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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 *Saeima*¹ has adopted and the President has proclaimed the following Law:

On Pollution

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **substantial change** – a change in operation, which in accordance with an opinion of the permit issuing institution may have significant negative effects on human beings or the environment;

2) **change in operation** – a change in the functioning of an installation, including extension of operation, which may have an impact on the environment;

3) **emission** – direct or indirect release of substances, vibrations, heat, non-ionising radiation, noise or another release from a stationary or diffuse pollution source which arises while performing a polluting activity and which has or may have an impact on the environment;

3.¹⁾ **emission quota** – an allowance to emit during a specified period one tonne of carbon dioxide or a specified amount of other greenhouse gases expressed in carbon dioxide equivalents, taking into account the global-warming potential of the relevant greenhouse gas. The emission quota shall be utilised only for the purposes of implementing the provisions of this Law, as well as in accordance with the provisions of this Law may be transferable to another natural or legal person;

4) **militarily polluted territory** – a territory locating explosive items and materials or toxic or otherwise dangerous substances which are used or which were intended to be used for military purposes;

5) **operator** – a natural or a legal person who performs a polluting activity or who is responsible for the technical support of such activity or who has decisive economic power over the relevant polluting activity;

6) **polluting activity** – the utilisation of soil, subterranean depths, water, air, installations or buildings and other stationary facilities that may result in environmental pollution or risk of accidents, as well as the activities that are performed in polluted sites and that may cause spreading of pollution;

¹ The Parliament of the Republic of Latvia

7) **pollution** – a direct or indirect impact of emission on the environment which may endanger human health, result in damage to property, causes or may cause harm to the environment, including ecosystems, impair the utilisation of natural resources or in some other way impair lawful utilisation of the environment;

8) **polluted site** – soil, subterranean depths, water, sludge, as well as buildings, production facilities or other facilities containing polluting substances;

9) **potentially polluted site** – soil, subterranean depths, water, sludge, as well as buildings, production facilities or other facilities which according to unverified information contain or may contain polluting substances;

10) **rehabilitation** – treatment and recovery of a polluted site at least to such extent that henceforth human health or the environment are not endangered and it is possible to utilise the relevant territory for a specific economic activity;

10.¹) **greenhouse gases** – carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆);

11) **technology** – a set of technical methods and techniques, including the utilisation of patents, trade marks, licences, technical developments, as well as special machinery and equipment in order to attain a specific objective or result;

12) **substance** – any chemical element or a compound of chemical elements;

13) **noise mapping** – the expression of existing or predicted data characterising noise levels in terms of noise indicators, which indicate the exceeding of noise limit values in a specific area and the number of people or the number of dwellings upon which in a specific area the noise which is characterised by a specific noise indicator affects;

14) **noise indicator** – a physical amount with which environmental noise is characterised, which may cause harmful consequences;

15) **strategic noise map** – a map developed for a specific area in order to evaluate the total effect of the noise caused by various noise sources or to specify a general environmental noise prognosis; and

16) **environmental noise** – unwanted or harmful outdoor noise created by human activities, for example, noise caused by means of transport, road traffic, rail traffic, air traffic, and noise which is caused by industrial activity zones, as well as noise which is caused by the pollution activities (equipment) referred to in Annex 1 of this Law.

[18 December 2003]

Section 2. Purpose of the Law

The purpose of this Law is to prevent or reduce harm caused to human health, property or the environment due to pollution, to eliminate the consequences of harm caused, as well as:

1) to prevent pollution resulting from polluting activities or, if it is impossible, reduce emission into soil, water and air;

2) to prevent or, if it is impossible, reduce the utilisation of non-renewable natural resources and energy when performing polluting activities;

3) to prevent or, if it is impossible, reduce the generation of waste;

4) to ensure ascertaining of polluted and potentially polluted sites in the territory of the State and registration thereof;

5) to specify measures for investigation of polluted and potentially polluted sites and rehabilitation of polluted sites;

6) to specify the persons who shall cover expenses relating to investigation of polluted and potentially polluted sites and rehabilitation of polluted sites;

7) to prevent or reduce the effects of environmental noise upon human beings;

7) to reduce greenhouse gas emissions taking into account cost-effectiveness, and to ensure participation in the European Union emission quota trade system; and

9) to specify the right of each natural person and legal person, as well as the associations, organisations and groups thereof (hereinafter – the public) to participate in the decision-taking process in relation to the issuing of permits for the performance of polluting activities or the review of such permits, as well as in relation to the division and granting of greenhouse gas emission quotas.

[18 December 2003]

Section 3. Scope of Application of the Law

(1) This Law determines requirements which shall be taken into account by operators in the area of pollution prevention and control, and procedures for prevention and control of pollution, as well as:

1) requirements that shall be taken into account when initiating, performing and discontinuing polluting activities;

2) requirements that shall be taken into account when issuing permits for performance of polluting activities and use of water, as well as procedures for provision of information regarding polluting activities the performance of which does not require a permit;

3) procedures for determination of environmental quality rules;

4) procedures for determining the emission limit value of specific substances, conditions for a polluting activity, as well as other restrictions referring to the performance of polluting activities;

5) procedures for ascertaining, registration, investigation and rehabilitation of polluted sites;

6) conditions for the supervision of polluting activities, control and monitoring of polluting activities, as well as procedures by which the public shall be informed of such activities;

7) requirements, which need to be taken into account in issuing greenhouse gas emission permits and emission quotas;

7) requirements in relation to activities with emission quotas and conditions for the development of a plan for the allocation of emission quotas; and

9) procedures for the specification of highly sensitive territories, including requirements in relation to the purification of city and other municipal (hereinafter – city) waste water, as well as the protection of water and soil in the relevant territories.

(2) This Law shall also apply to the mobile sources of pollution determined by the Cabinet.

(3) Activities with radioactive substances, radioactive waste, sources of ionising radiation and genetically modified organisms shall be governed by other regulatory enactments.

[18 December 2003]

Chapter II

Requirements and Conditions for Performance of Polluting Activities

Section 4. Requirements for Performance of Polluting Activities

An operator, when performing a polluting activity, shall observe the specific nature thereof and fulfil the following requirements:

1) take measures to prevent the occurrence of pollution or to reduce the emission thereof;

2) ensure the observance of environmental quality rules;

- 3) carry out the monitoring of the polluting activity;
 - 4) provide environmental protection and other State institutions, local governments and the public with the information provided for by this Law and other regulatory enactments;
 - 5) observe the requirements in respect of the site of a polluting activity;
 - 6) compile and provide the employees performing the polluting activity with the necessary information regarding the probable effect of the polluting activity on human health and the environment;
 - 7) observe the conditions referred to in Section 11 of this Law; and
 - 8) obtain a Category A or B permit for the performance of polluting activities or notify regarding the performance of Category C polluting activities and, in the cases specified in this Law, obtain a green house gas emission permit.
- [18 December 2003]

Section 5. Precautionary Measures

An operator, as well as the responsible State and local government institutions, shall take the necessary precautionary measures to prevent or, if it is impossible, reduce the environmental pollution or the risk thereof, as well as the risk of accidents. Precautionary measures shall include:

- 1) utilisation of the available technical means and taking of organisational measures at all stages and processes of a polluting activity;
- 2) restriction or suspension of production or other activities for a definite time period if it is required due to unfavourable meteorological or other circumstances;
- 3) the avoidance of the use of non-renewable natural resources and energy or restriction of the use thereof, as well as the avoidance of the generation of waste or restriction of the generation thereof by utilising such methods as recycling and processing of substances and materials or other methods during the whole circulation cycle of substances and materials;
- 4) the avoidance of the utilisation of such chemical substances and chemical products, as well as organisms, instead of which it is possible to utilise substitutes which are less dangerous to human life, health or the environment;
- 5) the assessment of the risk of accidents and the measures required to avoid accidents, but in the event of an accident to diminish its consequences;
- 6) suspension of a polluting activity and emergency rehabilitation of the polluted site, if necessary;
- 7) measures required to prevent spreading of pollution; investigation and rehabilitation of the polluted site, as well as monitoring of the polluting activity; and
- 8) the requirement for the operators performing the polluting activities referred to in Annex 1 to this Law to use the best available techniques.

[18 December 2003]

Section 6. Provision of Operators and Employees with the Necessary Knowledge and the Duty to Provide Information

- (1) An operator, prior to the initiation of a polluting activity or a substantial change, shall ascertain information regarding the possible effect thereof on human health and the environment;
- (2) The operator shall provide employees performing a polluting activity with the necessary information regarding the procedures by which such activity is to be performed and its possible effect on human health and the environment, the precautionary measures to reduce such effect, as well as the actions in emergency situations.

(3) The operator has a duty to provide information to environmental protection institutions which are responsible for the issue and control of permits in accordance with this Law, as well as to inform the public and the relevant local government of the results of the monitoring specified in a permit and the effect of a polluting activity on human health and the environment.

(4) If conditions of a permit are violated or further compliance with such conditions is endangered, the operator shall notify the relevant regional environmental board thereof.

(5) If pollution dangerous to human life, health or the environment has occurred or there exists a serious threat of such pollution occurring, an operator shall notify the relevant regional environmental board regarding such pollution.

[18 December 2003]

Section 7. Monitoring of Polluting Activities

An operator shall ensure the monitoring of a polluting activity, especially for such processes that are directly related to the environmental pollution or the risk thereof. In order to detect changes in the environment in good time, the operator shall ensure the monitoring of the environment in the territory, which may be affected by the polluting activity.

[20 June 2002]

Section 8. Requirements for the Site of Polluting Activity

(1) Prior to commencing a polluting activity, which requires a permit in accordance with this Law, an operator shall assess the possible alternative sites for performance of such activity. This requirement shall apply to the activity as a whole, separate processes thereof, as well as to the sites of emission. The site for the polluting activity or separate processes thereof shall be chosen such where the activity shall have the least negative impact on human health and the environment.

(2) The requirements of Paragraph one of this Section shall not apply to polluting activities the possible performance sites, techniques and technologies of which, as well as the impact thereof on the environment have been assessed in accordance with the Law on the Environmental Impact Assessment.

Section 9. Cost-effectiveness

An operator shall implement the measures and requirements specified in Sections 5, 6, 7 and 8 of this Law, making sure that the total costs of implementing such measures and requirements conform to the foreseeable positive effect on the environment and that the observance of environmental quality rules is ensured.

Section 10. Emission Limit Values and Limits

(1) An emission limit value is the maximum amount of a substance emitted or other factors (concentration or level of emission) expressed as definite parameters that may not be exceeded within a specified period or periods of time or that may not be exceeded under normal conditions of operation of an installation. The emission limit value shall be determined for specific substances or groups of substances.

(2) An emission limit value shall normally be determined on the site where pollution is discharged from an installation, moreover the reduction in concentration at the time of determining the limit value shall not be taken into account.

(3) In determining the emission limit value for the discharge into water of pollution caused by an installation, the effect of water treatment installations shall be considered if the environmental pollution level does not increase as a result.

(4) An emission limit is an amount of the emitted substance specified in a permit or other factors (the concentration or level of emission) expressed as definite parameters that may not be exceeded during a specified period or periods of time, or the amount or concentration of the emitted substance that may not be exceeded under normal conditions of operation of an installation and which does not exceed the relevant emission limit value.

Section 11. Conditions for Performance of a Polluting Activity

(1) When performing a polluting activity, an operator shall observe:

1) the prohibition in respect of emission of specific polluting substances into the environment;

2) the emission limit values and limits of specific types of pollution;

3) procedures for reduction, prevention or control of emission in specific spheres of economic activity or in respect of a specific type of installations or substances; and

4) procedures for conformity assessment of installations or groups of installations related to a specific pollution emission.

(2) In order to ensure compliance with the conditions referred to in Paragraph one of this Section, the Cabinet shall regulate:

1) procedures by which emission of air polluting substances from stationary air pollution sources shall be prevented, restricted and controlled;

2) the emission limit values for sewage and prohibition in respect of emission of polluting substances into water;

3) regulations on protection of water and soil from pollution with nitrates caused by agricultural activity;

4) regulations on the emission of noise from installations used outdoors;

5) regulations on the emission of polluting substances into the air from the combustion engines of mobile mechanisms not utilised for transport;

6) regulations on environmental pollution resulting from the production of asbestos and asbestos-based products;

7) regulations on requirements to be set for incineration of waste and for the operation of waste incineration facilities; and

8) procedures regarding the restriction of the spread of the smell caused by polluting activity and the methods for specifying such smells.

(3) The Cabinet shall determine the maximum permissible emissions into the air within a specified period of time and for specific types of pollution in the State.

[20 June 2002; 18 December 2003]

Chapter III

Environmental Quality Rules and Programmes for Implementation of Environmental Quality Rules

Section 12. Environmental Quality and Determination of Environmental Quality Rules

(1) Environmental quality shall be determined in comparison with the desirable quality of air, surface water, underground water, soil and subterranean depths or quality of other

environmental components, for the provision of which environmental quality rules expressed in quantitative indicators shall be determined.

(2) In order to prevent harm to human health or the environment and ensure the maintenance of biological diversity within a longer period of time, considering the necessary security reserves, the Cabinet shall determine quality rules for air, surface water, underground water and soil, by specifying:

- 1) the time periods for attainment of such rules and the territory to which they apply;
- 2) the highest and lowest permissible level or characteristics for the presence in the environment of substances, noise, organisms or other factors affecting the environment;
- 3) parameters, monitoring methods and methods by which the exceeding of the relevant parameters is determined; and
- 4) measures to be taken in cases where the rules have been exceeded.

(3) The environmental quality rules prescribed by regulatory enactments may be attained gradually, during several specific intermediate stages.

Section 13. Limit Values and Target Values

(1) Environmental quality rules are divided into limit values and target values.

(2) Limit values shall be binding on any operator who performs or has intended to perform a polluting activity, the emission arising from which may affect the relevant territory.

(3) Environmental protection institutions, in taking decisions on the issue of a permit and developing conditions for the utilisation of the best available techniques, as well as in controlling a polluting activity, shall take into account the target values determined.

(4) Operators in performing polluting activities shall restrict emissions in order that they do not exceed the environmental quality guide values, or if they are exceeded – gradually reduce emissions to the relevant guide value.

[20 June 2002]

Section 14. Restrictions on Initiating a Polluting Activity

(1) A polluting activity shall not be initiated if environmental quality standard limit values for a specific type of pollution in a specific territory have been exceeded or may be exceeded and if the emissions caused by the relevant activity may increase the total amount of the relevant pollution in this territory. In such cases, a permit for the performance of a polluting activity shall not be issued.

(2) If in a specific territory the environmental quality standard limit value for a specific type of pollution is exceeded or may be exceeded, the local government, in accordance with an action programme or short-term action programme developed and approved according to the procedures specified in regulatory enactments, may issue binding regulations, which in the relevant territory restrict or prohibit the initiation of such polluting activity the emission arising from which may increase the total amount of relevant pollution in such territory, except for the cases referred to in Section 16 of this Law.

[20 June 2002; 18 December 2003]

Section 15. Restrictions on a Polluting Activity

If environmental quality limit values for a specific type of pollution have been exceeded or may be exceeded in a territory, where a polluting activity is performed in accordance with a permit issued in accordance with the procedures prescribed by regulatory enactments:

1) the operator shall take measures required to gradually reduce emission which may affect human health or the environment in the relevant territory in accordance with the requirements set out in Chapter II of this Law;

2) a permit for a substantial change in operation shall not be issued, if such change may cause emissions which increase the total amount of relevant pollution in such territory; and

3) in reviewing the already-issued permits, conditions thereof shall be changed or supplemented in conformity with the requirements prescribed in Chapter II of this Law.

Section 16. Co-operation of Operators

(1) In cases referred to in Section 14 and 15 of this Law, an operator may enter into an agreement on measures to be taken in order to reduce the total emissions of the relevant type of pollution with another operator, who is permitted to emit pollution of the relevant type, and notify the regional environmental board thereof.

(2) If the agreement of operators provides that the total emissions of the relevant type of pollution arising from polluting activities to which the agreement applies shall be lower than before entering into the agreement, and if in conformity with this Law and other regulatory enactments other requirements for the reduction of pollution have been observed, the environmental protection board shall accept such agreement.

(3) Operators who have intended to perform polluting activities to which an agreement applies shall submit an application for receipt of a permit and the regional environmental board shall issue a permit in conformity with the reduction of the amount of emissions provided for in the agreement.

Section 17. Programmes for Implementation of Environmental Quality Rules and Action Programmes for Reduction of Pollution

(1) If environmental quality standard limit values for a specific type of pollution are or may be exceeded, as well as in other cases prescribed by regulatory enactments, the Ministry of Environment or other institutions which have been assigned such duty by regulatory enactments shall develop programmes for implementation of environmental quality rules or action programmes for reduction of pollution in an individual territory or the State as a whole. The programme shall include:

1) the purpose of reduction of pollution;

2) the emission limit value for specific substances and the prohibition on the emission of separate polluting substances;

3) measures to be taken to reduce emission in various economic sectors, especially in the field of transport, energy industry, agriculture and forestry;

4) measures which provide incentives to operators to enter into and implement the mutual agreements referred to in Section 16 of this Law; and

5) sources of financing of the programme.

(2) Programmes for implementation of environmental quality rules or action programmes for reduction of pollution shall be approved by the Cabinet or – in cases prescribed by regulatory enactments – by the relevant local governments.

[20 June 2002; 18 December 2003]

Section 18. Highly Sensitive Territories

(1) Territories where pollution may have an increased effect on human health or the environment and its biological diversity, or the territories that are highly sensitive to pollution load shall be known as highly sensitive territories.

(2) The Cabinet shall regulate the criteria for determination of highly sensitive territories and procedures for managing thereof, determine the boundaries of the relevant territories, or of the entire State or of the administrative territories of specific local governments as the boundaries of sensitive territories, as well as determine:

1) those highly sensitive territories to which increased requirements for the urban waste water treatment apply; and

2) those highly sensitive territories to which increased requirements for the protection of water and soil from pollution with nitrates caused by agricultural activity apply.

(3) The Cabinet shall:

1) pass regulations in respect of an action programme for the reduction or prevention of nitrate-related water pollution in the relevant highly sensitive territories, as well as set time periods for the implementation of the action programme.

2) [18 December 2003]

(4) The Ministry of Environment after co-ordination with the Ministry of Agriculture shall establish for the co-ordination of management measures for the highly sensitive territories referred to in Paragraph two, Clause 2 of this Section a consultative council, including in such council representatives from the Ministry of Environment, Ministry of Agriculture and the Ministry of Health and the existing institutions subordinate to these ministries, as well as representatives of public organisations, and shall approve the by-laws of such council.

[18 December 2003]

Section 18.¹ Highly Sensitive Territories

(1) Territories where pollution may have an increased effect on human health or the environment and its biological diversity, or the territories that are highly sensitive to pollution load shall be known as highly sensitive territories.

(2) The development and implementation of noise mapping, strategic noise maps and action plans for the reduction of noise in relation to motor roads and railway lines, as well as airports the traffic intensity of which is more than 50 000 aircraft per year, shall be ensured by the Ministry of Transport.

(3) The Cabinet shall determine:

1) the noise indicators, the procedures for the application thereof and evaluation methods;

2) the requirements and time periods for the noise mapping, as well as the development of strategic noise maps and action plans for noise reduction;

3) the evaluation methods for the harmful consequences of environmental noise;

4) the procedures by which co-operation with neighbouring states in the evaluation and reduction of environmental noise shall be implemented (if a transboundary impact has been observed); and

5) the information to be issued to the public and the European Commission regarding environmental noise, the procedures for the issuing thereof and time periods, as well as the procedures by which the public shall be involved in the development of action plans for the reduction of noise.

(4) In populated areas, motor roads, railway lines and airports where the relevant indicators are less than those referred to in Paragraph 10 or 11 of the Transitional Provisions of this Law,

the institutions referred to in Paragraphs one and two of this Section may perform noise mapping, develop and implement strategic noise maps and action plans for the reduction of noise in conformity with the conditions provided for environmental protection in this Law and other regulatory enactments.
[18 December 2003]

Chapter IV

Classification of Polluting Activities and Conditions for Their Performance

Section 19. Classification of Polluting Activities and a Permit for Performance of Polluting Activities

- (1) Polluting activities are classified into categories A, B, and C, considering the amount and effect or the risk of pollution caused to human health and the environment.
- (2) The requirements specified in Chapter II of this Law shall also apply to such activities, which do not conform to category A, B, or C, but may cause pollution.
- (3) In order to initiate or continue an activity of category A or B, an operator shall receive a permit – a written decision issued by a regional environmental board which shall apply to a production facility, an installation or a component thereof (hereinafter – an installation) or several installations that are located in one site and that have one operator – to perform the polluting activity provided that the installation functions in conformity with the requirements set out in the relevant decision and regulatory enactments.
- (4) It is prohibited to divide a polluting activity among two or more operators in order to avoid the application of the category of permit that conforms to the total capacity of the polluting activity or the volume of production produced.
If a polluting activity is divided or the emission from several operator installations which perform the polluting activity impacts on one and the same territory, in determining the category of polluting activity permit, the capacity of the installations or the volume of production produced shall be summed.
- (5) In order to initiate the polluting activities referred to in Annex 2 of this Law, an operator shall also obtain a greenhouse gas emission permit – a written decision issued by the regional environmental board, which relates to the installation or several installations, which are located in one site and which have one operator, that is, a permit to emit greenhouse gases on the condition that the operator shall ensure the monitoring of the greenhouse gas emissions and each year shall prepare a report (hereinafter – annual report) regarding the emission of greenhouse gases in conformity with the relevant permit, and the requirements specified in this Law and other regulatory enactments.
[18 December 2003]

Section 20. Category A Activities

- (1) Polluting activities that are performed by utilising the installations specified in Annex 1 to this Law are Category A activities. In performing Category A activities, an operator shall apply the best available techniques.
- (2) Category A permits shall be required for stationary technological installations in which one or several of the polluting activities referred to in Annex 1 to this Law are performed. Conditions regarding the Category A permits shall apply to such installations, observing the amount of pollution resulting from such installations or the risk to human health and the environment in conformity with specified parameters, in addition, taking into account also the

polluting activities performed by other installations that are technically connected with such installations, which also may affect emission and environmental pollution.

(3) The indicators referred to in Annex 1 to this Law shall apply to the production capacity of the installations or the amount of production produced. An operator, who performs several polluting activities referred to in Annex 1 to this Law, shall aggregate their capacities if all activities apply to one area of the industrial activity referred to in Annex 1 to this Law and if they are performed in one site or by utilising one installation.

(4) Category A permits are not required for installations that are utilised for the examination, development or testing of new products or manufacturing processes.

(5) The Cabinet shall issue regulations regarding applying for a Category A polluting activity, the issue of a relevant permit and the use of the best available techniques, as well as specify:

1) a timetable according to which Category A permits are issued to the installations for which such permits are required;

2) the maximum transition period within which the observance of the permit conditions in relation to the use of the best available techniques shall be ensured;

3) the application form and the permit form which shall specify the measures to be taken in respect of the protection of human health, air, water and soil, as well as waste management. If the polluting activity is related to water extraction, the permit shall specify the limits for the use of water;

4) procedures for requesting and issuing of permits;

5) procedures by which the public may become acquainted with the application and submit its proposals, as well as become acquainted with the permit conditions, results of monitoring and tests;

6) procedures by which other states shall be informed, and monitoring of such pollution in cases when a transboundary effect of pollution is likely; and

7) the time periods for the examination of applications and the taking of decisions, which may not be longer than 120 days.

[18 December 2003]

Section 21. Best Available Techniques and Choice Thereof in Respect of Category A Polluting Activities

(1) Techniques which can be most effectively and resultatively used in practice in order to prevent or, if such is impossible, reduce emission to the specified limit value and limit, as well as to reduce its impact on the environment as a whole, are the best available techniques.

(2) The concept "techniques" shall include the technology used and the way in which the installation is designed, built, maintained, operated or decommissioned.

(3) Techniques are available if they are economically and technologically substantiated and, irrespective of whether they have previously been used in Latvia, it is possible to implement them in a specific industrial sector, taking into account the relevant costs.

(4) Techniques are the best if they include such technologies and methods by the application of which it is possible to ensure the highest level of environmental protection.

(5) In choosing the best available techniques and taking into account the potential costs of their implementation and use, as well as the environmental protection principles specified by the Law On Environmental Protection and the specific nature of a particular polluting activity, an operator shall:

1) use technology, which ensures the generation of the least possible amount of waste;

2) use technology, which ensures compliance with the requirements of Section 5 of this Law;

3) use substances, which are less dangerous to human life, health and the environment;

- 4) promote reuse of substances produced and utilised in the manufacturing process and waste processing;
- 5) utilise processes, installations and operational methods that have already been tested and found to be successful;
- 6) follow the development of technologies and how knowledge and understanding in respect of the new technologies expands;
- 7) take into account the character, impact and amount of emission;
- 8) take into account the expected time periods for suspension or closure of an installation;
- 9) take into account the time required for the implementation of the best available techniques;
- 10) take into account the consumption of raw materials, including water, utilised during the manufacturing process and energy efficiency of the technology;
- 11) prevent or reduce to a minimum emission risks and its impact on human health or the environment;
- 12) prevent accidents, but if an accident has occurred – reduce its consequences; and
- 13) utilise the information, which has been published by the European Commission or international organisations in respect of the best available techniques.

Section 22. Category B Activities

- (1) Polluting activities for the initiation, continuation or substantial change of which a Category B permit is required, are Category B activities.
- (2) The Cabinet shall determine Category B polluting activities by taking into account the amount, effect, or risk of pollution to human health or the environment, approve the application form and the permit form for a Category B polluting activity, as well as determine the procedures by which a permit shall be requested and issued. If the polluting activity is related to the water extraction, the Category B permit shall specify the limits for the use of water.(2.¹) The Cabinet shall determine the time periods for the examination of an application and the taking of a decision, which may not be longer than 90 days.
- (3) The Cabinet shall determine procedures by which the public may become acquainted with the conditions of a permit for Category B activity, as well as the results of monitoring and tests.

[18 December 2003]

Section 23. Category C Activities

- (1) Polluting activities the performance of which does not require a permit, but before the initiation or substantial change of which an application shall be submitted to environmental protection institutions are Category C activities.
- (2) The Cabinet shall determine Category C activities by taking into account the amount, effect or risk of pollution to human health or the environment, as well as the content of an application and procedures for the submission thereof.

Section 24. Notification Regarding Category C Activities

- (1) An operator, not later than 30 days prior to the initiation of a Category C activity, shall submit an application to the regional environmental board.
- (2) An operator, not later than 30 days prior to the making of substantial changes in a Category C activity, shall submit an application to the regional environmental board.

(3) [20 June 2003]
[20 June 2003]

Section 24.¹ Activities for which a Greenhouse Gas Emission Permit is Necessary

(1) A greenhouse gas emission permit is necessary for stationary technical installations in which one or more of the polluting activities referred to in Annex 2 of this Law are performed.

(2) The indicators referred to in Annex 2 of this Law relate to the production capacity of the installation or the volume of production produced.

An operator who performs several of the polluting activities referred to in Annex 2 of this Law shall sum the capacities thereof if all the activities relate to one of the industrial activity areas referred to in Annex 2 of this Law and are performed in one location or utilise one installation.

(3) An operator may, according to the procedures specified by the Cabinet, submit an application and obtain a greenhouse gas emission permit, also for the polluting activities referred to in Annex 2 of this Law the production capacity of which or the produced production volume does not exceed the indicators referred to in Annex 2 of this Law.

(4) A greenhouse gas emission permit is not necessary for installations, which are utilised for the investigation, processing or examination of new products or production processes.

(5) Greenhouse gas emission permits shall be issued for the following time periods:

1) first period – from 1 January 2005 to 31 December 2007;

2) second period – from 1 January 2008 to 31 December 2012; and

3) third and further periods – five calendar years, commencing from 1 January 2013.

(6) The conditions for the greenhouse gas emission permit of the regional environmental board shall be co-ordinated with the conditions of the Category A or B permit for the relevant installation.

(7) The Cabinet shall determine:

1) what the greenhouse gas emission application form and the permit form shall be, as well as the procedures for requesting and issuing the greenhouse gas emission permit; and

2) the conditions and procedures for the temporary release of individual installations from the requirement to obtain a greenhouse gas emission permit

[18 December 2003]

Section 24.² Special Requirements in relation to Polluting Activities

(1) Special requirements may be specified for the performance of such polluting activities as conform to a specific industrial sector and which are characterised by a specific effect on the environment by the relevant sector.

(2) The Cabinet shall determine the special requirements in relation to the individual performance of the polluting activities referred to in Paragraph one of this Section.

[18 December 2003]

Chapter V

Application for, Issue and Review of Permits

[18 December 2003]

Section 25. Preconditions in Respect of Issue of Permits for Initiation, Continuation or Substantial Change of Polluting Activities

(1) A permit for the initiation, continuation or substantial change of a polluting activity shall be issued if an operator has submitted an application in conformity with the requirements prescribed by this Law and other regulatory enactments.

(2) Category A or B permits for the initiation, continuation or substantial change of a polluting activity shall be issued if in addition to the conditions in Paragraph one of this Section, the following conditions are also observed:

1) an operator has assessed the environmental impact of such activity and has received an opinion regarding the final report on the environmental impact assessment – in cases where in accordance with regulatory enactments the polluting activity requires an environmental impact assessment;

2) a programme for prevention of industrial accidents or a safety report, as well as an installation emergency readiness plan and a plan of civil defence measures has been developed – in cases where it is required in accordance with regulatory enactments; and

3) information has been provided to the public and a sufficiently long time period has been given for the submission of proposals by the public regarding the initiation, continuation or substantial change of a polluting activity – in cases where in accordance with regulatory enactments the participation of the public in the taking of decisions has been specified.

(3) A greenhouse gas emission permit for the initiation, continuation or substantial change of the polluting activity referred to in Annex 2 of this Law shall be issued if an operator has submitted, in addition to an application, also submitted sufficient information in order that the regional environmental board may conclude that the relevant operator is capable of ensuring the monitoring of greenhouse gas emissions and of preparing annual reports regarding greenhouse gas emissions in conformity with the requirements prescribed by this Law and other regulatory enactments.

[18 December 2003]

Section 26. Consultations with Other State Institutions and Local Governments

Prior to the issue of a permit, the regional environmental board shall send to the relevant local government and branch of the State agency “Sabiedrības veselības aģentūra” [Public Health Agency] the information required for submitting proposals regarding the conditions for applications and permits, and examine the proposals submitted by such institutions.

[20 June 2002]

Section 27. Public Participation

(1) An application for the receipt of a Category A permit, but in the cases specified by the Cabinet – also for receipt of a Category B permit, shall be available to the public in order that it may submit proposals regarding matters related to the issue of the permit.

(1.¹) The hearing of the views of the public if the decision-taking process has been commenced shall be ensured at the very least when the decision relates to:

1) obtaining the permit referred to in Paragraph one of this Section;

2) substantial changes in Category A polluting activities and in specified cases also in Category B polluting activities; and

3) the review of the conditions of a permit in accordance with Section 32, Paragraph three, Clause 8 of this Law.

(2) The public shall have access to the necessary information for participation in decision-taking, as well as all decisions which relate to the issuing of Category A or B or greenhouse gas emission permits, the conditions of the issued permits, and the information regarding monitoring and control results.

(3) If an application or a permit contains information which is to be considered restricted access information in accordance with regulatory enactments, the regional environmental board, on the basis of a submission from the operator, shall take a decision regarding restricted access to separate sections of the application or the permit. This provision shall not apply to information regarding pollution emission and the risk of accidents.

[18 December 2003]

Section 28. Application for and Issue of Category A or B Permits

(1) An application for a permit shall be prepared by an operator, inviting experts, if necessary.

(2) The application shall contain the following information:

1) the installation and its activities;

2) the raw materials and auxiliary materials, other substances and energy utilised or generated by the relevant installation;

3) the sources of emission from the installation;

4) the environmental conditions on the site of operation of the installation;

5) the nature and quantities of the substances which may be emitted from the installation into water, air (except for greenhouse gas emissions) or soil, as well as the substantial impact of the emission on the environment;

6) the technology and other techniques intended to be utilised in order to prevent or, if such is impossible, reduce emission from the relevant installation;

7) the best available techniques which the operator performing Category A activities uses or has intended to use to prevent or restrict the occurrence of pollution;

8) measures to be taken in order to prevent or reduce generation of waste and recover the waste generated by the installation;

9) other measures which shall be taken to ensure the fulfilment of the requirements specified in Chapter II and III of this Law; and

10) procedures by which the monitoring of the polluting activity is intended to be carried out.

(2.¹) An application shall have appended the information summary referred to in Paragraph two of this Section, which does not use specific technical descriptions and terminology in order that it is easily understandable to the public.

(3) An application shall include possible alternatives to the polluting activity and justify why the relevant variant has been chosen. If the alternatives referred to have already been examined in assessing the environmental impact, the operator shall append to the application the final report on the environmental impact assessment and an opinion thereon.

(4) Upon issuing a permit for the performance of a polluting activity for which, in accordance with regulatory enactments, an environmental impact assessment is required, the regional environmental board shall evaluate and take into account the report on the environmental impact assessment and comply with the opinion of the State Environmental Impact Assessment Bureau regarding the final report on the environmental impact assessment.

(5) Permits shall be issued by a regional environmental board according to the site of operation of an installation. If necessary, the regional environmental board shall invite experts, except those who have participated in the preparation of the application.

(6) Prior to the issuing of a permit, the regional environmental board shall evaluate the proposals submitted during the public participation process.

[20 June 2002; 18 December 2003]

Section 28.¹ Application for and Issue of Greenhouse Gas Emission Permits

(1) An application for a permit shall be prepared by an operator, inviting experts, if necessary.

(2) The application shall contain the following information:

1) a description of the installation, its operation and technology;

2) the raw materials and auxiliary materials, the utilisation of which creates the greenhouse gas emissions referred to in Annex 2 of this Law;

3) the sources of greenhouse gas emissions from the installation; and

4) the pollution activity monitoring planned by the operator and the procedures for the preparation of the annual report.

(3) An application shall have appended the information summary referred to in Paragraph two of this Section, which does not use specific technical descriptions and terminology in order that it is easily understandable to the public.

(4) Permits shall be issued by a regional environmental board according to the site of operation of an installation. If necessary, the regional environmental board shall invite experts, except those who have participated in the preparation of the application.

(5) If an operator has not obtained a greenhouse gas emission permit, after 1 January 2005 he or she may not initiate or continue the polluting activities referred to in Annex 2 of this Law.

[20 June 2002; 18 December 2003]

Section 29. Permits for Continuation of Existing Polluting Activities and for Initiation of New Polluting Activities

(1) Existing Category A and Category B activities are such polluting activities for the performance of which a Category A or Category B permit is required and permits for pollution emission specified in other regulatory enactments have been received, and which are already being performed or shall be commenced not later than one year after the time period specified by the Cabinet.

(2) The Cabinet shall determine a time period after which a new Category A or Category B activity may not be commenced without a relevant permit.

(3) The Cabinet shall determine a time period by which an operator shall submit an application for the receipt of a permit in respect of an existing Category A or Category B activity.

(4) A permit for a substantial change in the Category A or Category B activity shall be obtained in accordance with the procedures prescribed for obtaining a Category A or Category B permit.

(5) No Category A or Category B activity may be continued after the expiry of the time period specified by the Cabinet if a relevant Category A or Category B permit has not been obtained.

Section 30. Notification of Change in Operation and Change of Installation Operator

[18 December 2003]

(1) Prior to a change in operation, an operator, within the time period specified by the Cabinet, shall notify the regional environmental board thereof, which shall assess whether such change is deemed to be a substantial change and whether it is necessary to make amendments to the permit conditions, and shall notify the operator thereof. A change in operation as a result of which the operational indicators of the installation exceed the indicators specified in the Annexes to this Law, is a substantial change.

(2) If an operator has introduced a change in operation due to which the category of the polluting activity changes, the regional environmental board shall consider the matter regarding the issue of a permit of another category or take a decision that henceforth a permit for the relevant polluting activity shall not be required.

(5) If there is a change of operator, the regional environmental board shall, on the basis of a submission by the operator, correct the permit by writing therein data regarding the new operator, without changing however the time periods and conditions thereof.

[18 December 2003]

Section 31. Category A and B Permit Conditions

[18 December 2003]

(1) A permit shall include conditions the observance of which is required to ensure the protection of human health and an appropriate environmental quality – protection of air, surface water, underground water, soil and subterranean depths, as well as determine:

1) emission limits for polluting substances that may be emitted from an installation, observing the nature of the relevant substance and the possible transfer of pollution from one medium to another (water, air, soil), as well as other types of emission limits;

2) requirements to be observed by an operator in order to ensure the protection of human health and the environment, as well as waste management, when utilising natural resources and energy, as well as when using chemical substances and chemical products;

3) measures related to atypical operating conditions for the installation, including start-up, likely leaks, malfunctions, momentary stoppages and cessation of operations of an installation;

3) environmental quality targets in a particular territory or the measures to be performed in accordance with the river basin district management plan and the implementation time periods thereof;

4) other measures to be taken to ensure fulfilment of the requirements specified in Chapter II of this Law; and

5) requirements in relation to the energy efficiency of installations, which an operator of the installations referred to in Annex 2 of this Law, may not apply in cases where it is not possible to observe the emission limit for carbon dioxide specified in the greenhouse gas emission permit.

(2) The conditions of a Category A permit shall be justified by the use of the best available techniques, without determining the specific type of technology to be used, but taking into account the technical characteristics of the relevant installation, and the geographical location and environmental conditions thereof.

(3) If environmental quality rules provide for stricter conditions than it follows from the requirement to use the best available techniques, the Category A permit shall include other conditions in order to meet the prescribed environmental quality rules.

(4) Conditions of a Category B permit shall be justified by the characteristics, geographical location and environmental conditions of the relevant polluting activity. In the cases prescribed by regulatory enactments, the Category B permit shall include technical characteristics of the specific installation.

(5) A permit shall include conditions, which provide for the reduction of the transfer of pollution for long distances, as well as transboundary transfer.

(6) If a polluting activity is performed or it is intended to be performed on a polluted or a potentially polluted site, the regional environmental board shall include in the permit conditions, the requirement for an operator to perform an investigation of the polluted or potentially polluted site or rehabilitation of the polluted site. A decision regarding the inclusion of an investigation or rehabilitation in the permit conditions shall be taken in accordance with Chapter VII of this Law.

[20 June 2002; 18 December 2003]

Section 31.¹ Greenhouse Gas Emission Permit Conditions

A greenhouse gas emission permit shall include:

1) a description of the polluting activity and information regarding the greenhouse gas emissions created by the installation;

2) requirements in relation to the greenhouse gas emission monitoring to be performed by the operator, indicating the monitoring methods and frequency of measurement;

3) requirements for the annual report examinations;

4) procedures for the submission of the annual report; and

5) requirements that every year according to the procedures and time periods specified by the Cabinet to surrender emission quotas to the Latvian Environment Agency, which conform to the amount of greenhouse gases emitted by the installation in the previous calendar year.

[18 December 2003]

Section 32. Review and Renewal of Category A and B Permits

[18 December 2003]

(1) Category A and B permits shall be issued for a period of five years. If the effects of a polluting activity on human health or the environment have not been sufficiently ascertained, the permit shall be issued for a shorter period.

(2) A regional environmental board shall, in accordance with the procedures prescribed by the Cabinet, review permit conditions and, if necessary, renew or supplement them.

(3) The matter regarding the issue of a permit or permit conditions shall be reviewed in the following cases:

1) when information regarding the negative effects of pollution on human health or the environment have been received, the limit values of environmental quality rules have been exceeded or amendments to the regulatory enactments determining the environmental quality rules have been made;

2) when due to new best available techniques it is possible to substantially reduce emission, in performing a Category A activity;

3) when in accordance with an opinion of State institutions the use of another technology is required in order to guarantee the safety of the process;

4) when it is determined by other regulatory enactments;

5) prior to changes to the polluting activity;

6) if it is provided for in the conditions of the permit;

7) in the cases specified in Sections 50 and 51 of this Law; or
8) if the pollution created by the installation is so substantial that it is necessary to review the conditions of the permit or the emission limits specified therein, or to specify new emission limits in the permit.

(3.¹) The conditions in the permits in the cases referred to in Paragraph three, Clauses 1-6 and 8 of this Section and in Section 50, Paragraph three of this Law may be reviewed, renewed or added to during the whole period of validity of the permit.

(4) An operator shall submit an application for the receipt of a new permit or for the implementation of substantial changes in the polluting activity to the relevant regional environmental board in the time periods and according to the procedures, which are provided for in regulatory enactments, which determine the performance of the issuing of permits for polluting activities, or within a period of one month after the discovery of the circumstances referred to in Paragraph three, Clauses 1-4 or Clause 8 of this Section.

[18 December 2003]

Chapter V.¹

Greenhouse Gas Emission Quotas and Emission Quota Allocation Plan

[18 December 2003]

Section 32.¹ Emission Quota Allocation Plan

(1) The Ministry of Environment, taking into account also the views of the public, shall develop and the Cabinet shall approve a national emission quotas allocation plan (hereinafter – allocation plan) for each of the periods specified in Section 24.¹, Paragraph five of this Law.

(2) The allocation plan shall determine the total amount of the emission quota, which shall be granted to operators in the relevant period, and shall have appended a list of the installations that perform the polluting activities referred to in Annex 2 of this Law, as well as the planned allocation of emission quotas between the operators of the installations.

(3) The allocation plan shall be developed taking into account the following basic provisions:

1) the total amount of emission quotas, which the State grants to operators in the relevant period shall be in accordance with the Latvian greenhouse gas emission reduction targets specified by the Kyoto Protocol to the United Nations Framework Convention on Climate Change;

2) the total amount of the emission quota shall be determined taking into account the existing and predicted greenhouse gas emissions from the installations referred to in Annex 2 of this Law, as well as the greenhouse gas emissions to which the conditions of this Law do not apply, taking into account also the policy planning documents in the energy industry field;

3) complies with the requirements of other regulatory enactments from which an increase in greenhouse gas emissions arise;

4) complies with the provision that the number emission quotas granted to a relevant installation may not exceed the necessary amount thereof;

5) in the allocation of emission quotas, as a condition, may be utilised the greenhouse gas emission per one as a result of polluting activity produced production unit referred to in Annex 2 of this Law and the achievable progress in the reduction of emissions;

6) includes information regarding the method for calculating emission quotas and the base (reference) years to be utilised in the specification of emissions;

7) includes information regarding the procedures by which an operator receives emission quotas for an installation, which has been allowed larger greenhouse gas emissions in relation to changes in activities, if such changes are implemented after the taking of a decision regarding the allocation of emission quotas for the relevant period, as well as for new

installations in relation to which a greenhouse gas emission permit has been obtained after the taking of a decision regarding the allocation of emission quotas for the relevant period;

8) includes information regarding already implemented greenhouse gas emission reduction measures, also utilising the best available techniques guidelines for Category A installations;

9) takes into account the impact of clean technologies, also energy efficient technologies on greenhouse gas emissions;

10) includes information regarding the proposals expressed by the public during the course of consultations of this plan, and information regarding as to how the relevant proposals shall be evaluated before a decision regarding the granting of emission quotas is taken;

11) may include information regarding the observance of competition in relation to such undertaking (companies) which are not companies from the Member States if the European Union; and

12) does not include norms, which discriminate against undertakings or sectors, as well as conditions, which may be acknowledged as state aid that does not conform to regulatory enactments.

(4) After the allocation plan has been approved by the Cabinet, the Ministry of Environment shall submit it for approval to the European Commission.

[18 December 2003]

Section 32.² Emission Quota Allocation

(1) The Ministry of Environment, observing also the views of the public and taking into account the allocation plan approved by the European Commission, shall take a decision regarding the granting of an emission quota to an operator who has obtained a greenhouse gas emission permit.

(2) The emission quota shall be valid for the time period for which it is issued.

(3) Operators shall receive the emission quotas free of charge.

(4) New installations which have received greenhouse gas emission permits after the taking of a decision regarding the allocation of emission quotas for the relevant period, as well as installations which after the implementation of changes in activities and in accordance with the conditions of the greenhouse gas emission permit have been allowed a larger emission of greenhouse gases, the operator may receive emission quotas according to the procedures specified in the allocation plan.

(5) The Latvian Environmental Agency shall allocate proportionately the total emission quota amount for the relevant period by each year of the period and transfer this into the account of the operator in the greenhouse gas emission unit register (hereinafter – emission register).

(6) The Latvian Environmental Agency shall, by 28 February each year, allocate the emission quotas by the accounts of the operators in the emission register in accordance with the decision regarding the granting of emission quotas referred to in Paragraph one of this Section.

[18 December 2003]

Section 32.³ Activities with the Emission Quotas

(1) An operator shall, each year, surrender to the Latvian Environmental Agency the emission quotas, which conform to the amount of greenhouse gases emitted by the installation in the previous calendar year, which are verified in accordance with Section 45, Paragraph seven of

this Law and for which the Latvian Environmental Agency shall cancel an equivalent amount of emission quota in the emissions register.

(2) An operator who has not surrendered the emission quotas referred to in Paragraph one of this Section shall pay the natural resources tax in the amount and according to the procedures specified in the regulatory enactments regarding natural resources tax. The payment of the natural resources tax does not release the operator from the surrendering of the relevant emission quota.

(3) The Latvian Environmental Agency shall, every year by 30 May, compile the information in respect of operators, who have not fulfilled the conditions referred to in Paragraph one of this Section.

In such cases, the operators shall be given not less than 14 days to submit a written explanation.

After the evaluation of the explanation, the Latvian Environmental Agency shall take a decision regarding the publishing of the referred to information on its Internet home page and the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia].

(4) Four months after the commencement of the current period, the Latvian Environmental Agency shall cancel emission quotas for the term of validity has ended and which have not been surrendered in conformity with the provisions of this Law regarding the fulfilment of the conditions of greenhouse gas emission permits.

(5) The owner of emission quotas may be any natural or legal person (hereinafter – person). The person who owns emission quotas may without restriction transfer such quotas to other persons.

(6) On the basis of a request from the holders of emission quotas, the Latvian Environmental Agency shall cancel in the emissions register the relevant amount emission quotas.

(7) For the fulfilment of the conditions of Paragraph one of this Section, emission quotas that have been issued by the competent institutions of the Member States of the European Union shall also be valid if the emission quotas issued by the relevant state have been recognised by the European Commission.

(8) A person shall secure the emission quotas granted to him or her, as well as the recording of the activities performed with the emission quotas in conformity with the regulatory enactments regulating accounting.

(9) The Cabinet shall determine the procedures by which emission quotas shall be granted, saved, transferred, surrendered, replaced and cancelled, as well as the procedures by which co-operation shall be implemented with the Emission Quota Central Administrator established by the European Commissioner.

[18 December 2003]

Section 32.⁴ Greenhouse Gas Emission Unit Register

(1) Activities with emission quotas shall be performed electronically utilising the greenhouse gas emission unit register, which shall be established and maintained by the Latvian Environmental Agency.

The emissions register shall be accessible to the public.

The protection of restricted access information shall be ensured by the Latvian Environmental Agency according to the procedures specified by regulatory enactments.

(2) In the emissions register shall be performed the allocation, saving, transfer, surrender, replacement and cancellation recording of emission quotas in the State.

[18 December 2003]

Section 32.⁵ Pooling of Installations

(1) Operators who perform the polluting activities referred to in Annex 2 of this Law and wish to establish a pool of installations for the first period, second period or both of these periods referred to in Section 24.¹, Paragraph five of this Law, shall submit to the Latvian Environmental Agency, according to the procedures and time periods specified by the Cabinet, an application regarding the establishment of a pool, indicating the installations to be included in the pool and the time period for which the pool is to be established, as well as certifying that the authorised person of the pooled installation operator is capable of fulfilling the obligations in Paragraphs two and three of this Section.

(2) The authorised person of the installation operator shall:

1) grant all the installations united in the pool emission quotas; and

2) not allow further emission quota transfers if the annual report regarding one of the installations united in the pool has not been verified and approved in conformity with the requirements of Section 45, Paragraph seven of this Law.

(3) The authorised person shall surrender to the Latvian Environmental Agency emission quotas, which conform to the amount of emitted greenhouse gasses in the previous calendar year by the installations united in the pool, which has been verified in accordance with Section 45, Paragraph seven of this Law and for which the Latvian Environmental Agency shall cancel an equivalent amount of emission quota in the emissions register.

(4) If the emission quotas referred to in Paragraph three of this Section have not been surrendered, the authorised person shall pay the natural resources tax in the amount and according to the procedures specified in the regulatory enactments regarding natural resources tax.

The payment of the natural resources tax does not release the authorised person from the surrendering of the relevant emission quota.

If the authorised person has not surrendered the emission quotas referred to in Paragraph three of this Law, each operator of the installations united in the pool is liable for the surrender of emission quotas to the Latvian Environmental Agency and shall pay the natural resources tax in proportion to their own emission quotas given to the pool.

(5) The Latvian Environmental Agency shall, every year by 30 May, compile the information in respect of operators, who have not fulfilled the conditions referred to in Paragraph three of this Section.

In such cases, the operators shall be given not less than 14 days to submit a written explanation.

After the evaluation of the explanation, the Latvian Environmental Agency shall take a decision regarding the publishing of the referred to information on its Internet home page and the newspaper *Latvijas Vēstnesis*.

(6) The Latvian Environmental Agency shall submit for approval by the European Commission the application for the establishment of a pool, indicating the installations to be included in the pool and the time period for which the pool wishes to be established.

The pool shall be permitted to be established only after the European Commission has approved the application.

(7) The Cabinet shall determine the procedures for the establishment of pools of installations.

[18 December 2003]

Section 32.⁶ Force majeure

(1) An operator has the right to submit to the Ministry of Environment an application based upon *force majeure* for the receipt of emission quotas additional to the procedures specified in

this Law (hereinafter – additional emission quotas) for the period referred to in Section 24, Paragraph five, Clause 1 of this Law.

(2) The Ministry of Environment may take a decision regarding the granting of additional emission quotas only if permission has been received from the European Commission.

(3) Additional emission quotas may not be transferred to other persons.

[18 December 2003]

Section 32.⁷ Informing the Public and Public Participation in the Allocation of Emission Quotas

(1) The allocation plan, decisions regarding the granting of emission quotas and regarding installations, which have been temporarily released from the requirement to obtain a greenhouse gas emission permit shall be accessible to the public on the Internet home page of the Latvian Environmental Agency.

(2) The Ministry of Environment shall ensure the hearing of the views of the public regarding the prepared draft allocation plan and the draft decision regarding the granting of emission quotas, and shall provide the possibility of submitting proposals for at least 30 days.

(3) The conditions of greenhouse gas emission permits, the examined annual reports referred to in Section 45, Paragraph seven of this Law, as well as information regarding the results of monitoring and examinations shall be accessible to the public.

[18 December 2003]

Section 32.⁸ Information to the European Commission

The Latvian Environmental Agency shall:

1) provide to the European Commission information regarding the implementation of greenhouse gas emission permits and the emission quota system in the State in conformity with the time periods for the submission of reports and form of reports specified by European Commission; and

2) place the reports referred to in Paragraph one of this Section on its Internet home page within a period of one month after sending them to the European Commission.

[18 December 2003]

Chapter VI

Ascertaining and Registration of Polluted and Potentially Polluted Sites

Section 33. Ascertaining and Initial Assessment of Polluted and Potentially Polluted Sites

(1) Polluted and potentially polluted sites in a relevant administrative territory shall be ascertained and initially assessed by a local government in co-operation with the relevant regional environmental board.

(2) The Ministry of Defence shall ascertain and initially assess polluted territories in its possession and notify the relevant local government and regional environmental board thereof.

(3) Methods and procedures for the ascertaining of polluted and potentially polluted sites, as well as the procedures for financing, conditions for data collection and utilisation shall be regulated by the Cabinet.

(4) The results of ascertaining and initial assessment of polluted and potentially polluted sites shall be freely available to the public.

Section 34. Registration of Polluted and Potentially Polluted Sites and Restrictions on Utilisation of the Territories

(1) Polluted and potentially polluted sites shall be registered by regional environmental boards in accordance with the procedures prescribed by the Cabinet. Regional environmental boards shall register militarily polluted territories upon receipt of an opinion from the Ministry of Defence.

(2) After the registration of a polluted site and receipt of an opinion of the regional environmental board, the local government shall determine the restrictions on territorial planning, as well as restrictions in respect of living in such territory and other utilisation of such territory if it is necessary in order to protect human health or the environment. The branch of the State agency "Sabiedrības veselības aģentūra" [Public Health Agency] shall determine the restrictions required to ensure human health protection.

(3) Restrictions shall be determined, taking into account the level of danger of polluting substances, the possible effect on people living in the surrounding territories, the environmental quality of such territories and the necessity to take rehabilitation measures in the future.

(4) The Ministry of Defence shall submit proposals regarding the determination of relevant restrictions on militarily polluted territories, which are not in its possession, and determine the restrictions on territories, which are in its possession.

(5) The institution, which has determined the restrictions, shall revoke them if such restrictions are not any longer necessary for the protection of human health or the environment.

(6) The institution, which has determined the restrictions referred to in this Section, shall notify other institutions and natural persons and legal persons to whom such restrictions apply, of the restrictions or of the revocation thereof.

[20 June 2002; 18 December 2003]

Section 35. Information on Polluted or Potentially Polluted Sites

(1) The owner or the user of land which contains a polluted site, the operator and other natural or legal persons, if they possess information regarding polluted or potentially polluted sites that have not been ascertained and registered in accordance with the procedures prescribed by this Law and other regulatory enactments, shall submit such information to the relevant regional environmental board or local government.

(2) If a polluted or potentially polluted site may pose a threat to human health or the environment, a regional environmental board shall notify the relevant local government, other institutions, as well as natural persons and legal persons thereof, taking into account the specific circumstances of each case.

(3) If explosive items, materials or toxic or otherwise hazardous substances used for military purposes are located or according to unverified information may be located in a polluted or potentially polluted site, a local government or a regional environmental board shall notify the Ministry of Defence thereof to receive an opinion.

(4) An owner or a user of land has a duty to notify the possible successors in interest or duties in respect of the polluted or potentially polluted sites in the relevant property or territory in use, and its vicinity.

(5) The Latvian Environment Agency shall compile data on polluted and potentially polluted sites in the State.

Chapter VII.
Investigation of Polluted and Potentially Polluted Sites and Rehabilitation of Polluted Sites

Section 36. Objective of and Preconditions for an Investigation

- (1) The objective of an investigation is to determine whether environmental quality rules have been exceeded and whether the pollution endangers or may endanger human health or the environment.
- (2) Before a regional environmental board commences an investigation, it shall have at its disposal information that the relevant territory is polluted or potentially polluted.

Section 37. Preconditions and Measures for Rehabilitation of Polluted Sites

- (1) Rehabilitation of polluted sites shall be performed if:
 - 1) the limit values of environmental quality rules have been exceeded; or
 - 2) the pollution may endanger human health or the environment.
- (2) Rehabilitation shall include measures to be taken in order to:
 - 1) prevent the spreading of the pollution or its penetration into underground waters;and
 - 2) restore or improve the environmental quality in a polluted site.

Section 38. Persons who Cover Expenses Related to Investigation and Rehabilitation Measures

- (1) Expenses relating to investigation and rehabilitation measures shall be covered by:
 - 1) the operator who has performed a polluting activity due to which a polluted or potentially polluted site has been created;
 - 2) the operator who performs or has intended to perform a polluting activity at a polluted or potentially polluted site;
 - 3) the land owner who has had a decisive influence in an undertaking which has performed a polluting activity, due to which a polluted or potentially polluted territory in the land property owned by such owner has been created; or
 - 4) the owner or the user of the relevant land or installation, who voluntarily undertakes to fully or partially cover such expenses.
- (2) A land owner, if the provisions referred to in Paragraph one of this Section do not apply to him or her, shall cover the expenses relating to rehabilitation measures, if such measures are taken with his or her consent and the land value after the implementation thereof increases and if the persons referred to in Paragraph one of this Section cannot cover the rehabilitation measures in full. The expenses of the landowner may not exceed the increase in the land value, which has occurred after rehabilitation.

[18 December 2003]

Section 39. Joint-Responsibility of Persons in Covering Expenses Related to Investigation and Rehabilitation

- (1) If expenses related to the investigation or rehabilitation are covered by several of the persons referred to in Section 38, Paragraph one, Clause 1 of this Law, the expenses shall be distributed in proportion to the harm caused to the environment by each person. Expenses

shall be distributed, taking into account the amount and type of emission, as well as the time when the polluting activity was performed. If it is impossible to distribute expenses, the persons referred to in Section 38, Paragraph one, Clause 1 of this Law shall be jointly and severally liable.

(2) The distribution of expenses shall be assessed by the relevant regional environmental board.

Section 40. Institutions Responsible for Investigation and Rehabilitation

(1) A regional environmental board shall supervise and control the investigation and rehabilitation of polluted or potentially polluted sites, except for the polluted and potentially polluted sites in the possession of the Ministry of Defence.

(2) The Ministry of Defence or its authorised institution shall supervise and control the investigation and rehabilitation of polluted or potentially polluted sites in the possession of the Ministry of Defence.

(3) A regional environmental board, the Ministry of Defence or its authorised institution (hereinafter – the responsible institution) shall co-operate with local governments, the State Land Service, the Ministry of Health and other institutions involved in investigation and rehabilitation.

[18 December 2003]

Section 41. A Decision regarding Initiation of an Investigation

(1) If information regarding a polluted or potentially polluted site which causes or may cause a threat to human health or the environment is at the disposal of the responsible institution, but the information to prevent such a threat is insufficient, the responsible institution shall take a decision on the necessity of an investigation.

(2) If a decision on the necessity of an investigation has been taken, the responsible institution shall determine, in accordance with Section 38 of this Law, the persons who shall cover the expenses related to the investigation.

(3) If it is not possible to determine the persons who shall cover the expenses relating to an investigation or to obtain the funds required for an investigation, the responsible institution shall determine the amount of funds required and notify the Ministry of Environment or the Ministry of Defence of the territories in their possession.

(4) The Ministry of Environment or the Ministry of Defence shall consider the possibility of attracting funds from the State budget or other funds for the performance of an investigation.

(5) In determining the investigation and rehabilitation methods, the pollution spreading risk shall be taken into account, moreover the method chosen shall be economically substantiated so that its implementation does not cost more than it is necessary to reach the objective.

(6) If the funds required for an investigation have been provided, the responsible institution shall take a decision regarding the initiation of the investigation.

[18 December 2003]

Section 42. Management of Investigation Process

(1) The responsible institution shall formulate the tasks of the investigation. The investigation shall be conducted by qualified natural or legal persons in conformity with an agreement with the person who covers the expenses relating to the investigation, or with the responsible institution and on the basis of the tasks of the investigation.

(2) The tasks of the investigation shall indicate the possible investigation methods, parameters to be determined, precautionary measures to be observed in conducting the investigation, the timetable, monitoring and the procedures by which information regarding the investigation shall be provided.

(3) The responsible institution shall instruct the performer of the investigation to develop an investigation programme, which programme shall indicate the objective of the investigation, methods and precautionary measures to be observed in performing the investigation. The investigation programme shall be approved by the responsible institution.

Section 43. Decision on Initiation of Rehabilitation

(1) If information regarding a polluted site, which causes or may cause a threat to human health or the environment is at the disposal of the responsible institution, the responsible institution shall take a decision regarding the necessity of rehabilitation.

(2) If a decision regarding the necessity of rehabilitation has been taken, the responsible institution shall, in accordance with Section 38 of this Law, determine the persons who shall cover the expenses relating to the rehabilitation and the degree of liability of such persons.

(3) If it is not possible to specify the persons who shall cover the expenses relating to rehabilitation or to obtain the funds required for rehabilitation, the responsible institution shall determine the amount of funds required and notify the Ministry of Environment or the Ministry of Defence regarding the territories in their possession.

(4) The Ministry of Environment or the Ministry of Defence shall consider the possibility of attracting funds from the State budget or other funds for the performance of rehabilitation.

(5) If the funds required for rehabilitation have been provided, the responsible institution shall take a decision regarding the initiation of the rehabilitation.

[18 December 2003]

Section 44. Management of Rehabilitation Process

(1) The responsible institution shall formulate the tasks of rehabilitation (for each specific case). The rehabilitation shall be performed by qualified natural or legal persons in conformity with an agreement with the person covering the expenses relating to the rehabilitation, or with the responsible institution, and on the basis of the tasks of the rehabilitation.

(2) The tasks of rehabilitation shall indicate the desirable results, possible rehabilitation methods, the timetable, monitoring and the procedures by which information regarding the rehabilitation is to be provided.

(3) The responsible institution shall instruct the performer of the rehabilitation to develop a rehabilitation programme specifying the objective of the rehabilitation, the methods and precautionary measures to be observed in performing the rehabilitation. The rehabilitation programme shall be approved by the responsible institution.

Chapter VIII

Monitoring, Supervision and Control

Section 45. Monitoring Performed by Operator

(1) It is the duty of an operator to control the amount of emissions on a regular basis, perform monitoring and provide information in accordance with the procedures prescribed by the Cabinet.

(2) Operators, who perform Category A and Category B activities shall, in accordance with the procedures prescribed by regulatory enactments and a permit, carry out regular measurements and notify the regional environmental board thereof.

(3) An operator shall carry out monitoring in accordance with the permit which specifies the parameters to be determined, the sites of taking samples, the frequency and methods of measurements, the type of compilation and keeping of data.

(4) An operator shall inform relevant institutions without delay:

1) if threats to human life, health or the environment have arisen or may arise due to a polluting activity; or

2) in the event of an accident or a threat thereof.

(5) Monitoring data shall be available to the issuer of a permit, control institutions, the relevant local government and the public.

(6) Performers of Category A and Category B activities shall draw up an annual report regarding monitoring results and send it to the issuer of the permit and the relevant local government. The annual report shall be available to control institutions and the public.

(7) The performers of the polluting activities referred to Annex 2 of this Law shall prepare an annual report regarding greenhouse gas emissions.

The annual report shall be verified and approved according to the procedures specified by the Cabinet.

The annual report and the report regarding the results of verification shall be sent to the issuers of the greenhouse gas emission permits and the Latvian Environmental Agency.

The annual report shall be accessible to control institutions and the public.

(8) An operator whose annual report has not been verified by 31 March each year according to the procedures referred to in Paragraph seven of this Section or has been recognised as not in conformity, may not perform the activities with emission quotas referred to in Section 32.³ of this Law until the annual report has been verified or added to.

[18 December 2003]

Section 46. Register of Polluting Substances

(1) Data from the monitoring performed by an operator shall be compiled in the register of polluting substances.

(2) The establishment of the register of polluting substances and public access to the information shall be ensured by the Latvian Environment Agency in accordance with the procedures prescribed by the Cabinet.

Section 47. Supervision

(1) The fulfilment of the requirements prescribed by this Law shall, within the scope of their competency, be supervised by the Ministry of Environment and the State Environmental Impact Assessment Bureau.

(2) The Ministry of Defence shall supervise the fulfilment of the requirements prescribed by this Law in the militarily polluted and potentially polluted territories in its possession.
[18 December 2003]

Section 48. The State Environmental Impact Assessment Bureau

The State Environmental Impact Assessment Bureau shall:

1) examine submissions regarding the decisions of regional environmental boards relating to the issuance of permits and permit conditions, the investigation of polluted or potentially polluted sites, and the covering or allocation of rehabilitation and investigation or rehabilitation expenditures;

2) in co-ordination with the Ministry of Environment, inform other states of applications for permit in cases where a transfer of transboundary pollution is possible;

3) create and maintain a database of the best available techniques in the relevant area and notify regional environmental boards thereof, as well as provide consultations to entrepreneurs and organise training in respect of this issue; and

4) create and maintain a register of permits issued, which shall be available, free of charge, to any natural or legal person.

[18 December 2003]

Section 49. Control of the Implementation of this Law

The fulfilment of the requirements prescribed by this Law shall be controlled by State environment inspectors, who shall verify:

1) whether an operator has received the necessary permit, but if a Category C activity is performed – submitted an application regarding such activity;

2) the conformity of a polluting activity with the requirements prescribed by Chapter II of this Law;

3) the compliance with permit conditions;

4) the compliance with the environmental quality rules and the Cabinet regulations;
and

5) the fulfilment of the task of an investigation of polluted or potentially polluted sites, and tasks and programmes of rehabilitation of polluted sites.

[20 June 2002]

Chapter IX Dispute Procedures

[20 June 2002]

Section 50. Dispute of Decisions

(1) An operator or natural or legal persons, also public organisations may dispute a decision taken by a regional environmental board regarding the issue of a Category A or B permit or separate permit conditions within a time period of one month of the day the decision comes into effect, to the State Environmental Impact Assessment Bureau.

(2) Any person may apply to the State Environmental Impact Assessment Bureau with a submission also when the requirements specified in regulatory enactments in relation to the right of public participation and the right to information has not been observed.

The submission may be submitted during the whole of the decision-taking process or within a period of one month from the day the decision of the regional environmental board comes into effect.

(3) If in accordance with Category A or B permit conditions it is possible to initiate or continue such polluting activity which may endanger human life or substantially affect human health, property or the environment, the decision regarding the conditions of the issued permit may be disputed at any time as long as the relevant permit conditions are in effect.

(4) If the decision is disputed to the State Environmental Impact Assessment Bureau within the time period specified in Paragraphs one and two of this Section, the operation of the relevant permit may be suspended until the examination of the submission.

(5) If the decision in respect of the operation of such already existing installations which require an extension of the time period of the Category A or B permit or another type of permit is needed, is disputed, the operation of the installation shall not be suspended, with the exception of cases when the operation of the undertaking is suspended in accordance with the procedures prescribed by regulatory enactments.

(6) A natural or legal person whose health, security or property may be affected by a decision taken by a regional environmental board regarding the necessity for an investigation or rehabilitation of a polluted or potentially polluted site or regarding the covering of the expenses of investigation or rehabilitation may, within a period of one month from the day when he or she became aware of the taking of the decision, dispute such decision to the State Environmental Impact Assessment Bureau.

(7) If in accordance with Paragraph six of this Section, the decision of the regional environmental board is disputed, its implementation shall be suspended until the examination of the submission.

(8) A decision which is associated with the issuing of a greenhouse gas emission permit, the person whom such decision may affect has the right to dispute such decision to the State Environmental Impact Assessment Bureau.

(9) The decisions referred to in Paragraph eight of this Section, which are taken without observing the right to public participation and the right to information specified in this Law, or taken without evaluating the proposals submitted by the public during the decision-taking process may be disputed by anyone.

[20 June 2002; 18 December 2003]

Section 51. Examination of Submissions

[18 December 2003]

(1) Having examined a submission, the State Environmental Impact Assessment Bureau shall decide whether additional information from the regional environmental board regarding a polluting activity is necessary.

(2) If additional information is required for the taking of a decision, the relevant regional environmental board shall assign to the operator the preparation of the required materials. In such case, the matter shall be re-examined not later than within three months of the day of submission of the submission.

(3) A regional environmental board may extend the time period of a permit if it has expired, but the issue of a new permit has been delayed due to a dispute.

(4) If the State Environmental Impact Assessment Bureau concludes that in accordance with the Category A or B permit issued, the safety of human life, health or the environment is not guaranteed or the requirements prescribed by this Law and other regulatory enactments have not been taken into account, it shall take a decision to revoke the decision of the regional environmental board regarding the issuing of a permit or to set aside part of the conditions of

the permit, as well as to instruct the regional environmental board to issue a new permit changing the conditions of the permit.

(4.¹) In the case of a violation of the right of public participation, the State Environmental Impact Assessment Bureau shall require that the violation be rectified within a specified time period and until the violation has been rectified shall suspend the decision-taking process of the regional environmental board or, if the decision is already taken, shall decide regarding the necessity to revoke the decision or suspend it until the violation has been rectified, and shall send its decision to the submitter, operator and the regional environmental board.

(5) A decision taken by the State Environmental Impact Assessment Bureau may be appealed to a court in accordance with the procedures prescribed by law.

[20 June 2002; 18 December 2003]

Transitional Provisions

1. Sections 22, 23 and 24 of this Law, as well as the conditions of Chapter V shall come into force:

- 1) in respect of the existing Category B activities – in accordance with a timetable specified by the Cabinet by 1 January 2007; and
- 2) in respect of new Category B activities – on 1 January 2003.

2. In respect of installations where waste incineration is carried out, such installations for the operation of which the permits prescribed in regulatory enactments are obtained by 28 December 2002 and which commence their operation not later than on 28 December 2004 shall be deemed to be existing installations.

3. By 1 January 2002, the Cabinet shall issue the following regulations:

- 1) regarding Category B and Category C polluting activities, an application therefor and the issue of Category B permits;
- 2) regarding the limit values of waste water emission, the prohibition to emit specific polluting substances into the aquatic environment and regarding highly sensitive territories to which higher requirements for urban waste water treatment apply;
- 3) regarding the quality of surface water and underground water; and
- 4) regarding the protection of water and soil against pollution with nitrates caused by agricultural activity and regarding highly sensitive territories to which higher requirements for the protection against pollution with nitrates apply.

4. By 1 January 2003, the Cabinet shall issue the following regulations:

- 1) regarding the emission of noise from installations used outdoors;
- 2) regarding the procedures by which the emission of air polluting substances from stationary air pollution sources shall be prevented, restricted and controlled;
- 3) regarding soil quality rules;
- 4) regarding the emission of pollutants caused by the combustion engines of mobile mechanisms not to be utilised in traffic;
- 5) regarding pollution resulting from the production of asbestos and asbestos-based products;
- 6) regarding procedures for monitoring carried out by an operator and the establishment of a register of polluting substances and accessibility of the information therein to the public; and
- 7) regarding the requirements to be made for waste incineration and waste incineration installations.

5. Within two years of the day when sensitive territories were specified, the Cabinet shall issue regulations regarding an action programme for the reduction or prevention of water pollution with nitrates in the highly sensitive territories to which higher requirements for protection of water and soil from pollution with nitrates apply.

6. Assessment and initial evaluation of polluted and potentially polluted sites shall be performed up to 31 December 2004.

[18 December 2003]

7. Permits for the existing Category A activities shall be requested in accordance with a timetable determined by the Cabinet by 1 October 2007.

8. Section 31, Paragraph one, Clause 3.¹ shall come into force simultaneously with the Water Management Law.

[20 June 2002]

9. The regulations referred to in Section 11, Paragraph two, Clause 8; Section 18.¹, Paragraph three and Section 24.², Paragraph two of this Law shall be issued by the Cabinet by 1 June 2004.

[18 December 2003]

10. The strategic noise maps referred to in Section 18.¹, Paragraphs one and two of this Law, which reflect the noise measurements of the previous year in the relevant territories, agglomerations with more than 250 000 inhabitants, motor roads upon which the traffic intensity is more than six million means of transport per year, railway lines upon which the traffic intensity is more than 60 000 trains per year, and airports where the traffic intensity is more than 50 000 aircraft per year shall be developed by 30 March 2007, but action plans for the reduction of noise – by 30 April 2008.

[18 December 2003]

11. The strategic noise maps referred to in Section 18.¹, Paragraphs one and two of this Law, which reflect the noise measurements of the previous year in the relevant territories, agglomerations with more than 100 000 inhabitants, motor roads upon which the traffic intensity is more than three million means of transport per year, and railway lines upon which the traffic intensity is more than 30 000 trains per year shall be developed by 30 March 2012, but action plans for the reduction of noise – by 30 April 2013.

[18 December 2003]

12. The Cabinet shall, by 30 June 2004, approve the emission quota allocation plan for the period specified in Section 24.¹, Paragraph five, Clause 1 of this Law, but for each of the following periods referred to in Section 24.¹, Paragraph five – at least 19 months prior to the relevant period.

[18 December 2003]

13. The Ministry of Environment shall, by 1 December 2004, take a decision regarding the granting of emission quotas for the period specified in Section 24.¹, Paragraph five, Clause 1 of this Law, but for each of the following periods referred to in Section 24.¹, Paragraph five – at least 13 months prior to the relevant period.

[18 December 2003]

14. The implementation Section 32.², Paragraphs five and six of this Law shall be commenced by the Latvian Environmental Agency by 1 January 2005.

[18 December 2003]

15. The regulations referred to in Section 24.¹, Paragraphs three and seven; Section 32.³, Paragraph nine; Section 32.⁵, Paragraph seven and Section 45, Paragraph seven of this Law shall be issued by the Cabinet by 1 August 2004.

[18 December 2003]

16. Section 32.¹, Paragraph four; Section 32.⁵, Paragraph six; Section 32.⁶, Paragraph two and Section 32.⁸ of this Law shall come into force on 1 May 2004.

[18 December 2003]

Informative Reference to European Union Directives.

Legal norms arising from directives 96/61/EC, 2003/35/EC, 91/676/EE, 2002/49/EC and 2003/87/EC have been included in these Regulations.

This Law shall come into force on 1 July 2001.

The *Saeima* adopted this Law on 15 March 2001.

Acting for the President,
the Chairperson of the Saeima

J. Straume

Rīga, 29 March 2001

Polluting Activities (Installations) Requiring a Category A Permit

- (1) Energy industry:
 - 1) combustion installations with a nominal thermal input exceeding 50 MW;
 - 2) mineral oil and gas purification and refining installations;
 - 3) coke ovens; and
 - 4) coal gasification and liquefaction plants.
- (2) Production and processing of metals:
 - 1) installations for metal ore, including sulphide ore, roasting and sintering;
 - 2) installations for the primary or secondary fusion of pig iron or steel, including continuous casting, with a capacity exceeding 2.5 tonnes per hour;
 - 3) installations for the processing of ferrous metals:
 - a) hot-rolling mills the capacity of which exceeds 20 tonnes of steel per hour;
 - b) smitheries utilising mechanisms (for example, pneumatic or hydraulic hammers, presses) the energy of which exceeds 50 kilojoule per each mechanism, if the calorific power used exceeds 20 MW;
 - c) installations for the application of protective fused metal coats the capacity of which exceeds 2 tonnes of steel per hour;
 - 4) ferrous metal foundries with a production capacity exceeding 20 tonnes per day;
 - 5) installations:
 - a) for the production of non-ferrous crude metals from ore, ore concentrates or secondary raw materials (for example, scrap iron) by metallurgical, chemical or electrolytic processes; and
 - b) for the smelting, including the alloyage, of non-ferrous metals, including metals used for recycling, with a capacity exceeding 4 tonnes of melted lead and cadmium per day or 20 tonnes of any other melted metal per day;
 - 5) installations for surface treatment of metals and plastic materials using electrolysis or chemical processes where the total volume of the electrolytic or chemical treatment vats exceeds 30 cubic metres.
- (3) Production of mineral products:
 - 1) installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or installations for production of lime in rotary kilns with a production capacity exceeding 50 tonnes per day or other furnaces for lime production with a production capacity exceeding 50 tonnes per day;
 - 2) installations for the production of asbestos and the manufacture of asbestos-based products;
 - 3) installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day;
 - 4) installations for the melting of non-metallic minerals, including the production of non-metallic mineral fibre, with a melting capacity exceeding 20 tonnes per day; and
 - 5) installations for the manufacture of ceramic products by firing, including roofing tiles, bricks, refractory bricks, tiles, stove tiles or porcelain, with a production capacity exceeding 75 tonnes per day or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³.
- (4) Chemical industry *:
 - 1) installations for the production of basic organic chemicals:
 - a) for the production of hydrocarbons (linear and cyclic, saturated and unsaturated, aliphatic or aromatic);

- b) for the production of derivatives of oxygen-containing hydrocarbons, including alcohol, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides and epoxy resins;
 - c) for the production of derivatives of sulphurous hydrocarbons;
 - d) for the production of derivatives of nitrogenous hydrocarbons – amines, nitrous compounds, nitrate or nitrite compounds, nitriles, cyanates or isocyanates;
 - e) for the production of derivatives of phosphorus-containing hydrocarbons;
 - f) for the production of derivatives of halogenic hydrocarbons;
 - g) for the production of organometallic compounds;
 - h) for the production of plastic materials – polymers synthetic fibres and cellulose-based fibres;
 - i) for the production of synthetic rubber or rubber;
 - j) for the production of dyes and pigments;
 - k) for the production of surface-active agents;?
- 2) installations for the production of inorganic chemicals:
- a) for the production of gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
 - b) for the production of acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid;
 - c) for the production of bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
 - d) for the production of salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
 - e) for the production of non-metals, metal oxides or other inorganic compounds, such as calcium carbide, silicon, silicon carbide;
- 3) undertakings for the production of phosphorous-, nitrogen- or potassium-based simple or compound fertilisers;
- 4) undertakings for the production of plant protection products or biocides;
- 5) undertakings which produce pharmaceutical products, utilising chemical or biological processes; and
- 6) undertakings for the production of explosives.
- (5) Waste management:
- 1) installations for the disposal or processing of hazardous waste, including waste oils, with a capacity exceeding 10 tonnes per day;
 - 2) installations for the incineration of municipal waste, with a capacity exceeding three tonnes per hour;
 - 3) installations for the biological or physicochemical treatment of municipal waste, with a capacity exceeding 50 tonnes per day;
 - 4) landfills which may accept more than 10 tonnes per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste; and
 - 5) installations for disposal of hazardous waste if polychlorinated biphenyls, polychlorinated terphenyls or waste or devices containing such substances are disposed of.
- (6) Other sectors:
- 1) installations:
 - a) for the production of pulp from timber or other fibrous materials,
 - b) for the production of paper or board which may produce more than 20 tonnes of production per day;
 - 2) installations for the pre-treatment (washing, bleaching, mercerisation or dyeing) of fibres or textiles which may treat more than 10 tonnes of material per day;

- 3) installations for the processing of hides and skins with the production capacity exceeding 12 tonnes of finished products per day;
- 4) installations for the production of food:
 - a) slaughterhouses with a carcass production capacity exceeding 50 tonnes per day;
 - b) production facilities for food where products of animal origin (other than milk) are treated and processed, with a finished product production capacity greater than 75 tonnes per day, or production facilities where vegetable raw materials are treated and processed with a finished product production capacity greater than 300 tonnes per day (if 300 tonnes per day is an average value on a quarterly basis);
 - c) milk production facilities, the quantity of milk which may be accepted is greater than 200 tonnes per day (if 200 tonnes per day is an average value on an annual basis);
- 5) installations for the disposal or processing of animal carcasses and waste of animal origin the capacity of which exceeds 10 tonnes per day;
farms for the intensive rearing of pigs and poultry with places for:
 - a) more than 40 000 poultry;
 - b) more than 2 000 meat-type pigs whose weight exceeds 30 kg;
 - c) more than 750 sows;
- 7) installations for the surface treatment of substances, objects or products using organic solvents, also for dressing, printing, coating, degreasing, treatment which ensures waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of organic solvents exceeding 150 kg per hour or 200 tonnes per year; and
- 8) installations for the production of carbon or electrographite by means of burning at high temperatures.

* The concept "production" in respect of the activities referred to in this Section means production of industrial scope during the process of which chemical processing of the substances or groups of substances referred to in Paragraphs 1, 2, 3, 5 and 6 of this Section is carried out.

[20 June 2002; 18 December 2003]

Polluting Activities (Installations) Requiring a Greenhouse Gas Emission Permit

- (1) Energy industry:
 - 1) combustion installations with a nominal thermal input exceeding 20 MW, except hazardous waste or municipal waste incineration installations;
 - 2) mineral oil purification and refining installations; and
 - 3) coke ovens.
- (2) Production and processing of ferrous metals:
 - 1) installations for metal ore, including sulphide ore, roasting and sintering; and
 - 2) installations for the primary or secondary fusion of pig iron or steel, including continuous casting, with a capacity exceeding 2.5 tonnes per hour.
- (3) Production of mineral articles:
 - 1) Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day;
 - 2) Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day; and
 - 3) Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³.
- (4) Other sectors:
 - 1) installations for the production of pulp from timber or other fibrous materials; and
 - 2) installations for the production of paper or board which may produce more than 20 tonnes of production per day.

Note. Taking into account only carbon dioxide emissions from the installations referred to in this Annex.