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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the  
Republic of Latvia has adopted a Law:

## On Environmental Protection

### Terms Used in this Law

**Anthropogenic load** – substances, objects and processes that impose loads on natural components or territories and are associated with economic and other types of human activity. The anthropogenic loads may be measured and calculated.

**Natural environment** – the sum-total of natural factors which directly or indirectly affects human life and economic activity.

**Protection of nature** – a component part of environmental protection; an aggregate of measures to conserve biological diversity and to ensure sustainable utilisation.

**Natural resources** – parts of nature, including, soil, subterranean depths, air, water, flora and fauna, which have a real or potential economic, social or cultural value.

**Ecology** – a complex science concerned with mutual relations of living organisms and with the relations of these to their habitat.

**Ecosystem** – living organisms together with the environment of their existence which, while the linkage between causation and interaction exists, form a complete whole.

**Cultural environment** – an environment which has developed as a result of human economic and life activity and retains vestiges of such activity (material articles, cultural values and spiritual values).

**Environment** – the sum-total of natural, anthropogenic and social factors.

**Environmental protection** – the aggregate of measures for the conservation of the environment, and ensuring the sustainable utilisation of natural resources.

**Environmental quality rules and standards** – rules: regulations adopted by a competent state institution which regulate the limitations on, or the permitted volume of, human economic activity the observance of which is a mandatory prerequisite for natural resource management and environmental protection; standards: a document concerning technical standards approved by a competent State institution which determines the technical characteristics of some production or any other object of standardisation (norms, provisions, requirements, and similar), and which must be observed in order to maintain environmental quality, human health and the prerequisites for the development of society.

**Environmental monitoring** – systematic observation, measurement and calculation of the condition of the environment, emission of pollutants, or populations and

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species, which are necessary for the assessment of the condition of the environment, the development of environment policies, and the planning of environmental protection measures, as well as the control of the effectiveness thereof.

[22 May 1997; 20 June 2000; 20 December 2001; 15 May 2003]

## **Chapter 1 General Provisions**

### **Section 1. Purpose and Functions of this Law**

The purpose of this Law is to promote sustainable development in the field of environmental protection, to create and ensure an effective environmental protection system, the functions of which are the following:

- 1) to conserve, protect and improve the quality of the environment;
- 2) to protect human health;
- 3) to ensure environmental protection from the impacts created by anthropogenic loads;
- 4) to conserve biological diversity;
- 5) to promote the sustainable utilisation of natural resources and energy;
- 6) to ensure the inclusion of an environmental protection requirement in the regulatory enactments, conceptions, plans and programmes regulating other sectors;
- 7) to ensure public participation in the observation of environmental protection principles and the implementation of environment policies; and
- 8) to ensure that the public has the opportunity to freely receive environmental information.

[22 May 1997; 20 June 2000]

### **Section 2. Main Functions and Basic Principles of the Law**

[20 June 2000]

### **Section 3. Principles of Environmental Protection**

State environmental policy is formed by observing the principle of sustainable development, the “polluter pays” principle, the precautionary principle and the assessment principle. They specify:

1) the **sustainable development principle** – the State and the public shall establish such a system of social and economic conditions, which provides for the sustainable utilisation of natural resources, ensures improvement in the quality of life and the satisfaction of current needs without creating a threat to the satisfaction of the needs of future generations, and ensures the conservation of biological diversity for an unlimited time period;

2) the **“polluter pays” principle** – natural persons and legal persons shall cover all the costs, which are related to the assessment, reduction or rectification of the pollution caused as a result of their activities;

3) the **precautionary principle** – a natural or legal person has a duty to reduce to the extent possible the anthropogenic load, which occurs or may occur as a result of their activities. The initiator of an activity has a duty to ensure that the activity conforms to regulatory enactments regarding environmental protection and the State environmental policy; and

4) the **assessment principle** – any activity or measure, which may impact on the quality of the environment, shall be allowed only in such case, if the positive result achieved by the relevant performer of the activity and the public as a whole exceeds the adverse result caused by the activity to the quality of the environment or the harm done as a result of such an activity or measure to the environment and the public.  
[22 May 1997; 20 June 2000]

#### **Section 4. Regulatory Enactments regarding Environmental Protection**

The ownership rights to natural resources shall be regulated by laws and other regulatory enactments.

The protection, utilisation, and use of land, subterranean depths, mineral deposits, soil, waters, atmospheric air, flora, fauna, the continental shelf, and the economic zone of the Republic of Latvia in the Baltic Sea shall be determined in accordance with laws, regulatory enactments and international agreements.

[22 May 1997; 15 May 2003]

#### **Section 5. State Provision for Environmental Protection**

Environmental protection in the Republic of Latvia shall be ensured by:

- 1) State, local government environmental protection authorities;
- 2) State control of the observance of regulatory enactments regarding environmental protection;
- 3) a State environmental monitoring system;
- 4) the registration of natural resources and the limitation of use thereof;
- 5) environmental impact assessments;
- 6) the material and technical basis for environmental protection;
- 7) environmental information and environmental education; and
- 8) territorial planning.

[22 May 1997; 20 June 2000; 15 May 2003]

#### **Section 5.<sup>1</sup> Eco-labels and the Awarding thereof**

In order to promote the production and distribution of environment friendly products the relevant products, which conform to criteria specified by the European Commission, shall be awarded an eco-label. The involvement of manufacturers in the eco-label system is voluntary. The Latvian Environment Agency shall co-ordinate the eco-label system in Latvia, inform manufacturers regarding the relevant requirements and popularise eco-labels, as well as provide necessary information to the European Commission.

[20 December 2001]

#### **Section 5.<sup>2</sup> Environmental Management Systems and Environmental Audits of Undertakings**

An environmental management system and audit in an undertaking is a management system which includes the improvement of management structures, planning measures, responsibility, procedures, measures and resources for the development and implementation, the achievement of goals, review and maintenance of an environmental

policy in the undertaking. The participation of an undertaking in the environmental management and audit system shall be voluntary.

An environmental audit in an undertaking shall be performed with the aim of systematically, documentarily, periodically and objectively evaluating the conformity of the environmental management system in an undertaking with the environmental policy in the undertaking.

State Environmental Impact Assessment Bureau according to the procedures specified by the Cabinet shall establish, maintain and update the register of undertakings included in the environmental management and audit system, the environmental verification accreditation system and environmental verification register, perform the registration of undertakings in the environmental management and audit system register, environmental verification accreditation and the supervision of the activities thereof.

[20 December 2001; 15 May 2003]

## **Section 6. Minimum Ecological Knowledge of Officials and Specialists**

[20 June 2000]

### **Chapter 2**

#### **Competence of State Administrative Authorities and Local Government Authorities in Environmental Protection and Utilisation of Natural Resources**

## **Section 7. State Administrative Institutions in Environmental Protection and the Utilisation of Natural Resources**

The Ministry of Environment and other authorities under its supervision and oversight, and subordinate to it, in co-operation with public organisations shall develop and, together with other State administrative authorities and local governments, implement a unified policy on environmental protection, conservation and rational utilisation of natural resources in the Republic of Latvia.

[22 May 1997; 15 May 2003]

## **Section 8. Competence of the Ministry of Environment**

The Ministry of Environment shall:

- develop and implement an environment and nature protection, as well as utilisation of natural resources and reduction of climatic changes policy, develop regulatory enactments, control their implementation and establish the necessary institutional structure;

- develop and not less than once every five years update the environmental policy plan;

- supervise environmental impact assessments;

- conduct State control the observance of the environmental protection and the utilisation of natural resources regulatory enactments in the territory of the State, on the continental shelf, and in the economic zone of the Republic of Latvia in the Baltic Sea;

- develop and submit proposals to the Cabinet regarding the establishment of specially protected nature territories;

- ensure the operation of the Latvian Environmental Protection Fund and the Environmental Investment Fund in accordance with the procedures provided for by laws and other regulatory enactments;

– ensure the utilisation of funds granted by foreign and international organisation in the relevant fields, as well as the preparation of applications for European Union co-financing of environmental investment projects and the implementation of such projects; and

– perform other functions provided for in regulatory enactments regarding environmental and nature protection, the utilisation of natural resources and reduction of climate change.

[22 May 1997; 20 June 2000; 24 October 2002; 15 May 2003]

## **Section 9. Competence of the Cabinet in Environmental Protection and the Utilisation of Natural Resources**

The Cabinet, in environmental protection and the utilisation of natural resources, shall:

1) participate in the implementation of the policy of the Republic of Latvia regarding environmental protection, the utilisation of natural resources and reduction of climate change.

2) [20 June 2000]

3) [20 June 2000]

4) [20 December 2001]

5) [20 December 2001]

6) [20 December 2001]

7) perform other functions specified by this Law and other regulatory enactments regarding environmental protection and the utilisation of natural resources;

8) [20 June 2000]

9) issue regulations regarding environmental protection regarding hydrocarbon investigation and extraction activities in the sea;

10) determine the list of environmentally harmful products and prohibitions for the importation and distribution of environmentally harmful products;

11) determine the requirements and limits for the use and labelling of equipment and products containing individual hazardous chemicals;

12) issue regulations regarding the utilisation, monitoring and control of wastewater sludge and its compost;

13) issue regulations regarding the procedures for the cleaning and deepening of surface water objects;

14) determine the restricted utilisation, deliberate distribution in the environment and the market of genetically modified organisms, as well as monitoring procedures; and

15) determine the way in which a deposit system shall be applied to batteries and accumulators, procedures for application thereof and the amount of payment of deposit.

[22 May 1997; 20 June 2000; 20 December 2001; 24 October 2002; 15 May 2003]

## **Section 10. Competence of Local Government Authorities in Environmental Protection and the Utilisation of Natural Resources**

Local government authorities shall be responsible for environmental protection and the utilisation of natural resources within their own administrative territory. They shall:

– carry out control of environmental protection and the rational utilisation of natural resources;

– propose, to authorised State authorities that they restrict, suspend or terminate economic activity or the construction, reconstruction and extension of objects in such cases

when violations of the regulatory enactments regarding environmental protection have been allowed, as well as submit relevant proposals for the prevention of such violations;

- organise the preparation of district, city, municipal district and parish environmental protection programmes, and the construction, reconstruction and extension of environmental protection objects;

- within the scope of their competence as specified by law, grant and rescind rights to utilise land or other natural resources, and settle disputes between the users of land and of other natural resources;

- perform other functions provided for by regulatory enactments for environmental protection and the utilisation of natural resources; and

- ensure the improvement of the quality of the environment in their administrative territory.

[22 May 1997; 15 May 2003]

## **Section 10.<sup>1</sup> Environmental Consultative Council**

The Ministry of Environment in co-operation with public organisations and professional associations shall establish an environmental consultative council, the decisions of which in the field of environmental protection are of a recommendatory nature. The Minister for Environment shall approve the by-laws of the council and the composition of the council. The by-laws shall determine the rights, functions and agenda of the environmental consultative council.

The aim of the environmental consultative council is to encourage the widest possible involvement of the public in the taking of decisions associated with the environment, co-operation and information exchange in the field of environmental protection between each person and the public as a whole, State authorities and local governments, as well as to facilitate the submission of proposals on issues which are associated with the development and implementation of environmental policy and the preparation of the relevant regulatory enactments.

[15 May 2003]

## **Chapter 3**

### **Rights of the Inhabitants of the Republic of Latvia to a Qualitative Life Environment and the Guarantees for Such**

#### **Section 11. Rights of Inhabitants of the Republic of Latvia to a Qualitative Environment**

The inhabitants of the Republic of Latvia have the right to live in a qualitative environment and to request that competent State authorities, legal persons and their officials, as well as natural persons terminate such actions or inaction as causes this environment to deteriorate, does harm to the health of the inhabitants or endangers their life, interests and property.

The inhabitants of the Republic of Latvia have the right in relation to violations of environmental protection or utilisation of natural resources regulatory enactments to apply to State or local government authorities and the court according to procedures specified in regulatory enactments.

[15 May 2003]

## **Section 12. Rights of Inhabitants of the Republic of Latvia to Receive Information Concerning Environmental Quality**

[20 June 2000]

## **Section 13. Rights of the Public to Carry Out Environmental Protection Measures**

Every natural person and legal person, as well as unions, organisations and groups thereof (hereinafter – the public) have the right to:

- perform concrete measures for improvements in environmental quality and environmental protection, previously co-ordinating these with the territorial (regional) environmental protection and local government authorities;
- request from competent State authorities and officials information regarding the environmental impact of the objects to be designed and to be constructed, and to express their objections and proposals;
- request that competent State authorities publish and notify the results obtained from surveys regarding environmental problems;
- in accordance with the procedures provided for by the Constitution and other laws, take part in referendums on laws and draft laws pertaining to environmental protection and the utilisation of natural resources, as well as in the discussions by the people of these laws and draft laws;
- in accordance with the procedures specified by the laws of the Republic of Latvia, organise public protests, meetings and other mass events against economic and any other type of activity that is dangerous to the environment;
- in accordance with the procedures specified by regulatory enactments apply to law enforcement institutions in relation to issues regarding the actions or non-actions of State and local government authorities, which affect the interests of the public in the field of the environment, as well as in accordance with the procedures specified by regulatory enactments dispute or appeal the decisions taken by State administrative institutions and local governments on such issues; and
- submit to the environmental consultative council proposals and recommendations regarding the regulation of environmental protection standards, as well as regarding prepared environmental protection plans, programmes and projects.

[22 May 1997; 20 June 2000; 15 May 2003]

## **Section 14. Duty of Local Government and Environmental Protection Authorities to Encourage the Active Participation of the Public in the Improvement of Environmental Quality and Environmental Protection**

Local government and environmental protection authorities have a duty within the scope of their competence to:

- review the complaints and proposals of every person regarding environmental protection and the utilisation of natural resources and to inform them of the decisions taken;
- involve the public in the resolution of environmental protection matters and create circumstances whereby the inhabitants and public organisations, by their work or means, participate in the improvement of environmental quality and in environmental protection; and
- in the case of a threat of danger to human health or the environment distribute without delay information at their disposal if it may provide an opportunity for the public

which is or may be influenced to act appropriately in order to reduce the harmful impact or consequences of the danger or to avoid it.  
[22 May 1997; 20 June 2000; 15 May 2003]

#### **Section 15. Compensation for Losses Caused to the Health, Interests and Property of Inhabitants**

Inhabitants have the right to receive compensation from natural persons and legal persons for losses they have caused to the health, life, interests or property of the inhabitants by action or inaction harmful to the environment.

Actions for compensation for losses caused shall be considered by a court in accordance with the procedures set out in the Latvian Civil Procedure Law.

The actions referred to are exempted from State fees.  
[22 May 1997; 15 May 2003]

#### **Section 16. Duty of Inhabitants of the Republic of Latvia in respect of Environmental Protection and the Utilisation of Natural Resources**

Inhabitants of the Republic of Latvia have a duty to not allow deterioration in the quality of the environment and the irrational utilisation of natural resources, to participate in the improvement of the environment, and to request that other natural and legal persons act in the same way.

[22 May 1997]

#### **Section 17. Rights and Duties of Persons who are not Inhabitants of the Republic of Latvia**

Persons who are not inhabitants of the Republic of Latvia shall, in the territory of the Republic of Latvia, on the continental shelf, and in the economic zone of the Republic of Latvia in the Baltic Sea, fulfil the duties set forth in this Law, as well as exercise all rights prescribed by this Law for the inhabitants of the Republic of Latvia, with the exclusion of restrictions provided for by separate regulatory enactments.

[22 May 1997]

### **Chapter 3.<sup>1</sup>**

#### **Right of the Public to Receive**

#### **Environmental Information and its Participation in the Taking of Decisions Associated with Environmental Protection**

[20 June 2000]

#### **Section 17.<sup>1</sup> Right of the Public to Environmental Information and Accessibility of such Information**

The public has the right to receive from State authorities and local governments environmental information – any written, visual, audio, electronic or other form of information regarding:

1) the state of the environment, also information regarding water, air, soil, subterranean depths, flora, fauna, nature territories and countryside, biological diversity, species and biotopes and the interaction of such components, as well as information regarding genetically modified organisms;



2) the anthropogenic loads and activities, which impact on or may impact on the environmental components referred to in Clause 1 of this Section or the environment as a whole;

3) environmental protection measures, also regarding administrative measures which impact on or may impact on the environmental components referred to in Clause 1 of this Section, regarding measures the aim of which is to protect such components, also information regarding environmental policy plans, programmes, strategies and regulatory enactments and information regarding applications for receipt of licences and permits (also regarding the conditions of permits) for activities which may influence the quality of the environment;

4) reviews and reports regarding environmental protection; and

5) the state of health and safety of people, living conditions of people, the cultural environment, buildings and construction works, insofar as they impact on or may impact on the environmental components referred to in Clause 1 of this Section or the measures referred to in Clauses 2 and 3 of this Section;

The public has the right to receive environmental information also from such persons as in accordance with regulatory enactments implement State administrative functions, fulfil special duties associated with the environment, perform activities or provide services, or under whose supervision the referred to information is located.

The holders of the information referred to in Paragraphs one and two of this Section shall ensure that the public has an opportunity to receive the existing (either prepared or received by the authority) environmental information which they possess and accessible to them, also information regarding State or local government authority controlled environmental protection activities, regarding permits issued to perform polluting activities and the content of such permits, as well as information regarding safety measures and measures to be taken in case of accidents. State authorities and local governments shall ensure access for the public also to such environmental information as is stored by natural or legal persons on their behalf.

An applicant does not have to justify for what purpose this information is necessary.

Restrictions on the receipt of environmental information may only be in those cases, which are specified in regulatory enactments, as well as in relation to information regarding environment objects or species and biotopes the disclosure of which may increase the possibility of causing harm to the environment.

In cases of restrictions, the public part of the information shall be provided, separating it from the rest of the information, which is restricted.

Restrictions on the receipt of environmental information shall be in each individual case commensurate with the public interest in the disclosure of the information. The public shall be ensured information regarding emissions into the environment. Information regarding emissions into the environment may not be restricted access information.

A requester of information, as well as a third person the rights and lawful interests of whom are or may be affected, has the right to appeal the action or inaction of the holder of information in relation to the requested environmental information, firstly submitting a submission to a higher authority and after this applying with an appeal to the courts according to the procedures specified in regulatory enactments.

[20 June 2000; 15 May 2003]

## **Section 17.<sup>2</sup> Co-operation between the Public, State Authorities and Local Governments in the Field of Environmental Protection**

The provisions of this Chapter shall apply to any national, regional or other level State administrative or local government authority, which ensures environmental protection or fulfils special duties associated with the environment, conducts activities or provide services or in whose possession is environmental information, but shall not apply to authorities which implement legislation and judicial power.

The public, in supporting environmental protection measures, has a right to co-operate with State authorities and local governments, in order to not allow such action (or inaction), which worsens the quality of the environment or is in contradiction to the requirements of environmental protection regulatory enactments.

The public may submit information to State authorities and local government regarding activities and measures, which impact or may impact the quality of the environment, as well as information regarding changes observed as a result of such activities or measures. State authorities and local governments have a duty to evaluate the validity of the information submitted.

State authorities, local governments and the public, mutually co-operating (informing, consulting and actively participating), shall ensure the taking of environmental decisions, balancing individual rights and interests with the rights and interests of the public in the field of environmental protection.

Databases accessible to the public shall include at least the following information:

- the regulatory enactments for environmental protection and utilisation of natural resources, as well as international agreements, conventions and European Union regulatory enactments;

- environmental policy plans, programmes, strategies and plans associated with the environment;

- reports regarding the implementation of the documents referred to in the first two Clauses if such are prepared, and reviews regarding the condition of the environment;

- data or data summaries regarding the supervision of such activities as will impact on or may impact on the environment;

- information regarding permits, which are issued in accordance with the Law On Pollution, and the conditions of such permits or instructions as to where such information may be requested or found; and

- research regarding impact on the environment and risk assessments in relation to the environmental components referred to in Section 17.1, Clause 1 of this Law or instructions as to where such information may be requested or found.

In including environmental information in publicly accessible data bases, the requirements of regulatory enactments in relation to restricted access information shall be observed.

[20 June 2000; 15 May 2003]

### **Section 17.<sup>3</sup> Duty of State Authorities and Local Governments in Informing the Public regarding Environmental Protection**

State authorities and Local Governments, in conformity with their competence and functions, shall compile and renew existing information regarding the environment, which they possess.

State authorities and local governments shall provide to the public environmental information, which they possess, as well as appoint responsible co-ordinators or officials who shall ensure the informing of the public.

Publicly accessible environmental information shall be formed, so as to be comprehensible and understandable.

State authorities and local governments shall, within the scope of their competence:

1) inform the public regarding its rights and opportunities to receive environmental information, and to participate in the taking of decisions associated with environmental protection;

2) develop and up-date publicly accessible free-of-charge databases, registers and Internet home pages; and

3) prepare and publish reports regarding the state of the environment, environmental policy plans and programmes.

[20 June 2000; 20 December 2001]

#### **Section 17.<sup>4</sup> Procedures for the Issuance of Environmental Information, and Terms and Fees for its Issuance**

The provision of environmental information shall be ensured taking into account the special provisions of this Law, as well as in accordance with the requirements of the Freedom of Information Law and requirements specified in regulatory enactments in relation to the accessibility of restricted information, and the procedures and time periods for the provision of information. If it is not necessary to specially process or prepare the information, an answer to a request shall be provided in as short a time as possible. The restrictions and confidentiality specified in the Official Statistics Law shall not apply to the provision and utilisation of environmental information.

The duty of responsible officials of State authorities and local governments is to provide the person requesting environmental information with necessary assistance in formulating, as well as if necessary clarifying the request.

Fees for the processing or preparation of information may not exceed reasonable costs. If the cost is specified, the tariff shall be published, as well as ensuring its accessibility to applicants, and indicating in which cases an applicant may be released from payment of fees. In respect of environmental information, which collected and compiled with State, local government or Environmental Protection Fund resources, reimbursement may be requested, which conforms to costs of the processing and issuing of the information.

Environmental information shall be provided in the way or format indicated in the request for information, except in cases where:

– the requested information is already accessible in another way or format and is available to the requestor; and

– there is a reason for issuing information in another way or format; in such case the requestor shall be informed regarding such reason.

[20 June 2000; 20 December 2001; 15 May 2003]

#### **Section 17.<sup>5</sup> Participation of the Public in the Taking of Decisions Associated with Environmental Protection**

State authorities and local governments shall perform the necessary measures in order that the part of the public, which wishes to participate in the decision-taking process, shall receive the necessary information to take a decision in a timely manner.

State authorities and local governments, in the taking of decisions, which affect the surrounding environment and the utilisation of natural resources, also decisions regarding the acceptance of such intended activities for which an environmental impact study has been performed, shall:

– evaluate the viewpoints that are expressed in the process of the participation of the public; and

– balance individual rights and interests with the gains and losses of the public, observing the sustainable development principle.

State authorities and local governments shall involve the public in the preparation, discussion of regulatory enactments, strategies, plans, and programmes associated with the environment. State environmental authorities shall co-operate with the environmental consultative council to which the relevant projects shall be submitted for the provision of an opinion and proposals.

State authorities and local governments shall, within the context of the preparation of regulatory enactments, strategies, plans and programmes, determine the time periods within which the possibility of the participation of the public is provided for, as well as shall ensure the timely accessibility of the relevant project to the public.

[20 June 2000; 15 May 2003]

#### **Section 17.<sup>6</sup> Participation of the Public in the Preparation of Regulatory Enactments**

State authorities, local governments and public organisations, as well as the environmental consultative council shall facilitate the participation of the public in the process of the preparation of environmental protection regulatory enactments, providing for the possibility to directly, or with the assistance of a representative of the public, to express comments, viewpoints and objections in respect of draft regulatory enactments.

[20 June 2000; 15 May 2003]

### **Chapter 4 Regulation of Environmental Quality Norms**

#### **Section 18. Environmental Quality Norms and Standards**

The adverse effects of economic and other types of activity on the surrounding environment shall be restricted by environmental quality norms and standards.

The national environmental quality norms shall be approved by the Cabinet.

The environmental quality norms and standards shall be mandatory for all users of the environment and natural resources.

[22 May 1997]

#### **Section 19. Norms for and Limits to Anthropogenic Loads**

[22 May 1997; 20 December 2001]

#### **Section 19.<sup>1</sup> Protection of the Ozone Layer**

Protection of the ozone layer shall be ensured by the removal from economic circulation such substances as deplete the ozone layer and in terminating activities with ozone layer depleting substances. The Cabinet shall determine the procedures by which activities with ozone layer depleting substances are terminated and how undertakings (companies) shall conduct activities with ozone layer depleting substances until the termination of such activities, as well as the procedures by which permits for the exportation and importation of ozone layer depleting substances are issued.

[20 December 2001]

## **Chapter 5**

### **Regulation of the Utilisation of Natural Resources and the Prevention of Environmental Pollution**

#### **Section 20. Limits and Norms for the Utilisation of Natural Resources**

The limits and norms for the utilisation of natural resources in the aggregate shall be determined by the Ministry of Environment in accordance with the procedures specified in laws and other regulatory enactments.

[22 May 1997; 15 May 2003]

#### **Section 21. State Cadastres of Natural Resources**

[22 May 1997; 20 December 2001; 15 May 2003]

#### **Section 21.<sup>1</sup> Register of Protected Territories**

Protected territories are territories, from which the acquisition of water for human consumption is intended, in which the protection of biological resources has been established, bodies of water that have been specified as recreation areas or swimming places, especially sensitive territories, as well as specially protected nature territories, including specially protected nature territories of European significance (*Natura 2000* territories).

The register of protected territories shall be established and maintained by the Latvian Environment Agency.

Information in the register of protected territories shall be grouped according to the catchment area of each river.

[20 December 2001]

#### **Section 22. Payment for the Utilisation of Natural Resources**

For the utilisation of natural resources, all natural persons and legal persons, and associations of natural persons and legal persons shall pay the natural resources tax in accordance with the procedures specified by laws and other regulatory enactments.

[22 May 1997]

#### **Section 23. Payments for Environmental Pollution**

[22 May 1997]

#### **Section 24. Mandatory Ecological Insurance**

[22 May 1997; 20 June 2000]

#### **Section 25. Emission of Pollutants into the Surrounding Environment**

Permits for the emission of pollutants into the surrounding environment within the limits of the norms specified shall be issued to natural persons and legal persons by the Ministry of Environment and the authorities under its supervision, and subordinate to it in accordance with the provisions of the Law On Pollution.

[22 May 1997; 15 May 2003]

## **Section 26. Production, Transportation, Use, Storage and Disposal of Hazardous Chemical Substances**

All natural persons and legal persons shall observe the regulations regarding production, transportation, use, storage and disposal of hazardous chemical substances (also means of plant protection and mineral fertilisers).

All natural persons and legal persons, taking into account the hazardousness, quantity and the circumstances of use and storage of chemical substances, shall observe such care and precautions and shall take the measures necessary in order to not permit endangerment of human health, as well as harm to human health, or to the environment.

The Cabinet may restrict or prohibit the production, import or use of a chemical substance, if, taking into account the national and international experience or the results of scientific investigation, there is justified reason to consider that the chemical substance causes harm to human health or to the environment, or endangers human life.

[22 May 1997; 20 December 2001]

## **Section 27. Production, Transportation, Use, Storage and Disposal of Radioactive Substances**

[22 May 1997; 20 June 2000]

## **Section 28. Reproduction, Use, Transportation, Storage and Liquidation of Micro-organisms, Viruses and their Metabolites**

[22 May 1997; 20 June 2000]

## **Section 29. Duty of Users of Natural Resources**

The users of natural resources have a duty to promote the introduction of low-waste, waste-free and closed water-supply technologies into production cycles.

[22 May 1997; 20 June 2000; 15 May 2003]

## **Section 30. Protective Zones of Various Significance**

[22 May 1997; 20 June 2000]

## **Section 31. Ecological Certification**

[22 May 1997; 20 June 2000]

## **Section 32. State Environment Expert-examinations**

[22 May 1997; 20 June 2000]

## **Chapter 6 Protection of Nature**

[22 May 1997; 20 December 2001]

## **Section 33. Specially Protected Nature Territories**

[22 May 1997; 20 June 2000]

## **Section 34. Protection of Species and Biotopes**

[22 May 1997; 20 December 2001]

**Section 35. Protective Zones for the Protection of the Environment and Natural Resources**

[22 May 1997; 20 June 2000]

**Section 36. Protection of Health Resorts and Recreational Areas**

[20 June 2000]

**Section 37. Regional Nature Protection Complexes (Systems)**

[20 June 2000]

**Chapter 7  
Special Ecological Situations**

[20 December 2001]

**Section 38. Description of Special Ecological Situations**

[22 May 1997; 20 June 2000; 20 December 2001]

**Section 39. Ecologically Potentially Hazardous Situations**

[22 May 1997; 20 December 2001]

**Section 40. Ecologically Hazardous Situations**

[22 May 1997; 20 December 2001]

**Section 41. Ecological Disaster Situations**

[22 May 1997; 20 December 2001]

**Chapter 8  
Environmental Protection Control and Monitoring**

[20 December 2001]

**Section 42. Tasks of Environmental Protection Control**

[20 December 2001]

**Section 43. Environment Monitoring**

The monitoring of the environment shall be organised or conducted by State and local government authorities, as well as by undertakings (companies) in accordance with the requirements of regulatory enactments.

The Cabinet shall determine the requirements for environment monitoring and the procedures for the conduct thereof.

[20 December 2001]

**Section 44. State Control of Environmental Protection and the Utilisation of Natural Resources**

State control of environmental protection and the utilisation of natural resources in accordance with the procedures specified by laws and regulatory enactments shall be carried out by the State environment inspectors of the Environment State Inspectorate, regional environmental boards, the Marine Environmental Board, and administrations of specially protected nature territories.

The activities of State environment inspectors of the regional environmental boards, the Marine Environmental Board and the administrations of specially protected nature territories in respect of ensuring uniform control of the environmental protection and the rational utilisation of natural resources shall be supervised by the Environment State Inspectorate.

The by-laws of the Environment State Inspectorate shall be approved by the Cabinet.

The chief State environmental protection inspector of the Republic of Latvia shall be the head of the Environment State Inspectorate.

The chief State environmental protection inspectors of regions and specially protected nature territories (hereinafter – regions) shall be the directors of the regional environmental boards, the Marine Environmental Board, and the administrations of specially protected nature territories.

The State environment inspectors shall be the inspectors of the Environment State Inspectorate, the Marine Environmental Board, regional environmental boards and the administrations of specially protected nature territories, as well as ship captains of the Marine Environmental Board who carry out State control of environmental protection and the utilisation of natural resources.

The chief State environmental protection inspector of the Republic of Latvia may suspend or revoke the decisions of the chief State environmental protection inspectors of regions if these do not comply with the requirements of regulatory enactments.

The chief State environmental protection inspectors of regions may suspend or revoke the decisions of State environment inspectors if these do not comply with the requirements of regulatory enactments.

The form of the uniform, badges and identification document shall be approved by the Minister for Environment.

[22 May 1997; 20 December 2001; 15 May 2003]

#### **Section 44.<sup>1</sup> Duties of State Environment Inspectors**

State environment inspectors shall, in accordance with the procedures specified by regulatory enactments, perform State control in respect of:

1) ensuring that in the territory of the Republic of Latvia, in the continental shelf, and in the economic zone of the Baltic Sea of the Republic of Latvia, natural persons and legal persons observe the requirements of regulatory enactments, standards, norms and regulations regarding environmental protection and the utilisation of natural resources, as well as implement national programmes, plans, projects and other measures for environmental protection and the sustainable utilisation of natural resources;

2) the register of natural resources and emissions of pollutants into the environment;

3) the observance of the regulations regarding transportation of all kinds of hazardous cargo;

4) the observance of regulatory enactments regarding waste management and packaging;

5) the observance of regulatory enactments in the performance of activities with chemical substances and chemical products, including:

a) the observance of regulatory enactments regarding classification, labelling and packaging of chemical substances and chemical products;

b) the observance of the procedures for the completion and dispatch of the chemical substances and chemical product safety data sheet;



- c) the observance of those regulatory enactments which regulate the necessary level of education of persons that carry out entrepreneurial activities with chemical substances and chemical products; and
- d) the observance of those regulatory enactments which regulate the procedures for the evaluation of industrial accident risk and determine the measures for reduction of risk;
- 6) the observance of utilisation conditions and extraction limits (quotas) in respect of natural resources;
- 7) the observance of the specific regime for specially protected nature territories;
- 8) the observance of those regulatory enactments which regulate the requirements for protection of nature;
- 9) the observance of the requirements for environmental protection in regulatory enactments in construction work, in choice of a site for the construction of new objects, the extension, reconstruction, increasing production capacity and changing the profile of existing objects, but in relation to the intended activities for which an environmental impact study is necessary – the observance of the requirements of technical regulations and the observance of the special construction design requirements issued by the State environmental authorities;
- 10) the conformity of polluting activities with the requirements specified in the Law On Pollution;
- 11) whether or not a permit has been obtained regarding the performance of polluting activities and whether the conditions contained in the permit are being observed; and
- 12) the implementation of tasks associated with the investigation of polluted or potentially polluted areas, and of the tasks and programme for the restoration of the polluted area.

State environment inspectors also have other duties specified by laws and regulatory enactments.

State environmental inspectors shall:

- 1) participate in the control of construction work if the buildings are erected on coastal sand dunes, in the protection zone of reservoirs and water courses, the aquatorium and in specially protected nature territories, and in the work of such commissions as perform the acceptance for service of the relevant building, as well as participate in control in other cases specified by regulatory enactments; and
- 2) in conformity with the results of a conducted examination, provide opinions and binding instructions to the relevant participants in the construction work regarding the rectification of violations of regulatory enactments if the buildings are erected on coastal sand dunes, in the protection zone of reservoirs and water courses, the aquatorium and in specially protected nature territories.

[22 May 1997; 20 December 2001; 15 May 2003]

#### **Section 44.<sup>2</sup> Rights of State Environment Inspectors**

State environment inspectors have the right to:

- 1) without interference, drive in or enter and control the observance of regulatory enactments regarding environmental protection and the utilisation of natural resources or of the norms of international law, in any object in the entire the territory of the Republic of Latvia, except for objects of regimes and military significance, for the control of which the assent of their commanders (heads) is necessary;

2) arrest, in accordance with specified procedures, violators of environmental protection regulatory enactments and, if necessary (to ascertain their identity), convey them to the premises of the police;

3) examine and control the personal property and means of transport of the violator of environmental protection regulatory enactments, confiscate illegally acquired natural resources and products, the extraction tools therefor and other material evidence in the places of its extraction, storage, processing and sale according to the procedures specified by the State Environment Inspection;

4) stop or prohibit activities in specially protected nature territories, which do not conform to the requirements specified in environmental protection and utilisation of natural resources regulatory enactments;

5) suspend the utilisation of and other forms of activity associated with natural resources which is not permitted or which is associated with the non-observance of the utilisation regulations, norms, time limits or other requirements, which is in contradiction to regulatory enactments regarding environmental protection;

6) take decisions, provide opinions and issue orders and instructions, compile reports (documents), examine materials regarding violations of regulatory enactments regarding environmental protection and the utilisation of natural resources, and if necessary, subject persons at fault to administrative liability or carry out other activities provided for in laws and regulatory enactments;

7) in cases when the regulatory enactments regarding environmental protection and the utilisation of natural resources are not observed, stop, suspend or prohibit the activities of natural or legal persons at fault, annul or recommend the annulment of illegally acquired or utilised permits (licences);

8) bring actions against persons at fault regarding losses caused as a result of harm, which have been done to the environment;

9) in order to carry out their functions, request and receive free of charge from natural persons and legal persons information on issues of environmental protection and the utilisation of natural resources;

10) in accordance with the procedures specified by law and regulatory enactments obtain, store, carry and use firearms and special equipment;

11) take decisions that are binding on operators, and administrative documents in respect of the performance of polluting activities; and

12) control the observance of environmental protection requirements in construction work, monitoring the construction site and buildings.

State environment inspectors also have rights specified by other laws and regulatory enactments.

Means of transport and vessels which, in the performance of State environmental protection controls, are utilised by State environment inspectors, may be, in accordance with the procedures specified in regulatory enactments, equipped with special light and sound signal equipment, colour and design mountings.

[22 May 1997; 20 December 2001; 15 May 2003]

#### **Section 45. Local Government Authority Control of Environmental Protection**

Local government authorities shall perform control of environmental protection and the rational utilisation of natural resources. Within the scope of their competence, they shall be responsible for environmental protection and the conservation of natural resources within the relevant administrative territory.

The duties and rights of local government institutions with regard to environmental protection and the utilisation of natural resources shall be determined in accordance with the procedures specified in laws.

[22 May 1997]

**Section 46. Control by Undertakings, Organisations and Institutions of Environmental Protection**

[22 May 1997]

**Section 47. Public Control of Environmental Protection**

Public control of environmental protection and the utilisation of natural resources shall be performed by public organisations, movements and inhabitants, and its purpose shall be to follow the observance by natural persons and legal persons of the requirements of environmental protection regulatory enactments and the implementation of plans (programmes) in relation to environmental protection and the rational utilisation of natural resources.

The State Environmental Inspection may involve in the control of environmental protection and utilisation of natural resources public environmental inspectors. The State Environmental Inspection may delegate to public environmental inspectors the right to draw up reports regarding administrative violations. The criteria for the nomination of public environmental inspectors, the regimentation of their work and sample of their identification document shall be approved by the Minister for Environment.

[22 May 1997; 15 May 2003]

**Chapter 9**

**Liability for Violations of Laws on Environmental Protection**

**Section 48. Types of Liability for Violations of Laws on Environmental Protection**

Persons, who have violated requirements specified in laws on environmental protection, shall be subject to administrative liability, criminal liability or other liability in accordance with the laws of the Republic of Latvia.

[22 May 1997; 15 May 2003]

**Section 49. Administrative Liability for Violations of Laws on Environmental Protection**

Persons shall be subject to administrative liability for violations of laws on environmental protection in accordance with the Administrative Violations Code if criminal liability has not been prescribed for such violations.

[22 May 1997]

## **Section 50. Criminal Liability for Violations of Laws on Environmental Protection**

Persons may be subject to criminal liability for such violations of laws on environmental protection as, in accordance with the Criminal Law, have the elements of crime.

If a crime against the environment has been committed by an official, he or she shall be liable for the violation of laws on environmental protection and, if there are grounds, also for malfeasance.

[22 May 1997; 15 May 2003]

## **Section 51. Disciplinary Liability for Violations of Laws on Environmental Protection**

[22 May 1997]

## **Section 52. Liability for Losses Caused by Violation of Laws and Regulatory Enactments on Environmental Protection**

The subjection of persons to administrative liability, criminal liability, or disciplinary liability shall not release them from the obligation to compensate losses caused to nature, human health and life, and to the interests and property of natural persons and legal persons.

Compensation for losses caused to natural objects owned by the State and local governments shall be paid into the Latvian Environmental Protection Fund.

[22 May 1997; 20 June 2000]

## **Section 53. Compensation for Losses Caused as a Result of Harm Done to the Environment**

Harm to the environment is the causing of such a change to the environment, as may cause harm to human health and safety, biological diversity, natural resources and natural heritage.

Natural persons and legal persons, who have done harm to the environment, have the following duties:

1) if possible, to liquidate or reduce the consequences of the harm done to the environment, in order to rectify the adverse impact on the environment and the threat to sustainable development of the environment; and

2) to compensate expenditures which are necessary in order to renew the impacted or to create equivalent environmental values if it is not possible to rectify the harm done to the environment.

The head of the Environment State Inspectorate, the director of the regional environmental board, administration of the specially protected nature territory or the Maritime Environment Administration shall, by an order, establish a commission to determine the losses caused as a result of harm done to the environment (hereinafter – commission). Losses, which have been caused as a result of harm done to the environment, shall be determined by the commission in accordance with regulatory enactments on the basis of an inspection document.

The commission shall, within a period of two months after the inspection has been conducted, make calculations and compile a rectification of harm done to the environment and compensation for losses statement (hereinafter – statement), which shall be made known to the person who has done harm to the environment. The statement shall set out

the total losses and determine the time period for the commencement of restoration activities, the procedures for the performance of these activities and the time period by which the activities referred to have to be performed. If it is not possible to rectify the harm done to the environment, the commission shall determine the time period by which the calculated amount of losses shall be paid into the State environmental protection special budget.

The total losses caused as a result of harm done to the environment shall be determined on the basis of the amount of work and costs, which are necessary in order to restore impacted environmental values or to create equivalent environmental values if it is not possible to rectify the harm done to the environment, as well as on the amount of losses, which in accordance with regulatory enactments have been calculated in respect of permanent and secondary pollution of the environment.

If it is possible to only partially rectify the harm done to the environment, the person who has done harm to the environment shall pay within a specified period of time the remainder of the amount of losses into the State environmental protection special budget.

[22 May 1997; 20 June 2000; 20 December 2001]

**Section 54. Material Liability of Owners of Sources of Increased Hazardousness for Harm Caused**

[22 May 1997]

**Section 55. Material Liability of State Authorities for Violations of Laws on Environmental Protection**

[22 May 1997]

**Section 56. Actions for Compensation for Losses Caused as a Result of Violation of Laws and Other Regulatory Enactments on Environmental Protection**

The following have the right to bring actions for compensation for losses caused as a result of violation of laws and other regulatory enactments on environmental protection:

1) natural persons and legal persons to whose health, life, interests, or property losses have been caused;

2) authorities under the control and supervision of the Ministry of Environment, and a prosecutor if State or public interests and property in the field of environmental protection have been injured; and

3) public organisations and movements if the action for compensation for losses caused has not been submitted by the authorities under the control and supervision of the Ministry of Environment, or by a prosecutor.

The procedures for the filing of actions and for the assessment of losses caused shall be determined by the Civil Procedure Law and other regulatory enactments.

Actions for compensation for losses caused to the environment do not have a statute of limitations.

[22 May 1997; 15 May 2003]

**Section 57. Procedures for Settlement of Disputes regarding Issues of Environmental Protection and the Utilisation of Natural Resources**

Disputes regarding issues of environmental protection and the utilisation of natural resources shall be settled by the authorities set out in laws and other regulatory enactments, or a court.

Civil disputes in respect of the referred to issues shall be settled by a court.  
[22 May 1997]

**Section 58. Restriction, Stopping and Suspension of Economic and Other Types of Activity**

Economic and other types of activity which result in violations of regulatory enactments on environmental protection and the utilisation of natural resources, in harm being done or the possibility of it being done to the environment, human health and life, and to the interests and property of natural persons and legal persons, may be restricted, stopped or suspended by the Ministry of Environment or other State authorities authorised therefor in accordance with the procedures specified by laws.

[22 May 1997; 15 May 2003]

**Section 59. Alienation of Products Obtained Illegally from Nature and of Articles Produced Therefrom**

Products obtained illegally from nature and articles produced therefrom shall be alienated without compensation in accordance with the procedures specified by the laws of the Republic of Latvia. Income obtained from their sale shall be paid into the Latvian Environmental Protection Fund.

[22 May 1997]

**Chapter 10  
International Co-operation of the  
Republic of Latvia in Environmental Protection**

**Section 60. Legal Basis of International Co-operation of the Republic of Latvia in Environmental Protection**

The Republic of Latvia shall implement international co-operation in environmental protection on the basis of generally recognised international principles of environmental protection and the utilisation of natural resources, and by observing international agreements, conventions and other regulatory enactments regarding environmental protection and the utilisation of natural resources.

[22 May 1997]

## **Section 61. International Agreements on Environmental Protection and the Utilisation of Natural Resources**

International agreements on environmental protection and the utilisation of natural resources shall be regulated by international treaties, conventions, protocols and other regulatory enactments.

If the provisions of an international treaty concluded by the Republic of Latvia differ from the laws of the Republic of Latvia regarding environmental protection and the utilisation of natural resources in the territory of the Republic of Latvia, the provisions of the international treaty shall apply.

[22 May 1997]

## **Section 62. Participation of the Republic of Latvia in the Activities of International Environmental Protection Organisations**

The Republic of Latvia shall participate in the activities of international environmental protection organisations, as well as in the fulfilment of regional environmental protection conventions of the Baltic Sea Region, and shall be represented at international ecological organisations.

[22 May 1997]

## **Section 63. Compensation for Losses Caused as a Result of Environmental Pollution**

The Republic of Latvia shall reimburse losses caused to other states as a result of environmental pollution in accordance with the international agreements, which the Republic of Latvia has entered into, as well as the procedures for their application.

[22 May 1997; 15 May 2003]

## **Section 64. Fulfilment of Obligations of the Republic of Latvia Resulting from International Agreements**

The activities of Ministries associated with the fulfilment of international obligations with respect to environmental protection and the utilisation of natural resources and with international co-operation in the resolution of ecological problems shall be co-ordinated by the Ministry of Environment.

[22 May 1997; 15 May 2003]

### **Transitional Provisions**

1. The coming into force of Sections 5.<sup>1</sup> and 5.<sup>2</sup> of this Law shall be determined by a special law.

2. Until the issuing of new Cabinet Regulations, but not longer than until 1 June 2002, the 19 August 1997 Cabinet Regulation No. 305, By-laws of the Environment State Inspectorate, shall remain in force.

3. Until the issuing of new Cabinet Regulations, but not longer than until 1 September 2002, the 25 April 2000 Cabinet Regulation No. 154, Regulations On the Evaluation, Prevention, Restriction and Control of the Emission of Air Pollutants caused by Stationary

Air Pollution Sources, and the 9 September 1997 Cabinet Regulation No. 316, Regulations On the Utilisation of Waste Water Sludge for the Fertilisation of Soil and Landscaping of Territory, shall remain in force.

4. The Cabinet shall by 1 March 2002 issue the regulations referred to in Section 9, Clause 10.

5. The Cabinet shall by 1 September 2002 issue the regulations referred to in Section 9, Clauses 11 and 12; Section 19.<sup>1</sup>, as well as Section 43, Paragraph two.

6. The Cabinet shall by 30 November 2003 issue the regulations referred to in Section 9, Clause 13.

7. Section 17.<sup>3</sup>, Paragraphs five and six, and Section 17.<sup>4</sup>, Paragraph four of this Law shall come into force on 14 February 2005.

8. The Cabinet shall by 1 January 2004 issue the regulations referred to in Section 9, Clause 14.

9. The Cabinet shall by 1 July 2004 issue the regulations referred to in Section 9, Clause 15.

[20 December 2001; 15 May 2003]

#### **Informative Reference to European Union Directives**

The legal norms which arise from directives 90/313/EEC, 2003/4/EC and 2000/60/EC are included in this Law.

[15 May 2003]

Chairman of the Supreme Council of the  
Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council of the  
Republic of Latvia

I. Daudišs

Rīga, 6 August 1991

#### **Transitional Provisions Regarding Amendments to the Law On Environmental Protection**

##### **Transitional Provisions**

(regarding amending Law of 22 May 1997)

1. The 10 October 1990 Decision of the Supreme Council of the Republic of Latvia, On Approval of the By-laws of the State Environmental Protection Inspection (*Latvijas*



*Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 45) is repealed from 1 March 1997.

2. With the coming into force of this Law, Cabinet Regulation No. 24, Amendments to the Law On Environmental Protection issued in accordance with Article 81 of the Constitution of the Republic of Latvia (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No. 5) is repealed.