

# REPUBLIC OF LITHUANIA

## LAW ON WATER

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### Chapter I GENERAL PROVISIONS

#### Article 1. Purpose of the Law

1. This Law shall regulate the ownership of the internal bodies of water of the Republic of Lithuania, the management, use and protection of their water resources, relations between the owners and users of water bodies and the rights and obligations of legal and natural persons using internal bodies of water and their resources.

2. Relations pertaining to the use of water resources shall be regulated by taking into account the creation of conditions necessary to meet the needs of the economy and population, to guarantee a sustainable use of surface and ground water resources, to enhance their condition, to prevent waters from pollution and also to protect the rights of owners of bodies of water and users of their water resources.

#### Article 2. Application of the Law

1. The Law shall apply to all of the internal bodies of water of the Republic of Lithuania and their water resources, irrespective of their intended use or ownership.

2. The Law on the Protection of the Marine Environment shall establish the rights and duties of legal and natural persons, engaged in activities, that directly or indirectly shall affect the marine environment and its natural resources.

3. The Law on the Earth Entrails shall regulate the use of geothermal, brine and mineralised waters.

#### Article 3. Basic Definitions of This Law

1. **Environmentally Protected Water Debit** means the minimum debit of river water, required to ensure minimum conditions for the survival of the ecosystem.

2. **Drinking Water** means fresh water, extracted from natural sources or specially prepared, meets the standards for drinking water established in the Republic of Lithuania.

3. **Hydrographical Network** means the entirety of natural and regulated rivers, canals, lakes, reservoirs, ponds and other surface bodies of water.

4. **Hydrotechnological Facilities** means buildings and facilities for use of water resources and protection of environment from harmful effects of water. These include dams, embankments, sluices, hydro-power plants, shipping facilities etc.

5. **Sewerage** means the system of engineering facilities for the collection and discharge of waste water.

6. **Mineral Water** means water having a greater variety of mineral substances than simple drinking water and (or) producing a certain physiological effect.

7. **Waste Water** means liquid waste produced by households, agriculture or industry and also surface (rain) water collected by the sewerage network.

8. **Limits of Water Waste Contamination** means the permissible concentrations of pollutants of the waste water to be released into the environment approved by state institutions.

9. **Waste Water Treatment Plant** means a set of engineering facilities for treatment of waste water.

10. **Border Area Waters** means bodies of surface and ground water adjacent to the state border, or cross-border bodies of water which lie on the territory of two or more states.

11. **Resources of Surface Water** means quantitatively estimated water content of surface water bodies.

12. **Body of Surface Water** means a depression in the surface of the ground, filled permanently or temporarily, with flowing or stationary water. This includes: rivers, lakes, ponds, canals, etc.

13. **Surface Water** means water flowing or stationary on the ground surface.

14. **Resources of Ground Water** means quantitatively estimated water in the earth entrails.

15. **Underground Body of Water** means a cavity within the agreed limits of the earth entrails, the quantity and quality whereof has been explored.

16. **Ground Water** means extractable water contained in the cavities of the earth crust.
17. **Reservoir** means a water body in a natural or man-made depression on the ground surface or a dammed area, supplied with hydrotechnological facilities.
18. **Public Stock of Internal Waters** includes all the ground water bodies located on the Republic of Lithuania territory and the surface water bodies owned by the State of Lithuania.
19. **Water Resources** include quantitatively estimated water in surface and ground water bodies, located in a specific area (state, county, river-basin, etc.)
20. **Cadastre of Water Resources** means the official registers of water bodies containing data of the properties of these bodies and the water contained in them.
21. **Monitoring of Water Resources** means the systematic observation of surface and ground water quantity and quality and the assessment and prognosis of natural changes and antropogenic effects.
22. **Quality of Water** means the description of the properties and composition of water, indicating its suitability for specific uses of water.
23. **Water Quality Standards** means the permissible limit values approved by national institutions for various properties and composition of water with respect to designations of its use.
24. **Users of Water** means legal and natural persons who extract water from a water body or discharge waste water into the environment, and also persons who use a water body for various needs (hydropower, navigation, fishing, etc.)
25. **Subscribing Users of Water** means legal and natural persons, taking water from public supply or other water users or discharging waste water into public sewerage or other water users systems.
26. **Water Flow Rate** means the amount of water flowing in a river or canal over a certain period of time.
27. **Owner of a Water Body** means a natural person, who is the owner of a surface water body.
28. **Water Bodies** means surface or ground water bodies (internal waters).
29. **Water Supply System** means a set of engineering facilities used for water extraction, improvement and supply of water users.
30. **Water Extraction Site** means an area where water is extracted for the purpose of supplying it to users.
31. **Protection Area around the Water Extraction Site** denotes the protection area surrounding the water extraction site which is subject to certain limitations imposed on the activities of land users.
32. **Internal Waters** means all of the surface and ground bodies of water located on the land territory of the Republic of Lithuania.

## **Chapter II**

### **OWNERSHIP OF WATER RESOURCES AND RIGHTS AND DUTIES OF THEIR USERS**

#### **Article 4. Water Resources and Their Ownership**

1. Water resources comprise a component part of the natural resources of the Republic of Lithuania. The use thereof shall comply with the Constitution of Republic of Lithuania, the Laws on Environmental Protection, the Law on the Earth Entrails, as well as this and other laws and legal acts.
2. The water resources of the Republic of Lithuania include the water resources of the public stock of internal waters and of private water bodies.

#### **Article 5. Water Bodies and Their Ownership**

1. Any surface water body, located within the Republic of Lithuania, may belong by right of ownership only to a citizen or the State of the Republic of Lithuania.
2. All the ground water bodies belong to the public stock of internal waters and shall be considered the exclusive property of the State.
3. The public stock of internal surface water bodies shall include:
  - 1) the Curonian Lagoon;
  - 2) rivers of permanent flow the basin of which is no less than 25 sq. km or which link lakes included in the public stock of internal waters;
  - 3) lakes, linked by rivers attributed to the national internal waters stock, as well as lakes, attributed by the public stock of internal waters by the Government or an institution authorised by the Government;
  - 4) potentially dangerous reservoirs the area of which is larger than 5 hectares or the height of the barrier exceeds 3 metres;
  - 5) all other non-private water bodies;

6) internal water bodies of national importance belonging to the State by the exclusive right of ownership, not indicated in paragraphs 1 - 5. The Government shall approve the list of internal water bodies of national importance.

4. The ownership of the water bodies indicated in paragraphs 2 - 4 of part 3 of this Article may be altered only in cases of the restitution of these bodies to private ownership.

5. Other laws of the Republic of Lithuania shall establish the procedure of restitution of water bodies to private ownership.

6. Lakes and reservoirs shall be privatised or returned to several owners only according on the basis of ownership rights in the procedure established by the laws of the Republic of Lithuania.

#### **Article 6. The Right of Management of Water Resources**

The Government or institutions authorised by the Government shall manage water resources according to the procedure established by this and other laws of the Republic of Lithuania.

#### **Article 7. The Users of Water Resources**

1. The users of water resources shall include legal and natural persons who:

1) in accordance with the procedure established by the Government or an institution authorised by it, have leased surface bodies of water for specific uses according to conditions established in the lease contracts;

2) extract water from water bodies or discharge waste water into the natural environment;

3) use water bodies and resources for the purposes of hydro-power, navigation and the needs of fishery ponds.

2. Users of water resources shall also include legal and natural persons who use water freely (without a license) for the needs indicated in Article 26 of this Law.

#### **Article 8. Rights of the Users of Water Resources**

Legal and natural persons using water resources, shall have the right to:

1) use water resources for purposes of activities regulated by law;

2) freely use income, obtained through use of water resources;

3) permit other legal and natural persons to use water resources on a contractual basis, in instances and conditions stipulated by laws or with the consent of institutions authorised by the Government.

#### **Article 9. Rights of the Owners of Water Bodies**

1. The owner of surface water bodies shall enjoy the rights of ownership as established by the Civil Code of the Republic of Lithuania.

2. An owner shall have the right to use water resources according to the procedure and terms established by laws governing the use of water.

#### **Article 10. Duties of the Users of Water Resources and Water Bodies**

1. The users of water bodies attributed to the public stock of internal water and owners of private water bodies must:

1) observe the requirements for the maintenance, repair and reconstruction of reservoirs and their hydrotechnological facilities, ensure the stability of the banks of surface water bodies. The maintenance and use of potentially dangerous reservoirs and their hydrotechnological facilities shall be regulated by the Law on the Maintenance of Potentially Dangerous Facilities and other legal acts;

2) establish a protection area of strict regime around the water extraction site, according to the standard requirements;

3) according to standard requirements to establish protective strips along the banks of surface water bodies and to ensure their maintenance;

4) to change the water level of lakes and ponds, to increase or regulate the depth of rivers, perform dredging work or change banks, construct dams or other hydrotechnological facilities only with the permission of the institution authorised to issue such permits by the Ministry for Environmental Protection;

5) to ensure a sustainable use of water, not to exceed the established water usage limits or the limit values for waste water and pollutants discharged into the natural environment;

6) not to violate the rights of other users of water resources and also not to cause any harm to the landscape and its elements (terrain, soil, flora, fauna), earth entrails, economic and recreational and other facilities;

- 7) ensure the right of population to bathe in, water their animals or otherwise utilise private water bodies according to the procedure established by servitudes;
  - 8) to ensure adequate use of engineering facilities for the treatment of waste water and other facilities that might have an impact on the condition of waters, to enhance their characteristics for use;
  - 9) not to destroy aquatic flora and fauna;
  - 10) not to breed and introduce without a license new species of aquatic fauna and flora into the Republic of Lithuania;
  - 11) to maintain accounting records for the use of water in the established procedure, to conduct monitoring according to the Law on the Monitoring of the Environment;
  - 12) to refrain from any activity, in internal water bodies (water courses) designated for navigation, which may pose danger to safety of navigation or the quality of watercourses.
2. The duties of owners of the surface water bodies may be fully or partially transferred to lessees of the water body according to the contractual provisions agreed upon.

#### **Article 11. Servitudes**

Legal and natural persons may engage in activities, related to the use and protection of water resources, on public land or privately owned land adjacent to a body of water according to the land servitudes and procedure established by the Law on Land and other legal acts.

### **Chapter III USES OF WATER RESOURCES AND WATER BODIES**

#### **Article 12. Uses of Water Resources and Water Bodies**

1. Water resources and water bodies may be used to supply the population with drinking water, provide medical treatment, recreation, sport, agriculture, industry and other economic activities, navigation, hydro-power, fisheries and fishing, hunting, fire extinction, discharge of waste water and other purposes unless they are contrary to the laws and other legal acts of the Republic of Lithuania.
2. Supplying of the population with drinking water shall be the priority use of the use of water resources and water bodies.

#### **Article 13. The Use of Water Resources and Water Bodies in Protected Areas**

Water resources and water bodies found in protected areas, used in accordance with the protection and regimes of use established by this Law, the Law on Protected Territories, provisions of protected territories, territorial planning documents and other legal acts.

#### **Article 14. The Use of Water Resources and Water Bodies in Supplying the Population with Drinking Water**

1. Ground water resources and water bodies the water of which meets the Republic of Lithuania drinking water standard, or is suitable for preparation of this kind of water, shall be used to satisfy the drinking water needs of the population.
2. If there are no underground water resources and water bodies are not available locally, or if their resources are limited in satisfying the requirements of drinking water, properly prepared surface waters may be used.
3. Surface waters may be used to supplement ground water resources, provided they meet the standards of hygiene.
4. Ground drinking water may be used for other than household or food industry needs only in instances when:
  - 1) sufficient surface water of adequate quality is not available in the vicinity of a user, but sufficient quantities of ground drinking water are available;
  - 2) a user consumes a limited quantity of water, while setting up of water supply networks and installations of surface bodies of water bodies is not cost effective at all;
  - 3) fires need to be extinguished or consequences of other natural disasters need to be eliminated.
5. The Law on Drinking Water stipulates the organisational and legal prerequisites guaranteeing the right of the population to good quality water, relations of legal and natural persons, in the production of drinking water, quality enhancement, supply, conditions of supply and quality control of drinking water.

#### **Article 15. The Use of Water Resources and Water Bodies for Purposes of Medical Treatment and Disease Prevention**

The Law on Drinking Water and the Law on Earth Entrails shall regulate the use of mineral water from water resources and water bodies for treatment and disease prevention.

#### **Article 16. The Use of Water Bodies for Purposes of Recreation and Sport**

1. The county governors shall designate surface water bodies located on national land or adjacent to it, for public recreation and sport, in compliance with the territorial planning documents.

2. Permissions for the use of vessels propelled by engines of internal combustion and electrical engines shall be given in water bodies, in accordance with the procedure established by the Government or an institution authorised by it.

3. The owners of private water bodies may use their water bodies for organised recreation and sport purposes without a specific permit, provided that this does not contradict the documents of territorial planning.

#### **Article 17. Use of Water Resources and Bodies for Agricultural Needs**

1. Water resources and water bodies may be used for agricultural needs in seeking to create optimum conditions for agriculture, namely to drain or irrigate land.

2. In draining land, the water level of a natural river bed or lake shall not be changed. Adjusting the level of ground water, damming rivers, rebuilding existing dams and other hydro-technological facilities, dredging river beds, consolidating banks and performing other work shall be permitted with the consent of an institution, authorised by the Ministry of for Environmental Protection, which is adopted in accordance with the procedures laid down by the Law on the Assessment of the Effects of the Environment Produced by projected Economic Activities and other legal acts.

3. Water bodies located on agricultural land shall be used with due regard to the rules on land use established in documents of territorial planning.

4. The use of water from ponds for agricultural purposes shall comply with the requirements set forth in Article 20 of this Law.

5. Land drainage and irrigation shall be regulated by the Law on Land Reclamation.

#### **Article 18. Use of Water Resources and Water Bodies for Industrial and Other Economic Purposes**

In using water resources and water bodies directly for industrial and economic purposes, legal and natural persons shall observe the limit values set for the use of water, technological norms and rules, waste water pollution and they shall implement measures intended to reduce the use water and the pollution of waste water, to improve production technologies, water supply and waste water treatment systems, to implement recycling water supply systems.

#### **Article 19. Use of Water Bodies for Navigation**

1. Legal and natural persons who use water transport means in water bodies shall ensure that these water transport means will not pollute the water bodies, will not destroy or damage banks, will not damage hydrotechnological facilities or communications, will not produce any adverse effect on the ecosystem and will not violate the rights of other users of the water bodies.

2. Dredging and deepening of water bodies for purposes of navigation shall be performed according to the rules approved by the Ministry for Environmental Protection.

3. The list of internal watercourses of national importance suitable for navigation shall be approved by the Government while the list of internal waterways of local importance suitable for navigation or potential waterways shall be approved by the Ministry of Transport in agreement with the Ministry for Environmental Protection.

4. Use of water bodies for navigation shall be regulated by the Code of Internal Water Transport.

#### **Article 20. Use of Water Bodies with Reservoir Facilities for Hydro-power and Other Needs**

1. Legal and natural persons using water bodies with reservoir facilities for hydro-power and other needs, shall observe the rules on the use and maintenance of reservoirs, the regime of level fluctuations, shall let the environmentally protected debit through hydro-technological facilities, maintain accounting for the water flow through the facilities, maintain the hydro-technological facilities properly, ensure their safety, take the appropriate measures to eliminate the processes of erosion in the banks of the reservoirs, install and use effective measures for the protection of fish life.

2. In constructing new reservoirs for the hydro-power and other needs and in reconstructing hydrotechnological facilities of the existing reservoirs, free migration of fish shall be guaranteed through installation of facilities for fish migration according to the procedure established by the Ministry for Environmental Protection.

3. In building new reservoirs for hydro-power and other needs, legal and natural persons shall cover damages done to land, nature, land reclamation, hydrotechnological and other facilities as provided by laws and other legal acts.

#### **Article 21. Use of Water Bodies for Fisheries and Hunting**

1. Surface bodies of water designated for fisheries shall be classified into a number of categories.

2. Surface bodies of water shall be attributed to fishery categories by the Ministry for Environmental Protection.

3. The quality of water in man-made surface water bodies (draining canals, reservoirs, ponds, etc.) should be maintained so that it should not change the category of the water bodies it flows into.

4. Surface water bodies of national importance shall not be leased for purposes of fisheries. The Government shall establish the procedure for the issue of leases for fisheries of other surface water bodies of the internal public stock and permits for fishing in them shall be established by the Government.

5. The lease of surface water bodies of the internal public stock for fisheries and fishing shall not entail the lease of land under the water.

6. While using water bodies of the internal public stock for fisheries, legal and natural persons shall be obliged to implement the measures for the protection and regeneration of the fish stock, provided for the lease agreements or permits, at the expense of the users.

7. Water bodies may be used for hunting purposes according to the procedures established by the laws of the Republic of Lithuania and by the Government or an institution authorised by the Government.

#### **Article 22. Use of Water Bodies for Discharge of Waste Water**

Water bodies may be used for discharging household, industrial waste water from other economic activities as well as surface (rain) and other waste water collected in the sewerage network only with the consent (permit) of the institution authorised by the Ministry for Environmental Protection in agreement with the Ministry of Health, are not exceeded.

#### **Article 23. Use of Water Resources and Water Bodies for Fire Protection and Other Needs**

1. Water from any water body may be used for the purpose of extinguishing fires, without a special permit, but only to the extent necessary to extinguish the fire.

2. Water bodies designated for use in fire protection may be used for other needs as well on condition that this will not produce an adverse effect on the possibilities of extinguishing fires.

3. The procedure governing the use of water resources and water bodies for other public and community needs which are not provided for in this Law shall be established by laws and other legal acts of the Republic of Lithuania.

### **Chapter IV STATE REGULATION OF THE USE OF WATER RESOURCES**

#### **Article 24. The System of State Regulation of the Use of Water Resources**

1. The use of the water resources of the Republic of Lithuania shall be regulated by Seimas, the Government, the Ministry for Environmental Protection, other state and municipal institutions within their competence set forth in the laws and other legal acts of the Republic of Lithuania.

2. The Ministry for Environmental Protection shall be responsible for state control of the use and protection of waters. Other state institutions shall control the use and protection of waters in as much as it is related to their functions defined in the laws of the Republic of Lithuania and Government resolutions.

#### **Article 25. Conditions for the Use of Water Resources and Permits**

1. The use of water resources may be free (without any permits) and it may be subject to permits.

2. Article 26 of this Law establishes the procedure of free use of water resources.

3. Permits for use of the water resources shall be issued by the Government or an institution authorised by the Government according to established procedures.

4. No permits for use of the water resources shall be issued if no measures are provided for sustainable use of water, for appropriate protection of water bodies from pollution, for ensuring suitable conditions for aquatic flora and fauna or if the interests of other users of water are violated.

5. In submitting information to obtain a permit for the use of water resources a water user must estimate and indicate the amount of water needed by the subscribing users as well as the amount and pollution of waste water discharged by subscribing users.

#### **Article 26. Free Use of Water Resources**

1. Owners of private stationary surface water bodies may use water resources freely except for commercial or business purposes.

2. The water of water bodies located on public land or adjacent to it, may be used freely for recreation and water sport or crossing the body according to the procedure established by legal acts.

3. Use of water of drilled (dug) wells shall also be considered free use of water.

4. Sailing vessels other than those powered by electric or internal combustion engines may be used freely in all public water bodies and private watercourses unless this is limited by other legal acts.

5. No permits shall be required to use water freely.

6. In all cases involving natural disasters, water shall be used freely to liquidate the disaster in the area of the disaster.

#### **Article 27. Use of Water Subject to Obtaining a Permit**

1. Subject to the criteria established for the issue of permits for the use of natural resources, a permit for the use of water resources must be obtained by legal and natural persons, wishing to extract water from surface or ground water bodies or discharge household, industrial waste water and waste water from other kinds of economic activities or surface (rain) waste water into the natural environment, also wishing to use water bodies for navigation, or the needs of hydrotechnological facilities (reservoirs, hydro-power plants, etc.)

2. Permits to extract surface and ground water and to discharge into the natural environment waste water shall be granted for a period of up to 5 years; permits to use waters for navigation or for the needs of hydrotechnological facilities shall be granted on a long-term basis.

#### **Article 28. Renewal, Transfer and Cancellation of Permit for the Use of Water Resources**

1. A permit for the use of water resources shall be renewed upon request of its holder. The request for the renewal of a permit shall be submitted to the institution authorised by the Ministry for Environmental Protection according to the established procedure.

2. The holder of a permit for the use of water resources may transfer it to another legal or natural person. The institution which has issued the permit must approve its transfer.

3. The permit for the use of water resources shall be cancelled, in the event the terms indicated in the permit are not fulfilled, the established limits for the use of water or the limit values and the quality standards for waste water discharged into water bodies are exceeded, the information submitted for obtaining the permit was incorrect or is submitted at the request of the holder of the permit.

4. The permit for the use of water resources shall be cancelled, in case this becomes necessary if an emergency environmental situation develops. In that eventuality, the damages sustained by the holder of the permit, shall be compensated in accordance with the procedure established by the laws of the Republic of Lithuania.

5. The permit for the use of water resources shall become invalid upon the liquidation of the legal person or the disappearance of the holder of the permit.

#### **Article 29. Programmes and Schemes for the Use and Protection of Water Resources**

1. Programmes for the use and protection of water resources shall provide for measures necessary for sustainable use and protection of the water and for the funds required for the purpose. Programmes for the use and protection of water resources may be drafted for the territory of the Republic of Lithuania, county and municipal areas, basins of surface water bodies as well as for individual aquifers of ground water.

2. Schemes for projected use and protection shall be drawn up for river basins.

3. State programmes and schemes for the use and protection of water resources shall be approved by the Government at the request of the Ministry for Environmental Protection.

#### **Article 30. Licensing of the Exploration, Prospecting and Extraction of Ground Water Resources**

The Law on the Earth Entrails and the Law on Enterprises shall regulate the procedure of licensing of the exploration, prospecting and extraction of ground water resources.

### **Chapter V PROTECTION OF WATERS**

#### **Article 31. Protection of Water Resources and Water Bodies from Pollution by Liquid and Solid Waste**

1. Waste water may be discharged into the natural environment only in instances when it does not exceed the limit values for pollution approved by the Ministry for Environmental Protection.

2. It shall be prohibited to pollute the basins of water bodies or ice cover with household, industrial or other waste, as well as with oil products, toxic chemicals, fertilisers, radioactive and other harmful substances.

3. It shall be prohibited to discharge water into ground waters, underground cavities or karstic potholes.

4. Ice may be used only if this does not reduce the stock of water resources in the water body or deteriorate its quality.

#### **Article 32. Management of Drilled Wells**

Drilled wells must be leak tight, while spouting drilled wells must be equipped with regulating devices. Drilled wells no longer suitable for use must be conserved or liquidated according to the procedure established by the Ministry for Environmental Protection and the Geological Service of Lithuania.

#### **Article 33. Protection Areas around Water Bodies and Water Extraction Sites**

1. Protection strips of land shall be designated around surface water bodies; larger water bodies shall have a protection zone around them. A protection strip within a protection area shall be considered to be part of the protection area.

2. Sanitary protection areas and strips shall be designated around the extraction sites and individual drilled or dug wells of drinking water.

3. The procedures for the designation of protection areas and strips shall be laid down by the Law on Protected Areas and the regulations issued by the legal acts approved by the Government or by the institutions authorised by the Government.

4. No man-made obstacles shall be built on the protection strip around the banks of a surface water body to ensure free access for the maintenance of the hydrographic network.

#### **Article 34. Regulation of Economic Activities**

1. Navigation, generation of electricity, fisheries and other economic activities, mining, dredging, reinforcement of banks and other hydrotechnological construction works in the water bodies shall be organised and conducted in such a way as to minimise the adverse effects on water quality, flora and fauna as well as the stability of the banks and hydrotechnological facilities.

2. In designing, constructing, reconstructed and operating economic and other facilities which have an effect on the quality of water, provision should be made for the implementation of measures which ensure a sustainable use of water, protection of water bodies, accounting for the water used and the protection of the rights of other users of water.

3. The procedures for the design, construction, reconstruction, expansion, commission and operation of economic facilities which may have an effect on water bodies shall be established by the Law on Environmental Protection, the Law on the Assessment of the Effects of Intended Economic Activity on the Environment as well as by other laws legal acts.

4. Economic activities in the protection strips and protection areas around the water bodies shall be regulated by the Law on Protected Areas and regulations approved by the Government.

5. Legal and natural persons may engage in an economic activity which is likely to have an adverse effect on the condition of the water bodies or the quality of their water only in accordance with the



procedures established by the law on the Assessment of the Effects of Intended Economic Activity on the Environmental Protection and other legal acts after the institution authorised by the Ministry for Environmental Protection has adopted positive decision in respect to this activity, and after the aforementioned persons have obtained a permit for the use of water resources.

6. Ground and mineral water extraction sites must be operated in compliance with the established regime which guarantees the protection of the aquifers from depletion, pollution and deterioration of the quality of water.

7. Reservoirs and dammed lakes must be used and maintained according to the rules approved by the institution authorised by the Ministry for Environmental Protection.

8. In a dry year, when the flow rate of rivers and the level of lakes and reservoirs is lower than estimations made for the most likely reference year, the use of the water resources of reservoirs and dammed lakes may be limited according to the rules for the use and maintenance of reservoirs and dammed lakes.

9. Legal and natural persons whose economic activities produce an adverse effect on the flora and fauna of water bodies, must compensate for the losses sustained in accordance with the procedure established by the Government or by the institution authorised by the Government.

#### **Article 35. Limitation and Termination of Activities Producing an Adverse Effect on the Condition of Waters**

In legal or natural persons conduct works (construction, expansion, reconstruction, etc. of economic and other facilities) in violation of the provisions of this and other Laws or fail to fulfil the conditions provided for in the permit for the use of water resources, or if the works produce an adverse effect on the environment, water, water bodies and cause a risk for human health, flora and fauna, these works may be suspended or limited by the Ministry for Environmental Protection or other institutions authorised by the Government.

#### **Article 36. Liquidation of Economic Facilities**

In liquidating economic facilities or facilities intended for any other activity, the adverse effect produced by these facilities on water bodies and the quality of water must be assessed and measures to enhance the quality of water to the established standards, to improve the condition of the water body and to eliminate the harmful effects must be provided for and implemented according to the laws and other legal acts of the Republic of Lithuania.

#### **Article 37. Protection from Harmful Effects of Water**

1. Owners and users of water bodies and land shall ensure that their economic activity should not cause water to do damage: that it should not flood, inundate, destroy banks or protective dams, hydrotechnology and other facilities, that it should not reduce land to swamps, should not erode the soil, should not cause caverns or landslides.

2. In extreme circumstances, the natural disasters and their effects caused by water shall be liquidated according to the procedure established by the Government.

### **Chapter VI ACCOUNTING AND MONITORING OF WATER RESOURCES**

#### **Article 38. Public Accounting for Use of Water**

1. Users of water who extract water from water bodies or discharge waste water into the natural environment by using their own facilities and equipment and subscribing users of water shall supply statistical data on the use of water to the institution authorised by the Ministry for Environmental Protection according to the established procedure.

2. The Ministry for Environmental Protection in agreement with the Department of Statistics shall establish the procedure for submitting of statistical data.

3. The Ministry for Environmental Protection shall establish the procedure for accounting for the amount of water extracted and used as well as the amount of waste water discharged into the natural environment.

#### **Article 39. The Public Cadastre of Water Resources and the Data Register**

1. The Public Cadastre of Water Resources is a component part of the Public Cadastre of Natural Resources. The Public Cadastre of Water Resources shall be instituted and maintained in accordance to

the procedure established by the Government and in compliance with the regulations approved by the Government.

2. The Public Cadastre of Water Resources shall be instituted and maintained at the expense of the State.

3. The Public Cadastre of Rivers, Lakes and Reservoirs shall be co-ordinated by the Ministry for Environmental Protection, while the Public Cadastre of Ground Water shall be co-ordinated by the Geological Service of Lithuania.

4. Information on the permits issued for the use of water resources, their changes, renewals and cancellations shall be recorded in the cadastre maintained by the Ministry for Environmental Protection. The register of drilled wells for water supply system shall be maintained by the Geological Service of Lithuania.

5. The procedure for the accumulation of information on the extraction and use of water, the amounts and quality of waste water shall be established by the Ministry for Environmental Protection; the same Ministry shall also manage the data.

6. The information accumulated in the Public Water Resources Register and the Cadastre of the public water resources may be accessible to all or it may be classified.

7. Legal and natural persons shall be obliged to supply data to the manager of the Public Cadastre of Water Resources for recording in the Cadastre free of charge according to the procedure established by the Government or the institution authorised by the Government.

#### **Article 40. Monitoring of Water Resources**

The monitoring of surface and ground water resources shall be considered part of the monitoring of the environment. The monitoring of the environment shall be regulated by the Law on the Monitoring of the Environment.

### **Chapter VII**

#### **LIABILITY FOR VIOLATIONS OF THE LAW ON WATER**

#### **Article 41. Liability for Violations**

Natural persons shall be subject, under the laws of the Republic of Lithuania, to disciplinary, administrative or criminal prosecution if they :

- 1) use water resources without a permit when obtaining a permit is required;
- 2) violate the regime of hydrographical, hydrological or ichtiological reserves;
- 3) approve documents of a project where there are no provisions for measures intended to minimise the adverse effects on water bodies and water resources when provisions for such measures are required;
- 4) do not implement measures for the protection of water provided for in the state programmes and schemes for the use and protection of water resources or in the permits for the use of water resources.
- 5) construct, reconstruct, transfer and or accept the use of objects intended for economic or other activity by violating the procedures established by law;
- 6) pollute bodies of water or their basins with waste water which exceeds the limit values for polluting substances, and also the limit values determined by regulating documents, as well as pollute the waters thermally.
- 7) pollute bodies of water and their basins with household, industrial and other wastes, oil products, fertilisers, toxic chemicals, radioactive and other harmful substances by exceeding the standard limit values;
- 8) violate the water protection regime of bodies of water and water extraction sites;
- 9) violate the regime of the protection strips and areas of bodies of water and water extraction sites, litter the banks of surface water bodies;
- 10) violate the rules of accounting for the use of water, the rules of determination of the quality of discharges, the use and maintenance of waste treatment equipment, hydrotechnological facilities and reservoirs;
- 11) break the equipment or devices of hydrotechnological facilities, carry out hydrotechnological works without a permit;
- 12) ignore the established procedures for the supply of information on the use of water resources and protection, suppress information, do not supply it or distort it;
- 13) create obstacles for the state control of the use and protection of water resources and protection of hydrotechnological facilities, do not observe the inspectors' rightful instructions;
- 14) commit other violations of the legal acts on the use and protection of water, which may make them liable under the laws of the Republic of Lithuania.

#### **Article 42. Liability for Damages Done Through Illegal Activities**

1. Legal and natural persons who have polluted waters or done other harm to water resources or to a body of water through illegal activities shall pay damages and bring the condition of the water to the required quality level, and shall eliminate the adverse effects of the illegal activity in the body of water.

2. Upon violation of this Law, the damages done to the environment shall be estimated according to the techniques of estimation approved by the Government or by an institution authorised by the Government.

3. Claims for damages sustained through illegal activities may be made and suits may be filed by:

- 1) users of water and the owner of a body of water;
- 2) institution authorised by the Ministry for Environmental Protection when damage has been done to State interests.

### **Chapter VIII FINANCIAL PROVISIONS**

#### **Article 43. Taxes**

Legal and natural persons shall pay taxes on the use of water resources and their pollution under the Law on Taxes on the Use of Public Natural Resources, the Law on Taxes for Pollution of the Environment and other legal acts.

#### **Article 44. Reimbursement of Expenses for Water Supply and Waste Water Treatment**

Under law, the Government may reimburse the expenses incurred by legal or natural persons for water supply as well as the construction, use and maintenance of waste water treatment facilities.

#### **Article 45. State Aid**

1. According to the procedures established by the Government state aid may be granted in the form of subsidies or soft credits from the State Budget or the State Fund for Environmental Protection to legal and natural persons who are implementing new technologies, processes, facilities in production or other kinds of activity in order to substantially reduce the consumption and pollution of water.

2. State aid may also be granted to legal and natural persons engaged in long-range research on the use and protection of water resources.

### **Chapter IX LEGAL REGULATION OF BODIES OF WATER IN BORDER AREAS**

#### **Article 46. Bodies of Water in Border Areas**

Bodies of water in border areas and the water resources thereof may be used and economic activities which may have an adverse effect on these bodies of water and their water resources may be carried out in compliance with the international treaties ratified by the Republic of Lithuania.

#### **Article 47. International Treaties**

In case the international treaties ratified by the Republic of Lithuania contain provisions different from those in this Law, the international treaties shall be applied.

### **Chapter X CONCLUDING PROVISIONS**

#### **Article 48. Invalidation of the Code**

The Code of Water of the Republic of Lithuania ( 1972, No. 36-290; 1973, No. 3-23; No. 9-67; 1980, No. 9 -111; 1984, No. 34-391; 1987, No. 36-429) shall be proclaimed invalid.

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

PRESIDENT OF THE REPUBLIC ALGIRDAS BRAZAUSKAS