister <i>Ambient Air Quality Assessment</i> would not be applied with regard to the definition contained in the Law on ambient air protection. The definition "Limit value"	Amendment of L (Law on Ambient Air Protection)

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
				contained in Art. 5 of the <i>Law on Ambient Air Protection</i> must be amended in order to fully comply with the Directive 96/62/EC.	
6.	target value	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
7.	alert threshold	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
8.	margin of tolerance	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
9.	zone	Art. 2 of the <i>Law on Ambient Air Protection</i> ; Point 2 of the Order of the <i>Ambient Air Quality Assessment</i> ; Point 3 of the <i>Ambient Air Quality Assessment Programme</i> ; Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality"	Partial	The definition of "zone" established in the Law on Ambient Air Protection is not formulated properly. The Law in question sets that a zone shall mean part of the country, where according to the established order the pollution level has been measured. The definition neither indicates the purposes for the establishment of the zones, nor establishes any other attributes which would be characteristic for the zones. In order to understand what the definition "zone" actually means, other legal acts implementing the Law on Ambient Air Protection must be taken into account. Thus the definition of zones is to be derived through systematic approach to the existing legislation. Although negative effects are not likely to appear in the process of application of such legislation, in order to fully comply with the objectives of the Directive, the definition of "zone" must be amended.	Amendment of L (Law on Ambient Air Protection)
	10. agglomeration	Art. 2 of the <i>Law on Ambient Air Protection</i> .	Yes		
Art.3	MS must designate competent authorities for: - implementation of the Directive	Governmental Resolution No 409 on Acquis Implementation Action Plan of 10 April 2000 designates the Ministry of Environment as a competent authority for implementation of the	Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	5. assessment of ambient air quality	<p>Directive.</p> <p>Art. 5 of the <i>Law on Ambient Air Protection</i> provides that the Ministry of Environment is a competent authority for assessment of ambient air quality;</p> <p>Point 5 of the Order on Ambient Air Quality Assessment specifies Joint Research Center of the Ministry of Environment as a competent authority for the assessment of ambient air in the whole territory of LT. The REPD shall assess the ambient air together with municipalities in their territories.</p>	Yes		
-	approval of measuring device (methods, equipment, networks, laboratories)	<p>Point 12.2 of the Moe Order No 652 on National Ambient laboratory control system rules of 17 December 2003 designates the Environmental Protection Agency as a competent authority for approval of methods and laboratories;</p> <p>Art. 11 of the <i>Metrology Law</i> No I-1452 of 9 July 1996 designates Metrology Service as a competent authority for approval of measuring device.</p>	Yes	<p>Hereinafter referred to as <i>National ambient laboratory control system rules</i></p> <p>Hereinafter referred to as the <i>Metrology Law</i></p>	
	6. ensuring accuracy of measuring devices	<p>Art. 12 of the <i>Metrology Law</i> designates Metrology Service as a competent authority for accuracy of measuring devices;</p> <p>Art. 18 of the <i>Metrology Law</i> provides that Standards Department is responsible for control of imported measuring devices.</p>	Yes		
	7. analysis of assessment methods	<p>Point 12.2 of the <i>National ambient laboratory control system rules</i> designates the Environmental Protection Agency as a competent authority for approval of methods and laboratories;</p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	- national coordination of EC quality assurance programmes.	Point 12.2 of the <i>National ambient laboratory control system rules</i> designates the Environmental Protection Agency as a competent authority for coordination of quality assurance programmes.	Yes		
	When they supply it to the Commission, the Member States shall make the information referred to in the first subparagraph available to the public.	<p>Art. 16 (1) of the <i>Law on Ambient Air Protection</i> establishes the right of the public to receive all available information from the competent authorities;</p> <p>MoE Order No 1175 on Approval of the Rules on Provision of the Environmental Information to the Public in the Republic of Lithuania of 22 October 1999 establishes the right of the public to receive all available information from the competent authorities regarding the ambient;</p> <p>Point 52 of Governmental Resolution No 21 on "Co-ordination of the European Union Matters" of 9 January 2004 obliges the Government Chancery to inform the Commission on transpositions and implementation of directives into national law;</p> <p>Point 6.40 of Governmental Resolution No 1138 on <i>Approval of Statutes of Ministry of Environment</i> of 22 September 1998 obliges Ministry of Environment to provide the public with the information on activities for which Ministry of Environment is designated as a competent authority;</p> <p>Point 23 of the <i>Ambient Air Pollution Norms</i> designates the Joint Research Centre of Ministry of Environment as a competent authority for providing the public with relevant information;</p> <p>Points 23 and 24 of the <i>Ambient Air Pollution</i></p>	Yes	Hereinafter referred to as <i>Resolution on Co-ordination of the EU matters</i> .	

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
		<p><i>Norms</i> and Appendixes 1 and 2 establish the order for public access to information on air quality, concentration of relevant substances in the air, possible hazard to human health and minimal information;</p> <p>MoE and MoH Order No D1-265/V-436 on Approval of the Rules on Provision of Information to the Public and the Interested Institutions on Ambient Air Pollution Levels, which exceed the Alert Thresholds or Information Thresholds of 26 May 2005.</p>		<p>Hereinafter referred to as <i>Rules on Provision of Information to the Public and the Interested Institutions</i>.</p>	
Art. 4.1	<p>[The Comm'n must propose new daughter legislation setting limit values and alert thresholds, as appropriate, for Annex I pollutants, as follows:</p> <ul style="list-style-type: none"> - for pollutants 1-5, by 31.12.96 - for ozone, in accordance with Art. 8 Dir. 92/72, - for pollutants 7-8, by 31.12.97, - for pollutants 9-13, by 31.12.99] <p>If a target value for ozone is exceeded, MS must inform the Comm'n of measures taken for attaining the value.</p>	<p>No obligations for MS.</p>			
Art. 4.6	<p>MS must inform the Comm'n when more stringent limit values and alert thresholds are adopted at national level.</p>	<p>Point 52 of <i>Resolution on Co-ordination of the EU matters</i> obliges the Government Chancery to inform the Commission on national legal acts, transposing and implementing the directives into national law. This obligation is however not sufficient in order to fully comply with obligation contained in Art 4.6 of the Directive;</p> <p>Point 2 of the Governmental Resolution No 388 of 07 April 2004 on the Provision of Reports to European Commission regarding the</p>	<p>Partial</p>	<p>Hereinafter referred to as <i>Provision of Reports to European Commission in Environmental Sector</i>.</p> <p>It is recommended that a new MO is drafted or an existing MO on <i>Provision of Reports to European Commission in Environmental Sector</i> is amended by establishing an obligation to provide the Commission with the information on more stringent limit values, in case these are set by the Lithuanian</p>	<p>Amendment of MO or a new MO</p>

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 4.7	A MS intending to set limit values or alert thresholds for pollutants <i>not referred to in Annex I</i> and not covered by Community provisions on ambient air must inform the Commission thereof in sufficient time.	Implementation of European Union Legal Acts in Environmental Sector.		<p>legislation, according to the Art. 4.6 of the Dir. 96/62/EC.</p> <p>This Article of the Directive does not include an MS obligation to set the stringent values, just an obligation to inform the Commission. However it should be noted, that Limit Values of Concentration of Chemicals Polluting Air of Residential Areas (HN 35-2002), approved by the MoH Order No 512 of 2002 October 18 contains limit values of 851 pollutants not listed in Annex I of the Directive.</p>	
Art. 5	MS must have representative measurements, surveys or assessments of pollutant levels for all zones and agglomerations in order to have data in time to implement Art. 4 "daughter" legislation as adopted.	<p>Point 52 of the <i>Resolution on Co-ordination of the EU matters</i> obliges the Government Chancery to inform the Commission on national legal acts, transposing and implementing the directives into national law. But it is not sufficient in order to comply with the Art. 4.7 of the Directive.</p> <p>Limit Values of Concentration of Chemicals Polluting Air of Residential Areas (Hygiene Norm 35:2002), approved by the MoH Order No 512 of 18 October 2002 contains limit values of 851 pollutants not listed in Annex I of the Directive, but only for residential areas.</p> <p>Point 6 of the Provisions on State Ambient Monitoring, approved by the MoE Order No 160 of 8 April 2002, requires to carry out the assessment for the whole territory of LT; The relevant data from the whole territory of LT can be gathered from existing monitoring sites. There are measurements points in all regions of LT.</p>	Partial	<p>The <i>Resolution on Co-ordination of the EU matters</i> must include the obligation to provide the Commission with information on the limit values or alert thresholds for pollutants not referred to in Annex I of Dir. 96/62/EC.</p> <p>The question arises, what institution is obliged to inform the Commission on pollutants not referred to in Annex I of the Directive. Is this institution the Ministry of Environment or the Ministry of Health? This obligation must be established.</p>	Amendment of MO
Art. 5	MS must have representative measurements, surveys or assessments of pollutant levels for all zones and agglomerations in order to have data in time to implement Art. 4 "daughter" legislation as adopted.		Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 6.1	MS must assess ambient air quality on the basis of the limit values and alert thresholds adopted in Art. 4 daughter legislation.	Art. 5 of the <i>Law on Ambient Air Protection</i> requires the equivalent assessment of ambient air quality in Lithuania; Annex I of the Order on <i>Ambient Air Quality Assessment</i> establishes the requirements for assessment of concentration in ambient air in the zones and agglomerations; <i>Ambient Air Pollution Norms</i> establish the limit values and thresholds for SO ₂ , NO ₂ , NO _x , PM _{2.5} , PM ₁₀ , Pb, benzene, CO.	Yes		
Art. 6.2	Measurement is mandatory in the following zones: - agglomerations as defined in Art. 2(10) - zones in which levels are between the Art. 4 limit values and [threshold] values to be set in the Art. 4 daughter legislation - other zones where limit values exceeded.	Art. 5 of the <i>Law on Ambient Air Protection</i> obliges the Ministry of Environment to establish equivalent assessment criteria; Point 2 of the <i>Ambient Air Assessment</i> establishes that the ambient air assessment shall be pursued in zones and agglomerations, which list has to be approved by the MoE and MoH according to the Art. 7 and 8 of the <i>Law on Ambient Air Protection</i> . MoE Order No 470/581 on the List of Zones and Agglomerations for Ambient Air Assessment of 30 October 2002 sets the list of zones and agglomerations. Parts III and IV, and Appendix 4 of the <i>Ambient Air Assessment</i> contain requirements for ambient air measurements.	Yes	Hereinafter referred to as <i>List of Zones and Agglomerations</i>	
Art. 6.3	A combination of measurements and modelling techniques may be used to assess ambient air quality where the levels over a representative period are below a level lower than the limit value, to be determined according to	Art. 5 of the <i>Law on Ambient Air Protection</i> obliges the Ministry of Environment to establish equivalent assessment criteria; Point 6.1.4 of the State Ambient Monitoring Programme for 2005-2010 approved by the Governmental Resolution No 130 of 7 February	No	The <i>Order on Ambient Air Quality Assessment</i> must be amended establishing the right to use a combination of measurements and modelling techniques where the levels over a representative period are below a level lower than the limit value according to the	Amendment of MO (<i>Order on Ambient Air Quality Assessment</i>)

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	the provisions referred to in Article 4 (5).	2005 allows the usage of modelling techniques when there are no other possibilities to assess the ambient air quality.		Art. 6.3 of the Dir. 96/62/EC. Though such combined usage is not prohibited, it is not expressly allowed either. Hence problem might arise in implementation stage, especially where private parties will be involved in any possible relevant capacity.	
Art. 6.4	Where the levels are below a level to be determined according to the provisions referred to in Article 4 (5), the sole use of modelling or objective estimation techniques for assessing levels shall be possible. This provision shall not apply to agglomerations in the case of pollutants for which alert thresholds have been fixed according to the provisions referred to in Article 4 (5).	Art. 5 of the <i>Law on Ambient Air Protection</i> obliges the Ministry of Environment to establish equivalent assessment criteria; Point 14 of the Order on Ambient Air Quality Assessment allows using the modelling and objective techniques and contains equivalent provision of the Directive.	Yes	Hereinafter referred to as <i>State Monitoring Programme</i> .	
Art. 6.5	Measurements of pollutants must be at fixed sites continuously or by random sampling.	Art. 5 of the <i>Law on Ambient Air Protection</i> provides that both: continuously or by random sampling may be applied; Point 15 of the Order on Ambient Air Quality Assessment allows to use both: continuously or by random sampling	Yes		
Art. 7.1	MS must take the necessary measures to ensure compliance with the limit values.	Art. 4 of the <i>Law on Ambient Air Protection</i> provides equivalent measures to be taken; <i>Ambient Air Pollution Norms</i> sets the limit values for SO ₂ , NO ₂ , NOx, PM10, PM2.5, Pb, benzene, CO.	Yes		
Art. 7.2	Measures taken must: (a) take into account an integrated	(a) Point 3 of the Permits on Integrated Pollution Prevention and Control approved by the MoE	Yes	Hereinafter referred to as <i>Permits on integrated pollution</i>	

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>approach to air, water and soil protection;</p> <p>(b) not contravene EC legislation on protection of safety and health of workers at work;</p> <p>I have no significant negative effects on the environment in other MS.</p>	<p>Order No 80 of 27 February 2002 foresees an integrated approach when issuing permits for stationary pollution sources;</p> <p>b) <i>Hygiene Norm 23-2001 on Limit values of hazardous substances concentration at work place</i> approved by the Ministry of Environment and Ministry of Social Security and Labor Order No 645/169 of 2001 December 13 establishes limit values for concentration of hazardous substances at work place. The norms are in line with the EC requirements.</p> <p>c) Art. 7 (3) of the <i>Law on Ambient Air Protection</i> provides obligation to Ministry of Environment to consult the neighbouring States when measures are taken to reduce pollution.</p>			
Art. 7.3	<p>MS must draw up action plans indicating short-term measures to be taken where there is a risk of the limit values and/or alert thresholds being exceeded, in order to reduce that risk and to limit the duration of such an occurrence. [Plans may provide for control measures, including, e.g., suspension of polluting activities where necessary.]</p>	<p>Art. 10.2 of the <i>Law on Ambient Air Protection</i> provides that municipalities must prepare and implement ambient air pollution reducing programmes. Art. 10. 3 (3) establishes a right to use another measures reducing ambient air pollution, however it does not set an obligation to draw up action plans indicating short term measures.</p> <p>Points 7 and 12 of the <i>Ambient Air Pollution Norms</i> oblige the REPD together with municipalities to draw up action plans when limit values of certain pollutants have been exceeded, however it does not specify that short-term measures must be included.</p>	Partial	<p>The <i>Ambient Air Pollution Norms</i> must be amended establishing an obligation not only to prepare programmes on pollution reduction indicating long term measures (Appendix 7), but also action plans indicating short-term measures. Neither the regulation in the Art. 10.3 of the <i>Law on Ambient Air Protection</i>, nor the Art. 7 and 12 of the <i>Ambient Air Pollution Norms</i> are sufficient to comply with the Art. 7.3 of the Directive..</p>	Amendment of MO (the Ambient Air Pollution Norms)
Art. 8.1	<p>MS must draw up a list of zones and agglomerations in which levels of 1 or more pollutants are higher than the limit value plus the margin of</p>	<p>Art. 7.1. (1) of the <i>Law on Ambient Air Protection</i> provides equivalent provision; <i>List of Zones and Agglomerations</i> establishes the list of zones and agglomerations (Vilnius</p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	tolerance. If no margin of tolerance has been set for a particular pollutant, the limit value alone shall apply to determine zones subject to Arts. 8.3, 8.4 & 8.5.	and Kaunas agglomerations) specifying that the limit values of pollutants in LT are not higher than the limit value. Point 8 of the Ambient Air Quality Assessment designates the Joint Research Centre of the Ministry of Environment to classify the areas as provided in Art. 8.1 of the Directive. Point 11.1.4 of the <i>State Monitoring Programme</i> establishes that the list of zones and agglomerations shall be revised until 2010.			
Art. 8.2	MS must draw up a list of zones and agglomerations where levels of pollutants are between the limit value and limit value plus level of tolerance.	Art. 7.1. (2) of the <i>Law on Ambient Air Protection</i> provides equivalent provision; List of Zones and Agglomerations establishes the list of zones and agglomerations. As the level of pollutants specified in the Directive is in LT not higher than the limit value, the List of Zones and Agglomerations does not specify zones and agglomerations for pollutants, listed in Art 8.2 of the Directive. Point 8 of the Order on <i>Ambient Air Quality Assessment</i> designates the Joint Research Centre of the Ministry of Environment to classify the areas as provided in Art. 8.2 of the Directive Point 11.1.4 of the <i>State Monitoring Programme</i> establishes that the list of zones and agglomerations shall be revised until 2010.	Yes	Hereinafter referred to as Order on <i>Affirmation of List of Zones and Agglomerations</i>	
Art. 8.3	For areas referred to in Art. 8.1, MS must prepare a plan or programme to attain the limit values within specific time limits. The plan or programme must incorporate Annex IV information and be available to the	Art. 7.2. of the <i>Law on Ambient Air Protection</i> provides equivalent measures; Points 4, 9, 11, 14, 16, 18 and 22 of the <i>Ambient Air Pollution Norms</i> oblige the municipalities together with REPD to prepare equivalent programmes. The minimum requirements of the	Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	public.	programmes are equivalent to the requirement referred to in Annex IV of the Directive.			
Art. 8.4	In areas referred to in Art. 8.1, where more than one pollutant exceeds the limit values, MS must prepare an integrated plan covering all pollutants concerned.	Point 26 of the <i>Ambient Air Pollution Norms</i> provides equivalent provision.	Yes		
Art. 8.6	Where significant pollution originating from another MS contributes to exceedance of a limit value or alert threshold, the MS concerned must consult with one another to find a solution.	Art. 7.3. of the <i>Law on Ambient Air Protection</i> contains equivalent provision.	Yes	Procedure for communication with neighbouring States to be provided in accordance with the international agreements.	
Art. 9	MS must draw up a list of zones and agglomerations where levels are lower than the limit values. MS shall maintain these levels and endeavour to preserve the best ambient air quality, compatible with sustainable development.	Art. 8 of the <i>Law on Ambient Air Protection</i> contains equivalent provisions; Point 8 of the <i>Ambient Air Quality Assessment</i> designates the Joint Research Centre of Ministry of Environment to classify the areas as provided in Art. 9 of the Directive; <i>List of Zones and Agglomerations</i> indicates that the levels of pollutants specified in the Directive in LT are not higher than the limit values. Point 11.1.4 of the <i>State Monitoring Programme</i> establishes that the list of zones and agglomerations shall be revised until 2010.	Yes		
Art. 10	MS must take necessary steps to inform the public when alert thresholds are exceeded. [Information concerning recorded levels and the duration of the episode(s) must be forwarded to the Comm'n within 3 months.]	Art. 9 of the <i>Law on Ambient Air Protection</i> contains equivalent provision. Point 24 of the <i>Ambient Air Pollution Norms</i> establishes the order on information of the public, when the alert thresholds are exceeded. The information shall contain a short estimation of the case and possible hazard impact on human health;	Partial	The Lithuanian legislation establishes neither the obligation to forward the Commission the information on alert threshold excess cases, nor sets the time limit for provision of such information. A new MO should be drafted or an existing MO on <i>Provision of Reports to European Commission in Environmental Sector</i> amended to contain an obligation to	Amendment of MO or a new MO

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 11.1	<p>After adoption of the first Art. 4 daughter legislation, MS <i>must notify</i> to the Comm'n the competent authorities, laboratories and bodies referred to in Art. 3 and:</p> <p>(a) in zones where limit values have been exceeded (Art. 8.1) MS must inform the Comm'n of levels of excess, duration, and values recorded; reasons of excess; plans and programmes indicated in Art. 8.3; progress in implementing plans.</p> <p>(b) list of zones falling into Arts. 8.1, 8.2, and 9 categories.</p> <p>I implementation report & Information reviewing levels assessed in Arts. 8 and 9 zones.</p>	<p>Appendixes 1 and 2 of the <i>Ambient Air Pollution Norms</i> establish minimum information to be provided to the public on exceed cases of SO₂, NO₂.</p> <p>Rules on Provision of Information to the Public and the Interested Institutions contain the detailed rules regarding the provisions of information to the public and the interested institutions, when the alert and information thresholds of SO₂ and NO₂ established in the Rules are exceeded;</p> <p>Point 2 of the MoE No 322 on the Provision of Information and Data to the European Commission from Ambient Air Quality Measuring Stations of 27 June 2003 establishes an obligation to provide the Comm with the information and data from ambient air quality measuring stations <i>only for the reporting year</i>.</p> <p>Point 2 of the Provision of Reports to European Commission in Environmental Sector designates the Ministry of Environment as a competent authority to provide the Commission with reports on implementing the Directive.</p> <p>MoE Order No D1-418 on Provision of Reports on Ambient Air Quality Management Plans and Programmes of 27 July 2004 obliges the Ambient Protection Agency to provide the Commission with plans and programmes according to the Directive.</p> <p>The obligation to inform the Commission on excess, duration and values as well as the reasons of such excess is not establishes yet.</p> <p>Point 29 of the Appendix to the Ambient Air Assessment Program establishes, that</p>	Partial	<p>provide the Commission with information concerning recorded levels and the duration of the episode(s) within 3 months as referred to in Art. 10 of the Dir. 96/62/EC.</p>	Amendment of MO or a new MO

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	(d) Shall inform the Comm'n of methods for Art. 5 preliminary assessments.	municipalities and REPD are responsible for preparing the preliminary action plan in order to reduce the hazard for human health and ambient.			
Art. 13.1	MS shall bring into force the laws, Orders and administration procedures to comply with the Dir. And notify the Comm'n.	Following laws and orders have been brought into force in order to comply with the Directive: Law on Ambient Air Protection; <i>The List of Pollutants for the assessment and management of ambient air quality</i> approved by MoE & MoH Order No 471/582 of 30 October 2000; Ambient Air Quality Assessment; Ambient Air Pollution Norms; Permits on integrated pollution Point 52 of the Order on Co-ordination of the EU matters obliges the Government Chancery to inform the Commission on national legal acts, transposing and implementing the directives into national law.	Yes	Hereinafter referred to as List of Pollutants	
Art. 13.1	Implementation measures adopted must contain a reference to the Directive.	Ambient Air Assessment; Ambient Air Pollution Norms; Ambient Air Quality Assessment Programme; Point 52 of the Resolution on Co-ordination of the EU matters obliges the Government Chancery to inform the Commission on national legal acts, transposing and implementing the directives into national law.	Yes		
Art. 13.2	MS must forward to the Comm'n the main national provisions.	Point 52 of the Resolution on Co-ordination of the EU matters obliges the Government Chancery to inform the Commission on national legal acts, transposing and implementing the directives into national law.	Yes		
Anne x I	List of atmospheric pollutants to be taken into consideration in the assessment and management of	List of Pollutants.	Yes		

Art.	EU Obligation	Existing national law (give relevant law or Order & no. of article)	Fully in accord? (yes/ no/ part)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Anne x II	ambient air quality. Factors to be taken into account when setting limit values and alert thresholds.	According to the <i>List of Pollutants</i> the limit values, indicated in this Order, had been set with regard to factors applied in the EU.	No	The Order on the <i>Ambient Air Pollution Norms</i> does not specify the factors, which have been taken into account when setting limit values and alert thresholds. <i>Ambient Air Pollution Norms</i> should be amended respectively in order to comply with the Annex II of the Dir. 96/62/EC.	Amendment of MO
Anne x III	Guidelines for selecting air pollutants for consideration	According to <i>List of Pollutants</i> the pollutants, indicated in this Order, have been selected with regard to guidelines applied in the EU; Order on <i>Affirmation of List of Zones and Agglomerations</i> contains limit values for 851 pollutants established for living place (living buildings, settlements, resorts). Air pollutants SO ₂ , NO ₂ , NO _x , CO, benzene, Pb, PM ₁₀ , PM _{2.5} have been taken into consideration.	No	The Order on the <i>Ambient Air Pollution Norms</i> does not specify the guidelines, which have been taken into account when selecting air pollutant for consideration. The <i>Air Quality Assessment Programme</i> must be amended to include the guidelines for selecting air pollutants for consideration in the future (Annex III of the Dir. 96/62/EC).	Amendment of MO
Anne x IV	Information to be included in local, regional or national programmes for improvement in the ambient air quality.	Points 4, 9, 14, 18, 22 and Appendix 7 of the <i>Ambient Air Pollution Norms</i> specify the requirements in line with that in the Directive.	Yes		

Preparation of National Emission Reduction and Ambient Air Quality Assessment Programmes Table of Concordance	
Country:	Lithuania
Person(s) completing Table:	Dr. Dalia Foigt
Council Directive No 1999/30/ EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (98/C 360/04)	
Date Table Completed: 31 July 2005	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 1	[Objectives]	<p>1. Common Order of MoE&MHC No. 591/640 "On Designation of Ambient Air Pollution Norms" of 11 December 2001.</p> <p>2. Order of the MoE No. 596 "On Ambient Air Quality Assessment" of 12 December 2001.</p> <p>3. Order of the MoE No. 517 "On Affirmation of the Ambient Air Quality Assessment Programme" of 23 October 2003.</p>		<p>1. Hereinafter referred to as "the <i>Ambient Air Pollution Norms</i>".</p> <p>2. Hereinafter referred to as "the Order on the <i>Ambient Air Quality Assessment</i>".</p> <p>3. Hereinafter referred to as "the <i>Ambient Air Quality Assessment Programme</i>".</p>	
Art. 2	Definitions: 1. ambient air	Art. 2 of the Law of the Republic of Lithuania No. VIII-1392 of 4 November 1999 on Ambient Air Protection contains the equivalent definition	Yes	4. Hereinafter referred to as the <i>Law on Ambient Air Protection</i>	
	2. pollutant	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
	3. level	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
	4. assessment	Point 2 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
	5. limit value	Art. 2 of the <i>Law on Ambient Air Protection</i> , contains the definition but it is different from that in the Directive (no restriction to exceed fixed level).	Partial	Problems might arise in enforcement stage due to the inferiority of the legal power hierarchy of the orders of ministers and the laws. Recommended to bring the law into full compliance whilst	L; Law amending the Law on Ambient Air Protection.

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
		Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> contains definition identical to that of the directive.		the orders of minister would only refer to the provisions of the former.	
6.	alert threshold	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
7.	margin of tolerance	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
8.	zone	Art. 2 of the <i>Law on Ambient Air Protection</i> Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality" Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> Point 3 of the <i>Ambient Air Quality Assessment Programme</i>	Yes	The definition of zones is to be derived through systematic approach to the existing legislation. Negative effects are not likely to appear in the process of application of such legislation.	
9.	agglomeration	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality"	Yes		
10.	oxides of nitrogen	Point 2 of the <i>Ambient Air Pollution Norms</i> contains the equivalent definition	Yes		
11.	PM10	Point 2 of the <i>Ambient Air Pollution Norms</i> contains the equivalent definition	Yes		
12.	PM2,5	Point 2 of the <i>Ambient Air Pollution Norms</i> contains the equivalent definition	Yes		
	13. upper assessment threshold	Point 2 of the Order on the <i>Ambient Air Quality</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
		<i>Assessment</i> contains the equivalent definition			
	14. lower assessment threshold	Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> contains the equivalent definition	Yes		
	15. natural events	Point 2 of the <i>Ambient Air Pollution Norms</i> contains the equivalent definition	Yes		
	16. fixed measurements	Not provided in LT legislation	No		
Art. 3.1	MS shall take necessary measures to ensure that concentrations of SO ₂ in ambient air, as assessed in accordance with Art. 7, do not exceed limit values laid down in Section I of Annex I from the dates specified therein.	Art. 4 of the <i>Law on Ambient Air Protection</i> provides similar measures. Point 4 of and Section I of Appendix 1 to the <i>Ambient Air Pollution Norms</i>	Yes	Hygiene Norm (Doc. HN 35:2002) approved by MoH Order No. 512 of 18 October 2002 also establishes maximum allowable concentrations (MAC) for the pollutants, but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.	MO; Recommended unification of reference points throughout the HN and the Ambient Air Quality legislation <u>or</u> repealing HN.
	Margins of tolerance laid down in Section I of Annex I shall apply in accordance with Art. 8 of Dir. 96/62/EC ¹ .	Section I of Appendix 1 to the <i>Ambient Air Pollution Norms</i> contains equivalent	Yes		
Art. 3.2	The alert threshold for concentrations of SO ₂ in ambient air shall be that laid down in Section II of Annex I.	Point 5 and Section II of Appendix 1 to the <i>Ambient Air Pollution Norms</i> contains equivalent	Yes		
Art. 3.3	In order to assist Comm'n in preparing the Art. 10 report, until 31 December 2003 MS shall, where practicable, record data on concentrations of SO ₂ averaged over 10 minutes from certain measuring stations selected as representative of air quality in inhabited areas close to sources & at which hourly	---	---		

¹ OJ L No 296, 21.11.1996.

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>concentrations are measured.</p> <p>[At the same time as data are supplied on hourly concentrations in accordance with Art. 11.1 of Dir. 96/62/EC, MS shall report to Comm'n, for those selected measuring stations, number of 10-minute concentrations which have exceeded 500 µg/m³, number of days within calendar year on which that occurred, number of those days on which hourly concentrations of SO₂ simultaneously exceeded 350 µg/m³ and the maximum 10-minute concentration recorded.]</p>				
Art. 3.4	<p>[MS may designate zones or agglomerations within which limit values for SO₂ as laid down in Section I of Annex I are exceeded owing to concentrations of SO₂ in ambient air due to natural sources.]</p>	<p>Lithuania does not designate such zones or agglomerations</p>		<p>Neither Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality", nor <i>Ambient Air Quality Assessment Programme</i> foresee a possibility to or designate such zones.</p>	
	<p>[MS shall send Comm'n lists of any such zones or agglomerations together with information on concentrations and sources of SO₂ therein. When informing Comm'n in accordance with Art. 11.1 of Dir. 96/62/EC, MS shall provide necessary justification to demonstrate that any excess are due to natural sources. Within such zones or agglomerations MS shall implement action plans in accordance with Art. 8.3 of Dir. 96/62/EC only where limit values laid down in Section I of Annex I are exceeded owing to man-made emissions]</p>	<p>Lithuania does not designate such zones or agglomerations</p>			
Art.	<p>MS shall take necessary measures to ensure that</p>	<p>Art. 4 of the <i>Law on Ambient Air Protection</i></p>	<p>No</p>	<p>Hygiene Norm (Doc. HN 35:2002)</p>	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
4.1	concentrations of NO ₂ and, where applicable, of NO _x in ambient air, as assessed in accordance with Art. 7, do not exceed limit values laid down in Section I of Annex II as from the dates specified therein.	provides similar measures. Point 9 of the <i>Ambient Air Pollution Norms</i>		approved by MoH Order 512 of 18 October 2002 also establishes maximum allowable concentrations (MAC) for the NO ₂ and Nox but they are defined just for residential areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.	
Art. 4.2	The margins of tolerance laid down in Section I of Annex II shall apply in accordance with Art.8 of Dir. 96/62/EC.	Section I of Appendix 2 of the <i>Ambient Air Pollution Norms</i>			
Art. 5.1	The alert threshold for concentrations of NO ₂ in ambient air shall be that laid down in Section II of Annex II. MS shall take necessary measures to ensure that concentrations of PM10 in ambient air, as assessed in accordance with Art. 7 do not exceed limit values laid down in Section I of Annex III as from the dates specified therein.	Point 10 of the <i>Ambient Air Pollution Norms</i> Art. 4 of the <i>Law on Ambient Air Protection</i> provides similar measures. Section I of Appendix 3 of the <i>Ambient Air Pollution Norms</i> Point 14 of the <i>Ambient Air Pollution Norms</i>	Partial	Hygiene Norm (Doc. HN 35:2002) approved by MoH Order 512 of 18 October 2002 also establishes maximum allowable concentrations (MAC) for dust but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.	MO; reconciliation of the points of reference and measurement criteria under the environmental and health policies, between the two institutions
Art. 5.2	Margins of tolerance laid down in Section I of Annex III shall apply in accordance with Art. 8 of Dir. 96/62/EC. MS shall ensure that measuring stations to supply data on concentrations of PM2.5 are installed and operated. Each MS shall choose	Sections I and II of Appendix 3 of the <i>Ambient Air Pollution Norms</i> Section IV (Points 15 through 19) of the Order on the <i>Ambient Air Quality Assessment</i>	Yes Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	number & siting of the stations at which PM2,5 is to be measured as representative of concentrations of PM2,5 within that MS.				
	Where possible sampling points for PM2,5 shall be co-located with sampling points for PM10.	No specific stipulation in relevant legislation.	Partial	Such co-location is not forbidden, hence possible. A specification could be included among the provisions of the Order on the <i>Ambient Air Quality Assessment</i> .	MO amending the Order on the <i>Ambient Air Quality Assessment</i>
	[Within 9 months of end of each year MS shall send Comm'n arithmetic mean, median, 98 th percentile & maximum concentration calculated from measurements of PM2,5 over any 24 hours within that year. The 98 th percentile shall be calculated in accordance with procedure laid down in Section 4 of Annex I to Decision 97/101/EC.] ²	Order of the MoE No. 323 "On Submission of Annual Report on the Ambient Air Quality to the European Commission" of 27 June 2003.	Yes	It is stipulated that annual ambient air quality reports are to be prepared in the form as set out by the 29 April 2004 Commission Decision No. 2004/46/EC.	
Art. 5.3	[Action plans for PM10 prepared in accordance with Art. 8 of Dir. 96/62/EC & general strategies for decreasing concentrations of PM10 shall also aim to reduce concentrations of PM2,5.]	Section II of Appendix 3 and Appendix 7 of the <i>Ambient Air Pollution Norms</i>	Yes		

² OJ L No 35, 5.2.1977, p. 14 (Council Decision "establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States").

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 5.4	<p>[Where limit values for PM10 laid down in Section I of Annex III are exceeded owing to concentrations of PM10 in ambient air due to natural events which result in concentrations significantly in excess of normal background levels from natural sources, MS shall inform Comm'n in accordance with Art. 11.1 of Dir. 96/62/EC, providing necessary justification to demonstrate that such excess are due to natural events. In such cases, MS shall implement action plans in accordance with Art. 8.3 of Dir. 96/62/EC only where limit values laid down in Section I of Annex III are exceeded owing to causes other than natural events.]</p>				
Art. 5.5	<p>[MS may designate zones or agglomerations within which limit values for PM10 as laid down in Section I of Annex III are exceeded owing to concentrations of PM10 in ambient air due to resuspension of particulates following winter sanding of roads.]³</p>	Lithuania does not designate such zones or agglomerations			

³ Note that if MS exercises this discretion, then the following obligations become mandatory.

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>[MS shall send Comm'n lists of any such zones or agglomerations together with information on concentrations and sources of PM10 therein. When informing Comm'n in accordance with Art. 11.1 of Dir. 96/62/EC, MS shall provide necessary justification to demonstrate that any excess are due to such resuspended particulates, and that reasonable measures have been taken to lower the concentrations. Within such zones or agglomerations MS shall implement action plans in accordance with Art. 8.3 of Dir. 96/62/EC only where limit values laid down in Section I of Annex III are exceeded owing to PM10 levels other than those caused by winter road sanding.]</p>	<p>Lithuania does not designate such zones or agglomerations</p>			
Art. 6	<p>MS shall take necessary measures to ensure that concentrations of lead in ambient air, as assessed in accordance with Art. 7, do not exceed limit values laid down in Section I of Annex IV as from the dates specified therein.</p>	<p>Art. 4 of the <i>Law on Ambient Air Protection</i> provides for similar measures. Points 15 and 16 of the <i>Ambient Air Pollution Norms</i></p>	Partial	<p>Hygiene Norms (Doc. HN 35-1998) approved by MoH Order 779 of 1998 12 24 establish maximum allowable concentrations (MAC) for lead but they are defined just for residential areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.</p>	
	<p>Margins of tolerance laid down in Section I of Annex IV shall apply in accordance with Art. 8 of Dir. 96/62/EC.</p>	<p>Appendix 4 of the <i>Ambient Air Pollution Norms</i></p>	Yes		
Art. 7.1	<p>The upper and lower assessment thresholds for SO₂, NO₂ & NO_x, particulate matter & lead for the purposes of Art. 6 of Dir. 96/62/EC shall be those laid down in Section I of Annex V.</p>	<p>Part 1 of Appendix 1 of the Order on the <i>Ambient Air Quality Assessment</i></p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>Classification of each zone or agglomeration for the purposes of Art. 6 of Dir. 96/62/EC shall be reviewed at least every 5 years in accordance with the procedure laid down in Section II of Annex V.</p> <p>Classification shall be reviewed earlier in the event of significant changes in activities relevant to ambient concentrations of SO₂, NO₂ or, where relevant, NO_x, particulate matter or lead.</p>	<p>Points 8 to 10 and Part 2 of Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i></p> <p>Point 10 of the Order on the <i>Ambient Air Quality Assessment</i></p>	<p>Yes</p> <p>Yes</p>		
Art. 7.2	<p>The criteria for determining location of sampling points for measurement of SO₂, NO₂ & NO_x, particulate matter & lead in ambient air shall be those listed in Annex VI.</p> <p>The minimum number of sampling points for fixed measurements of concentrations of each relevant pollutant shall be as laid down in Annex VII & they shall be installed in each zone or agglomeration within which measurement is required if fixed measurement is the sole source of data on concentrations within it.</p>	<p>Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i></p> <p>Appendix 3 of the Order on the <i>Ambient Air Quality Assessment</i></p>	<p>Yes</p> <p>Yes</p>		
Art. 7.3	<p>For zones & agglomerations within which information from fixed measurement stations is supplemented by information from other sources, such as emission inventories, indicative measurement methods & air-quality modelling, number of fixed measuring stations to be installed & spatial resolution of other techniques shall be sufficient for the concentrations of air pollutants to be established in accordance with Section I of Annex VI & Section I of Annex VIII.</p>	<p>Section I of Appendix 2 and Section I of Appendix 5 of the Order on the <i>Ambient Air Quality Assessment</i></p>	<p>Yes</p>		
Art.	<p>[For zones and agglomerations within which measurement is not required, modelling or</p>			<p>State Monitoring Programme, approved by the Government Resolution No 27 of</p>	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
7.4	objective estimation techniques may be used.]			1998 07 01, allows the usage of sole modelling techniques.	
7.5	Reference methods for the analysis of SO ₂ , NO ₂ & NO _x & for the sampling & analysis of lead shall be as laid down in Sections I to III of Annex IX.	Appendix 4 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
	Reference method for sampling & measurement of PM10 shall be as laid down in Section IV of Annex IX.	As above			
	Provisional reference method for sampling & measurement of PM2.5 shall be as laid down in Section V of Annex IX.	As above			
	Reference techniques for air-quality modelling shall be as laid down in Section VI of Annex IX.	Have not been prepared.	No	No reference techniques for air quality modelling are available in the EU legislation. Therefore no reference techniques for modelling a stipulated under LT law.	
Art. 7.6	Date by which MS shall inform Comm'n of methods they have used for preliminary assessment of air quality under Art. 11.1(d) of Dir. 96/62/EC shall be 18 months after the entry into force of this Directive.	Not applicable to Lithuania.			
Art. 8.1	MS shall ensure that up-to-date information on ambient concentrations of SO ₂ ,NO ₂ & Nox, particulate matter & lead is routinely made available to the public as well as to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations & other relevant health-care bodies by means, for example, of broadcast media, press, information screens or computer-network services.	Point 23 of the <i>Ambient Air Pollution Norms</i> Government Regulation No. 1175 "On Affirmation of the Description of the Order for Provision of Environmental Information to the Public in the Republic of Lithuania" 22 October 1999.	Partially	Art. 17 of the Law On Environmental Monitoring (No VIII-529, adopted on 20 October 1997) provides that information on ambient air is available to the public in accordance laws.	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	Information on ambient concentrations of SO ₂ , NO ₂ & particulate matter shall be updated on at least a daily basis, and, in the case of hourly values for SO ₂ & NO ₂ , wherever practicable, information shall be updated on an hourly basis.	Point 23.3 of the <i>Ambient Air Pollution Norms</i>	Yes		
	Information on ambient concentrations of lead shall be updated on a 3-monthly basis.	As above	Yes		
	Such information shall at least indicate any excesses of concentrations in limit values & alert thresholds over the averaging periods laid down in Annexes I to IV.	Point 24 of the <i>Ambient Air Pollution Norms</i>	Yes		
	Such information shall also provide a short assessment in relation to limit values & alert thresholds & appropriate information regarding effects on health.	As above	Yes		
Art. 8.2	When making plans or programmes available to public pursuant to Art. 8.3 of Dir. 96/62/EC, MS shall also make them available to the organisations referred to in Art. 8.1.	Obligation for municipalities to have the programmes made available for the public (Points 4,9, 14, 16, 18 and 23 through 25 of the <i>Ambient Air Pollution Norms</i>), but the environmental, consumer etc. organisations are not mentioned. The "environmental, customer institutions" are listed as recipients of information renewable on daily basis.	Partial	Bearing in mind that the distinction in the meaning of "institution" and "organisation" is very clear in Lithuanian legislation, it is unlikely that the said provisions of <i>Ambient Air Pollution Norms</i> would be interpreted as granting the right of access to the information to the organisations representing various public interests, unless they are "institutions".	
Art. 8.3	When an alert threshold laid down in Annex I or II is exceeded, details made available to the public in accordance with Art. 10 of Dir. 96/62/EC shall at least include the items listed in Section III of the Annex in question.	Sections III of Appendix 1 and Appendix 2 of the <i>Ambient Air Pollution Norms</i>	Yes		
Art. 8.4	Information made available to the public & to organisations under Art. 8.1 & 3 shall be clear,	Point 24 of the <i>Ambient Air Pollution Norms</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 9.4	<p>comprehensible & accessible.</p> <p>From 24 months from entry into force of this Directive MS shall employ measurement stations & other methods of air-quality assessment that comply with this Directive to assess concentrations of SO₂, NO₂ & lead in ambient air to obtain data for demonstrating compliance with limit values laid down in Dirs. 80/779/EEC, 82/884/EEC & 85/203/EEC until such time as limit values laid down in those Directives cease to apply.</p>	<p>Not to be applied for Lithuania, because of The Handbook on the Implementation of EC Environmental Legislation advises to Candidate Countries to take steps to implement the provisions of Council Directive 99/30/EC rather than Directives 80/779/EEC, 82/884/EEC and 85/203/EEC.</p>			
Art. 9.5	<p>[From 24 months from entry into force of this Directive MS may employ measurement stations & other methods of air-quality assessment that comply with this Directive as regards PM10 to assess concentrations of suspended particulate matter for demonstrating compliance with limit values for total suspended particulates laid down in Annex IV to Dir. 80/779/EEC; for demonstrating such compliance, however, data so collected shall be multiplied by a factor of 1.2.]</p>	<p>Not applicable to LT.</p>			
Art. 9.6	<p>MS shall inform Comm'n of any excess of limit values laid down in Dirs. 80/779/EEC, 82/884/EEC & 85/203/EEC, together with values recorded, reasons for each recorded instance & measures taken to prevent any recurrence, within 9 months of end of each year in accordance with procedure laid down in Art. 11 of Dir. 96/62/EEC until such time as limit values laid down in those Directives cease to apply.</p>	<p>Not applicable to LT.</p>			
Art. 9.7	<p>[In zones in which MS considers it necessary to limit or prevent a foreseeable increase in</p>	<p>Not applicable to LT.</p>			

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	pollution by SO ₂ , NO _x or suspended particulate matter it may continue to use guide values for protection of ecosystems laid down in Annex II to Dir. 80/779/EEC & in Annex II to Dir. 85/203/EEC.]				
Art. 11	MS shall determine penalties applicable to breaches of national provisions adopted pursuant to this Directive. Those penalties shall be effective, proportionate & dissuasive.	Code on Administrative Violations of Law provides fines for breaches of Ambient Air Quality Norms.	Partial	The effectiveness, proportionality & dissuasiveness of the measures usually prescribed for environmental offences in Lithuania are yet to be assessed on the Community level.	
Art. 12.1	MS shall bring into force laws, regulations & administrative provisions necessary to comply with this Directive by 24 months after its entry into force & shall immediately inform Comm'n thereof.	Point 52 of Government Resolution No. 21 of 19 January 2004 on Co-ordination of the European Union matters the Government Office to inform the Commission on transpositions and implementation of directives into national law	Yes		
	When MS adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. Procedure for such reference shall be adopted by MS.	Preambles of the <i>Ambient Air Pollution Norms</i> , Order on <i>Ambient Air Quality Assessment and the Ambient Air Quality Assessment Programme</i> .	Yes		
Art. 12.2	MS shall communicate to Comm'n text of provisions of national law which they adopt in the field covered by this Directive.	Point 52 of Government Resolution No. 21 of 19 January 2004 on Co-ordination of the European Union matters the Government Office to inform the Commission on transpositions and implementation of directives into national law	Yes		
Annex I	Limit values and the alert threshold for sulphur dioxide.	Sections I and II of Appendix 1 of the <i>Ambient Air Pollution Norms</i>	Yes		
Annex II	Limit values for nitrogen dioxide (NO ₂) and oxides of nitrogen (Nox) and the alert threshold for nitrogen dioxide.	Sections I and II of Appendix 2 of the <i>Ambient Air Pollution Norms</i>	Yes		
Annex III	Limit values for particulate matter (PM ₁₀).	Section I of Appendix 3 of the <i>Ambient Air Pollution Norms</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Annex IV	Limit values for lead.	Section I of Appendix 4 of the <i>Ambient Air Pollution Norms</i>	Yes		
Annex V	Determination of requirements for assessment of concentration of sulphur dioxide, nitrogen dioxide (NO ₂) and oxides of nitrogen (Nox), particulate matter (PM ₁₀) and lead in ambient air within a zone or agglomeration.	Appendix 1 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex VI	Location of sampling points for the measurement of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air.	Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex VII	Criteria for determining minimum numbers of sampling points for fixed measurement of concentrations of sulphur dioxide (SO ₂), nitrogen dioxide (NO ₂) and oxides of nitrogen, particulate matter and lead in ambient air.	Appendix 3 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex VIII	Data-quality objectives and compilation of results of air-quality assessment.	Appendix 5 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex IX	Reference methods for assessment of concentrations of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM ₁₀ and PM _{2.5}) and lead.	Appendix 4 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		

Preparation of National Emission Reduction and Ambient Air Quality Assessment Programmes Table of Concordance	
Country:	Lithuania
Person(s) completing Table:	Dr. Dalia Foigt
Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air	
Date Table Completed: 31 July 2005	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 1	[Objectives]	1. Common Order of MoE&MHC No. 591/640 "On Designation of Ambient Air Pollution Norms" of 11 December 2001. 2. Order of the MoE No. 596 "On Ambient Air Quality Assessment" of 12 December 2001. 3. Order of the MoE No. 517 "On Affirmation of the Ambient Air Quality Assessment Programme" of 23 October 2003.		1. Hereinafter referred to as "the Ambient Air Pollution Norms". 2. Hereinafter referred to as "the Order on the Ambient Air Quality Assessment". 3. Hereinafter referred to as "the Ambient Air Quality Assessment Programme". 4. Hereinafter referred to as the Law on Ambient Air Protection	
Art. 2	Definitions: Art. 2 of Dir. 96/62/EC definitions shall apply: 1. ambient air 2. pollutant	Art. 2 of the Law of the Republic of Lithuania No. VIII-1392 of 4 November 1999 on Ambient Air Protection contains the equivalent definition Art. 2 of the Law on Ambient Air Protection contains the equivalent definition	Yes		
	3. level	Art. 2 of the Law on Ambient Air Protection contains the equivalent definition	Yes		
	4. assessment	Point 2 of the Order on the Ambient Air Quality Assessment	Yes		
	5. limit value	Art. 2 of the Law on Ambient Air Protection contains the definition but it is different from that in the Directive (no restriction to exceed fixed level). Point 2 of the Order on the Ambient Air Quality Assessment contains definition identical to that of	Partial	Problems might arise in enforcement stage due to the inferiority of the legal power hierarchy of the orders of ministers and the laws. Recommended to bring the law into	L; Law amending the Law on Ambient Air Protection.

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
		the directive.		full compliance whilst the orders of minister would only refer to the provisions of the former.	
	6. target value	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
	7. alert threshold	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
	8. margin of tolerance	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition	Yes		
	9. zone	Art. 2 of the <i>Law on Ambient Air Protection</i> Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality" Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> Point 3 of the <i>Ambient Air Quality Assessment Programme</i>	Yes	The definition of zones is to be derived through systematic approach to the existing legislation. Negative effects are not likely to appear in the process of application of such legislation.	
	10. agglomeration	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition Common Order of the MoE&MoH No 470/581 "On Affirmation of List of Zones and Agglomerations for Assessment and Management of Ambient Air Quality"	Yes		
	Following definitions will also apply for this Dir. Purposes: a) "upper assessment threshold" b) "lower assessment threshold"	Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> contains the equivalent definition Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> contains the equivalent definition	Yes		
			Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 3.1	<p>c) "fixed measurements"</p> <p>MS shall take necessary measures to ensure that concentrations of benzene in ambient air, assessed as per Art. 5, do not exceed Annex I limit value according to dates mentioned therein.</p>	<p>Not provided in LT legislation</p> <p>Art. 4 of the <i>Law on Ambient Air Protection</i> (VIII-1392 of 1999 11 04) provides similar measures.</p> <p>Section VI of the <i>Ambient Air Pollution Norms</i></p>	<p>No</p> <p>Yes</p>	<p>Hygiene Norm (Doc. HN 35:2002) approved by MoH Order 512 of 18 October 2002 also establishes maximum allowable concentrations (MAC) for the pollutants, <i>but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.</i></p>	
Art. 3.2 ⁴	<p>Annex I margin of tolerance shall apply in accordance with Art. 8 of Dir. 96/62/EC.</p> <p>[When Annex I limit value is difficult to achieve because of site-specific dispersion characteristics or relevant climate conditions, such as low wind speed &/or conditions conducive to evaporation, & if application of measures were to result in severe socio-economic problems, MS may ask Comm'n for time-limit extension. Comm'n, acting as per Art. 12.2 of Dir. 96/62/EC, may, at a MS request & without prejudice Art. 8.3 of this Dir., grant one extension for a period of up to 5 years if concerned MS:</p> <ul style="list-style-type: none"> - designates zones &/ or agglomerations 	<p>Appendix V of the <i>Ambient Air Pollution Norms</i></p>	<p>Yes</p>		

⁴ Note: If MS makes use of the Art. 3.2 option, the remainder of Art. 3.2 becomes obligatory.

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<ul style="list-style-type: none"> - concerned; - provides necessary justification for such an extension; - demonstrates that all reasonable measures have been taken to lower concentrations of concerned pollutants & to minimise the area over which limit value is exceeded, & - outlines future developments with regards to Art. 8.3 of Dir. 96/62/EC measures. <p>Limit value for benzene to be granted during that time-limited extension shall, however, not exceed 10 µg/m³.]</p>				
Art. 4	MS shall take necessary measures to ensure that concentrations of carbon monoxide in ambient air, assessed under Art. 5, do not exceed Annex II limit values according to dates mentioned therein.	Section VII of the <i>Ambient Air Pollution Norms</i>	Yes		
Art. 5.1	Annex II margin of tolerance shall apply in accordance with Art. 8 of Dir. 96/62/EC. Upper & lower assessment thresholds for benzene & carbon monoxide shall be those laid down in Section I of Annex III. Art. 6 of Dir. 96/62/EC classification of each zone of agglomeration shall be reviewed at least every 5 years in accordance with Section II of Annex III to this Dir.'s procedure. Classification shall be reviewed earlier in the event of significant change in activities relevant to ambient concentrations of benzene or carbon monoxide.	Appendix VI to the <i>Ambient Air Pollution Norms</i> Part 1 (Subsections (e) and (f)) of Appendix 1 of the Order on the <i>Ambient Air Quality Assessment</i> Points 8 to 10 and Part 2 of Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i> Point 10 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 5.2	Criteria for determining location of sampling points for measurement of benzene & carbon monoxide in ambient air shall be those listed in Annex IV. Minimum number of sampling points for fixed measurements of concentrations of each relevant pollutant shall be as laid down in Annex V, & shall be installed in each zone or agglomeration within which measurement is required if fixed measurement is the sole source of data on concentrations within it.	Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i> Part 1 of Appendix 3 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Art. 5.3	For zones & agglomerations within which information from fixed measurement stations is supplemented by information from other sources, such as emission inventories, indicative measurement methods & air quality modelling, the number of fixed measuring stations to be installed & spatial resolution of other techniques shall be sufficient for concentrations of air pollutants to be established in accordance with Section I of Annex IV, & Section I of Annex VI.	Section IV of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Art. 5.4	[For zones & agglomerations within which measurement is not required, modelling or objective-estimation techniques may be used.]				
Art. 5.5	Reference methods for analysis & sampling of benzene & carbon monoxide shall be as laid down in Annex VII, Sections I & II. Annex VII, Section III will set out reference techniques for air quality modelling when such techniques are available.	Parts 6 and 7 of Appendix 4 to the Order on the <i>Ambient Air Quality Assessment</i>	Partial	No reference techniques for air quality modelling are available in the EU legislation. Therefore no reference techniques for modelling a stipulated under LT law.	
Art. 5.6	[MS shall inform Comm'n of methods used under point (d) of Art. 11.1 of Dir. 96/62/EC for preliminary assessment of air quality by				

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	13.12.2002.]				
Art. 5.7	[Any amendments necessary to adapt this Art. & Annexes III to VII to scientific & technical progress shall be adopted in accordance with Art. 6.2 procedure but may not result in any direct or indirect changes to limit values.]				
Art. 7.1	MS shall ensure that up-to-date information on ambient concentrations of benzene & carbon monoxide is routinely made available to public as well as to appropriate organisations, such as environmental, consumer organisations, organisations representing sensitive populations interests & other relevant health-care bodies, by means, for example, of broadcast media, press, information screens or computer-network services, teletext, telephone or fax.	Point 23 of the <i>Ambient Air Pollution Norms</i> Government Regulation No. 1175 of 22 October 1999 "On Affirmation of the Description of the Order for Provision of Environmental Information to the Public in the Republic of Lithuania" establishes the order for public access to information. In practice, the information on ambient air concentration is available to the public by computer-network services.	Yes	1. Art. 17 of the Law the Law of the Republic of Lithuania No. VIII-529 of 20 October 1997 on Environmental Monitoring provides that information on ambient air is available to the public in accordance laws. 2. Order of the MoE & MoH No. D1-265/V-436 "On the Approval of the Order of Provision of the Information on the Ambient Air Pollution Levels Exceeding the Alert or Information Thresholds to the Public and Concerned Institutions" of 26 May 2005.	There still are problems with recognition of the representative powers of certain organisations, communities. LT is not obliged to provide for the right of collective claims in its civil or administrative procedures, however, absence of such possibility hinders effective participation of and representation of interests by various organisations.
	Information on ambient concentrations of benzene, as an average value over the last 12 months, shall be updated on at least a 3-monthly basis &, wherever practicable, information shall be updated on a monthly basis.	Point 23.3 of the <i>Ambient Air Pollution Norms</i>	Yes		
	Information on ambient concentrations of	Point 23.3 of the <i>Ambient Air Pollution Norms</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	carbon monoxide, as a maximum running average over 8 hours, shall be updated on at least a daily basis &, wherever practicable, information shall be updated on an hourly basis.				
	Art. 7.1 second subparagraph information shall at least indicate any excess of concentrations stated in the limit values over Annexes I & II averaging periods & provide a short assessment in relation to limit values & appropriate information regarding effects on health.	Point 24 of the <i>Ambient Air Pollution Norms</i>	Yes		
Art. 7.2	When making plans or programmes available to the public under Art. 8.3 of Dir. 96/62/EC, MS shall also make them available to Art.7.1 organisations. This also includes Annex VI (II) documentation.	Point 23 of the <i>Ambient Air Pollution Norms</i> Government Regulation No. 1175 "On Affirmation of the Description of the Order for Provision of Environmental Information to the Public in the Republic of Lithuania" 22 October 1999.	Partially	Art. 17 of the Law On Environmental Monitoring (No VIII-529, adopted on 20 October 1997) provides that information on ambient air is available to the public in accordance laws.	
Art. 7.3	Art. 7.1 & 2 information made available to public & to organisations shall be clear, comprehensible & accessible.	Point 24 of the <i>Ambient Air Pollution Norms</i>	Yes	Art. 9 of the <i>Law on Ambient Air</i> <i>Protection</i> contains similar provision.	
Art. 9	MS shall determine penalties applicable to breaches of national provisions adopted pursuant to this Dir. Penalties shall be effective, proportionate & dissuasive.	Code on Violation of Administrative Law provides fines for breaches of <i>Ambient Air Quality Norms</i> .	Partial	The effectiveness, proportionality & dissuasiveness of the measures usually prescribed for environmental offences in Lithuania are yet to be assessed on the Community level.	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 10.1	MS shall bring into force laws, regulations & administrative provisions necessary to comply with this Dir. By 13.12.2002 at the latest & inform Comm'n thereof.	Point 52 of Government Resolution No. 21 of 19 January 2004 on Co-ordination of the European Union matters the Government Office to inform the Commission on transpositions and implementation of directives into national law	Yes		
	Adopted measures must contain reference to this Dir. Or be accompanied by such reference on the occasion of their publication & MS shall determine how such reference is made.	Preambles of the <i>Ambient Air Pollution Norms</i> , Order on <i>Ambient Air Quality Assessment and the Ambient Air Quality Assessment Programme</i> .	Yes		
Art. 10.2	MS must communicate to Comm'n main provisions of national law adopted in field covered by this Dir.	Point 52 of Government Resolution No. 21 of 19 January 2004 on Co-ordination of the European Union matters the Government Office to inform the Commission on transpositions and implementation of directives into national law	Yes		
Annex I	Limit value for benzene	Appendix 5 of the <i>Ambient Air Pollution Norms</i>	Yes	Hygiene Norms (Doc. HN 35-1998) approved by MHC Order 779 of 1998 12 24 establish maximum allowable concentrations, but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive. However, if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.	
Annex II	Limit value for carbon monoxide	Appendix 6 of the <i>Ambient Air Pollution Norms</i>	Yes	Hygiene Norms (Doc. HN 35-1998) approved by MHC Order 779 of 1998 12 24 establish maximum allowable concentrations, but they are defined just for residential and recreational areas. Also they might be not equivalent to those specified in the Directive. However,	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
				<i>if they are stricter, it would be justifiable under the terms of health policy because these limit values apply to the residential and recreational territories.</i>	
Annex III	Determination of requirements for assessment of concentrations of benzene & carbon monoxide in ambient air within a zone or agglomeration	Sections (e) and (f) of Part 1 Appendix 1 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex IV	Location of sampling points for measurement of concentrations of benzene & carbon monoxide in ambient air	Appendix 2 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex V	Criteria for determining numbers of sampling points for fixed measurement of concentrations of benzene & carbon monoxide in ambient air	Appendix 3 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex VI	Data quality objectives & compilation of results of air quality assessment	Appendix 5 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		
Annex VII	Reference methods for assessment of concentrations of benzene & carbon monoxide	Part 6 and 7 of Appendix 4 of the Order on the <i>Ambient Air Quality Assessment</i>	Yes		

Preparation of National Emission Reduction and Ambient Air Quality Assessment Programmes Table of Concordance	
Country:	Lithuania
Person(s) completing Table:	Dr. Dalia Foigt
Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air	
Date Table Completed: 31 July 2005	

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no/partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 1	[Objectives]	Common Order of MoE & MoH No. 544/508 "On Affirmation of the Ozone Norms and Assessment in the Ambient Air" of 17 October 2002.		Hereinafter referred to as the <i>Ozone Norms and Assessment</i>	
Art. 2	Definitions: 1. ambient air	Art. 2 of the <i>Law on Ambient Air Protection</i> No. VIII-1392 of 04 December 1999 contains the equivalent definition; Point 2 of the <i>Ozone Norms and Assessment</i> the equivalent definition".	Yes	Hereinafter referred to as the <i>Law on Ambient Air Protection</i>	
	2. pollutant	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition; Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
	3. ozone precursor substances	Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
	8. level	Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition; Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
	5. assessment	Point 2 of the <i>Ozone Norms and Assessment</i> .	Yes		
	6. fixed measurements	Point 2 of the <i>Ozone Norms and Assessment</i> .	Yes		
	7. zone	Art. 2 of the <i>Law on Ambient Air Protection</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
		Point 2 of the <i>Ozone Norms and Assessment</i> ; Point 2 of the Order on the <i>Ambient Air Quality Assessment</i> .			
8. agglomeration		Art. 2 of the <i>Law on Ambient Air Protection</i> contains the equivalent definition; Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
9. target value		Art. 2 of the <i>Law on Ambient Air Protection</i> contains the definition, but it is different from that in the Directive; Point 2 of the <i>Ozone Norms and Assessment</i> contains in principal the equivalent definition, which is used specifically for ozone contamination level.	Yes		
10. long-term objective		Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
11. alert threshold		Art. 2 of the <i>Law on Ambient Air Protection</i> ; Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
12. information threshold		Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
13. volatile organic compounds		Point 2 of the <i>Ozone Norms and Assessment</i> contains the equivalent definition.	Yes		
Art. 3.1	The target values for 2010 in respect of ozone concentrations in ambient air are those set out in Section II of Annex I.	Point 4 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 3.2	MS shall draw up a list of zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the target values referred to in paragraph 1.	Point 5 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. The Ministry of Environment and the Ministry of Health are responsible for drawing up the lists of such	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 3.3	For the zones and agglomerations referred to in paragraph 2, MS shall take measures to ensure, in accordance with the provisions of Directive 2001/81/EC, that a plan or programme is prepared and implemented in order to attain the target value, save where not achievable through proportionate measures, as from the date specified in Section II of Annex I.	zones and agglomerations. Point 6 of the <i>Ozone Norms and Assessment</i> . It does not specify according to what requirements the programmes and the plans for attaining the target value shall be prepared.	Partial	In order to comply with the Art. 3.3 of the Directive 2002/3/EC, the <i>Ozone Norms and Assessment</i> must be amended to specify the requirements for the preparation of the programmes and the plans aimed at attaining the target value.	Amendment of MO
	Where, in accordance with Article 8(3) of Directive 96/62/EC, plans or programmes must be prepared or implemented in respect of pollutants other than ozone, MS shall, where appropriate, prepare and implement integrated plans or programmes covering all the pollutants concerned.	Point 6 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 3.4	The plans or programmes, referred to in paragraph 3, shall incorporate at least the information listed in Annex IV to Directive 96/62/EC and shall be made available to the public and to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies.	Point 7 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm; Appendix 7 of the Common Order of MoE&MoH No. 591/640 " <i>On Designation of Ambient Air Pollution Norms</i> " of 11 December 2001 contains the list of information, which shall be included into the plans and programmes.	Yes		
Art. 4.1	The long-term objectives for ozone concentrations in ambient air are those set out in Section III of Annex I.	Point 8 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 4.2	MS shall draw up a list of the zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance	Point 9 of the <i>Ozone Norms and Assessment</i> .	No	Point 9 of the <i>Ozone Norms and Assessment</i> does not specify that levels of ozone in ambient air must be	Amendment of MO

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>with Article 9, are higher than the long-term objectives referred to in paragraph 1 but below, or equal to, the target values set out in Section II of Annex I. For such zones and agglomerations, Member States shall prepare and implement cost-effective measures with the aim of achieving the long-term objectives. The measures taken shall, at least, be consistent with all plans or programmes specified in Article 3(3). Furthermore, they shall build upon measures taken under the provisions of Directive 2001/81/EC and other relevant existing and future EC legislation.</p>			<p>below, or equal to, the target values set out in Section II of Annex I of the <i>Ozone Norms and Assessment</i>. It does not establish the obligation of the Ministry of Environment and Ministry of Health to prepare cost-effective measures for such zones with the aim of achieving the long-term objectives. The <i>Ozone Norms and Assessment</i> must be amended respectively.</p>	
Art. 4.3	<p>Community progress towards attaining the long-term objectives shall be subject to successive reviews, as part of the process set out in Article 11 and in connection with Directive 2001/81/EC, using the year 2020 as a benchmark and taking account of progress towards attaining the national emission ceilings set out in the said Directive.</p>	<p>Point 10 of the <i>Ozone Norms and Assessment</i> provides that while reviewing the long-term objectives the progress of the <i>national emissions</i> reduction shall be taken into account. However according to the Art. 4.3 of the Directive 2002/3/EC the long-term objectives shall be subject to <i>the progress towards attaining the national emission ceilings</i>. The criteria established in the <i>Ozone Norms and Assessment</i> ("progress of the reduction of national emissions") is different from the criteria set in the Directive ("progress towards attaining the national emission ceilings"). The Lithuanian provision has a different meaning.</p>	Partial	<p>There is a necessity to clarify that after the national emission ceilings in Lithuania have been attained the goal is to continue reducing the emissions, however while remaining aware of the set national emissions ceilings and their envisioned reduction. The <i>Ozone Norms and Assessment</i> must be amended respectively in order to clearly set the eventual aim.</p>	Amendment of MO
Art. 5	<p>MS shall draw up a list of zones and agglomerations in which ozone levels meet the long term objectives. In so far as factors including the transboundary nature of ozone pollution and meteorological conditions permit, they shall maintain the levels of ozone in those zones and agglomerations</p>	<p>Point 11 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	below the long-term objectives and shall preserve through proportionate measures the best ambient air quality compatible with sustainable development and a high level of environmental and human health protection.				
Art. 6.1	MS shall take appropriate steps to:				
Art. 6.1(a)	ensure that up-to-date information on concentrations of ozone in ambient air is routinely made available to the public as well as to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies.	<p>Point 12.1 of the <i>Ozone Norms and Assessment</i>, but using the abbreviation "i.e." it establishes an exhaustive list of organisations which shall be provided with the information on concentrations of ozone in ambient air;</p> <p>Point 2 of the Common Order of the MoE & MoH No D1-265/V-436 on Approval of the Rules on Provision of Information to the Public and the Interested Institutions on Ambient Air Pollution Levels, which exceed the Alert Threshold or Information Threshold of 26 May 2005. This Order contains the detailed rules regarding the provision of information to the public and the interested institutions, when the alert threshold and information threshold of O₃ established in the Rules are exceeded. The detailed list of responsible institutions has been established.</p>	Partial	In order to fully comply with this provision of the Directive 2002/3/EC, an exhaustive list must be changed to a recommended list of institutions. The <i>Ozone Norms and Assessment</i> must be amended respectively.	Amendment of MO
	This information shall be updated on at least a daily basis and, wherever appropriate and practicable, on an hourly basis.	Point 12.1 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	Such information shall at least indicate all excess of the concentrations in the long-term objective for the protection of health, the information threshold and the alert threshold for the relevant averaging period. It should also provide a short assessment in relation to effects on health.	Point 12.1 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 6.1(b)	<p>The information threshold and the alert threshold for concentrations of ozone in ambient air are given in Section I of Annex II; make available to the public and to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies comprehensive annual reports which shall at least indicate, in the case of human health, all excess of concentrations in the target value and the long-term objective, the information threshold and the alert threshold, for the relevant averaging period, and in the case of vegetation, any excess of the target value and the long-term objective, combined with, as appropriate, a short assessment of the effects of these excess. They may include, where appropriate, further information and assessments on forest protection, as specified in section I of Annex III. They may also include information on relevant precursor substances, in so far as these are not covered by existing Community legislation;</p> <p>ensure that timely information about actual or predicted excess of the alert threshold is provided to health care institutions and the population.</p>	<p>Point 12.1 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p> <p>Point 12.2 of the <i>Ozone Norms and Assessment</i>, but using the abbreviation "i.e." it establishes an exhaustive list of organisations which shall be provided with the annual reports.</p>	<p>Yes</p> <p>Partial</p>	<p>In order to fully comply with this provision of the Directive 2002/3/EC, an exhaustive list must be changed to a recommended list of institutions. The <i>Ozone Norms and Assessment</i> must be amended respectively.</p>	<p>Amendment of MO</p>
Art. 6.1I	<p>The information and reports referred to above shall be published by appropriate means, depending on the case, for example the broadcasting media, the press or publications, information screens or computer network services, such as the</p>	<p>Point 12.3 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p> <p>Point 12.3 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	<p>Yes</p> <p>Yes</p>		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 6.2	internet. Details supplied to the public in accordance with Article 10 of Directive 96/62/EC when either threshold is exceeded shall include the items listed in Section II of Annex II. Member States shall, where practicable, also take steps to supply such information when an excess of the information threshold or alert threshold is predicted.	Point 13 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 6.3	Information supplied under paragraphs 1 and 2 shall be clear, comprehensible and accessible.	Point 12.1 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 7.1	In accordance with Article 7(3) of Directive 96/62/EC, MS shall draw up action plans, at appropriate administrative levels, indicating specific measures to be taken in the short term, taking into account particular local circumstances, for the zones where there is a risk of excess of the alert threshold, if there is a significant potential for reducing that risk or for reducing the duration or severity of any excess of the alert threshold. Where it is found that there is no significant potential for reducing the risk, duration or severity of any excess in the relevant zones, MS shall be exempt from the provisions of Article 7(3) of Directive 96/62/EC. It is for Member States to identify whether there is significant potential for reducing the risk, duration or severity of any excess, taking account of the national geographical, meteorological and economic conditions.	Point 14 of the <i>Ozone Norms and Assessment</i> . The Joint Research Centre of the Ministry of Environment together with the REPD are designated as responsible institutions.	Yes		
Art. 7.2	The design of short-term action plans, including trigger levels for specific actions, is the responsibility of MS. Depending on the	Point 15 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	<p>individual case, the plans may provide for graduated, cost-effective measures to control and, where necessary, reduce or suspend certain activities, including motor vehicle traffic, which contribute to emissions which result in the alert threshold being exceeded. These may also include effective measures in relation to the use of industrial plants or products.</p>	<p>institutions – municipalities.</p>			
Art. 7.3	<p>When developing and implementing the short-term action plans, MS shall consider examples of measures (the effectiveness of which has been assessed), [which should be included in the guidance referred to in Article 12.]</p>	<p>Point 16 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institutions – municipalities together with the REPD.</p>	Yes		
Art. 7.4	<p>MS shall make available to the public and to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies both the results of their investigations and the content of specific short-term action plans as well as information on the implementation of these plans.</p>	<p>Point 17 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institutions – municipalities together with the REPD.</p>	Yes		
Art. 8.1	<p>Where ozone concentrations exceeding target values or long-term objectives are due largely to precursor emissions in other MS, the MS concerned shall cooperate, where appropriate, in drawing up joint plans and programmes in order to attain the target values or long-term objectives, save where not achievable through proportionate measures. The Commission shall assist in those efforts.</p>	<p>Point 18 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	[In carrying out its obligations under Article 11, the Commission shall consider, taking into account Directive 2001/81/EC, in particular Article 9 thereof, whether further action should be taken at Community level in order to reduce precursor emissions responsible for such transboundary ozone pollution.]	No obligation for MS.			
Art. 8.2	MS shall, if appropriate according to Article 7, prepare and implement joint short-term action plans covering neighbouring zones in different MS. MS shall ensure that neighbouring zones in different Member States, which have developed short-term action plans, receive all appropriate information.	Point 19 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institution is the Ministry of Environment.	Yes		
Art. 8.3	Where excess of the information threshold or alert threshold occur in zones close to national borders, information should be provided as soon as possible to the competent authorities in the neighbouring MS concerned in order to facilitate the provision of information to the public in those States.	Point 20 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institution is the Ministry of Environment.	Yes		
Art. 8.4	In drawing up the plans and programmes referred to in paragraph 1 and 2 and in informing the public as referred to in paragraph 3, MS shall, where appropriate, pursue cooperation with third countries, with particular emphasis on accession candidate countries.	Art. 7.3. of the <i>Law on Ambient Air Protection</i> contains the provision, according to which the Ministry of Environment has a right to consult the institutions of other states regarding the pollution reducing issues. However, there are no provisions as to the consultation with third countries as per Art. 8.4 of the Directive 2002/3/EC, as well as regarding the <i>plans and programmes</i> referred to in 8.1 and 8.2 of the said directive.	No	The <i>Ozone Norms and Assessment</i> must be amended respectively.	Amendment of MO
Art. 9.1	In zones and agglomerations where, during	Point 21 of the <i>Ozone Norms and Assessment</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
	any of the previous five years of measurement, concentrations of ozone have exceeded a long-term objective, fixed continuous measurement is mandatory.	contains the equivalent norm.			
	Where fewer than five years' data are available, MS may, to determine excess, combine measurement campaigns of short duration at times and locations likely to be typical of the highest pollution levels with results obtained from emission inventories and modelling.	Point 21 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	Annex IV sets out criteria for determining the location of sampling points for the measurement of ozone.	Point 21 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	Section I of Annex V sets out the minimum number of fixed sampling points for continuous measurement of ozone in each zone or agglomeration within which measurement is the sole source of information for assessing air quality.	Point 21 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	Measurements of nitrogen dioxide shall also be made at a minimum of 50 % of the ozone sampling points required by Section I of Annex V. Measurement of nitrogen dioxide shall be continuous, except at rural background stations, as defined in section I of Annex IV, where other measurement methods may be used.	Point 21 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	For zones and agglomerations within which information from sampling points for fixed measurement is supplemented by information from modelling and/or indicative measurement, the total number of sampling points specified in Section I of Annex V may be reduced, provided that:	Point 21 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 9.1(a)	the supplementary methods provide an adequate level of information for the assessment of air quality with regard to target values, information and alert thresholds;	Point 21.1. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 9.1(b)	the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of ozone to be established in accordance with the data quality objectives specified in Section I of Annex VII and lead to assessment results as specified in Section II of Annex VII;	Point 21.2. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 9.1I	the number of sampling points in each zone or agglomeration amounts to at least one sampling point per two million inhabitants or one sampling point per 50000 km ² , whichever produces the greater number of sampling points;	Point 21.3. of the <i>Ozone norms and assessment</i> contains the equivalent norm.	Yes		
Art. 9.1(d)	each zone or agglomeration contains at least one sampling point, and	Point 21.4. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 9.1(e)	nitrogen dioxide is measured at all remaining sampling points except at rural background stations.	Point 21.5. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
	In this case, the results of modelling and/or indicative measurement shall be taken into account for the assessment of air quality with respect to the target values.	Point 22 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 9.2	In zones and agglomerations where, during each of the previous five years of measurement, concentrations are below the long-term objectives, the number of continuous measurement stations shall be determined in accordance with Section II of Annex V.	Point 22 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 9.3	<p>Each MS shall ensure that at least one measuring station to supply data on concentrations of the ozone precursor substances listed in Annex VI is installed and operated in its territory. Each MS shall choose the number and siting of the stations at which ozone precursor substances are to be measured, taking into account the objectives, methods and recommendations laid down in the said Annex.</p> <p>[As part of the guidance developed under Article 12, guidelines for an appropriate strategy to measure ozone precursor substances shall be laid down, taking into account existing requirements in Community legislation and the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP).]</p>	<p>Point 23 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	Yes		
Art. 9.4	<p>Reference methods for analysis of ozone are set out in Section I of Annex VIII. Section II of Annex VIII provides for reference modelling techniques for ozone.</p>	<p>No obligations for MS.</p>			
Art. 10.1	<p>When forwarding information to the Commission under Article 11 of Directive 96/62/EC, MS shall also, and, for the first time, for the calendar year following the date referred to in Article 15(1):</p>	<p>Point 24 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	Yes		
Art. 10.1(a)	<p>send to the Commission for each calendar year no later than 30 September of the following year the lists of zones and agglomerations referred to in Article 3(2), Article 4(2) and Article 5;</p>	<p>Point 25 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institution - Joint Research Centre.</p>	Yes		
Art.	<p>send to the Commission a report giving an overview of the situation as regards excess of</p>	<p>Point 25.1. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.</p>	Yes		
Art.		<p>Point 25.2. of the <i>Ozone Norms and Assessment</i></p>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
10.1(b)	the target values as laid down in section II of Annex I. This report shall provide an explanation of annual excess of the target value for the protection of human health. The report shall also contain the plans and programmes referred to in Article 3(3). The report shall be sent no later than two years after the end of the period during which excess of the target values for ozone were observed;	contains the equivalent norm.			
Art. 10.1I	inform the Commission every three years of the progress of any such plan or programme.	Point 25.3. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2	Furthermore, MS shall, for the first time, for the calendar year following the date referred to in Article 15(1):	Point 26 of the <i>Ozone Norms and Assessment</i> contains the equivalent norm. Responsible institution - Joint Research Centre.	Yes		
Art. 10.2(a)	for each month from April to September each year, send to the Commission, on a provisional basis,	Point 26.1. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2(a)(i)	by no later than the end of the following month, for each day with excess(s) of the information and/or the alert threshold, the following information: date, total hours of excess, maximum 1 h ozone value(s);	Point 26.1.1. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2(a)(ii)	by no later than 31 October each year, any other information specified in Annex III;	Point 26.1.2. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2(b)	for each calendar year no later than 30 September of the following year, send to the Commission the validated information specified in Annex III and the annual average concentrations for that year of the ozone	Point 26.2. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 10.2I	precursor substances specified in Annex VI; forward to the Commission every three years, within the framework of the sectoral report referred to in Article 4 of Council Directive 91/692/EEC(11), and no later than 30 September following the end of each three-year period;	Point 26.3. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2I(i)	information reviewing the levels of ozone observed or assessed, as appropriate, in the zones and agglomerations referred to in Articles 3(2), Article 4(2) and Article 5;	Point 26.3.1. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.2I(ii)	information on any measures taken or planned under Article 4(2), and	Point 26.3.2. of the <i>Ozone norms and assessment</i> contains the equivalent norm.	Yes		
Art. 10.2I(iii)	information regarding decisions on short-term action plans and concerning the design and content, and an assessment of the effects, of any such plans prepared in accordance with Article 7.	Point 26.3.3. of the <i>Ozone Norms and Assessment</i> contains the equivalent norm.	Yes		
Art. 10.3	The Commission shall: [...]	No obligations for MS			
Art. 10.5	The date by which MS shall inform the Commission of the methods used for the preliminary assessment of air quality under Article 11(1)(d) of Directive 96/62/EC shall be no later than 9 September 2003.	Not provided in LT legislation, because LT to that time was not a member of EU.	Yes		
Art. 11.1	The Commission shall [...]	No obligations for MS			

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Art. 12.1	The Commission shall [...]	No obligations for MS			
Art. 13.1	The Commission shall [...]	No obligations for MS			
Art. 14	MS shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties shall be effective, proportionate and dissuasive.	Code on Administrative Violations of Law provides fines for breaches of Ambient Air Quality Norms.	Yes	The effectiveness, proportionality & dissuasiveness of the measures usually prescribed for environmental offences in Lithuania are yet to be assessed on the Community level.	
Art. 15.1	MS shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 9 September 2003. They shall forthwith inform the Commission thereof.	To that time Lithuania was not a member of the European Union.			
	When MS adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. MS shall determine how such reference is to be made.	The <i>Ozone Norms and Assessment</i> , the Order of the MoE No 517 "On Affirmation of the Ambient Air Quality Assessment Programme" of 23 October 2003 and the Order of the MoE No D1-364 "On Amendment to the Order of the MoE No 323 "Regarding the Annual Report on Ambient Air Quality to the Commission" of 02 July 2004 contain references to the Directive.	Yes		
Art. 15.2	MS shall communicate to the Commission the text of the main provisions of national law, which they adopt in the field covered by this Directive.	Point 52 of the Governmental Regulation No 21 on Co-ordination of the European Union Matters of 09 January 2004 obligates the Government Office to inform the Commission on national legal acts, transposing and implementing the directives into national law, and to include these acts into an electronic notification data base.	Yes		
Art. 16	[...]	No obligations for MS.			
Art. 17	[...]	No obligations for MS.			
Annex I	Definitions, target values and long-term	Appendix I of the <i>Ozone Norms and Assessment</i>	Yes		

Art.	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/ no/ partial)	Comments	If not in full accordance, how should transposition occur (L, GR, MO)?
Annex II	objectives for ozone Information and alert thresholds	contains equivalent norms. Appendix II of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex III	Information submitted by member states to the commission and criteria for aggregating data and calculating statistical parameters	Appendix III of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex IV	Criteria for classifying and locating sampling points for assessments of ozone concentrations	Appendix IV of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex V	Criteria for determining the minimum number of sampling points for fixed measurement of concentrations of ozone	Appendix V of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex VI	Measurements of ozone precursor substances	Appendix VI of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex VII	Data quality objectives and compilation of the results of air quality assessment	Appendix VII of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		
Annex VIII	Reference method for analysis of ozone and calibration of ozone instruments	Appendix VIII of the <i>Ozone Norms and Assessment</i> contains equivalent norms.	Yes		

Preparation of National Emission Reduction and Ambient Air Quality Assessment
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Abbreviations and Terms for the Legislation Gap Assessment Report

ToC	Table of Concordance
MoH	Minister of Health of the Republic of Lithuania
MoE	Minister of Environment of the Republic of Lithuania
LT	Republic of Lithuania
REPD	Regional Environmental Protection Department
EPA	Environment Protection Agency
Comm	European Commission (in the ToC)
EU AAQ pollutants	Chemical substances under the EU Ambient Air Quality legislation
AAQ legislation	EU Ambient Air Quality legislation