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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*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## **Environmental Protection Law**

### **Chapter I General Provisions**

#### **Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **natural resources** – parts of nature, including air, water, flora, fauna, soils, subterranean depths;

2) **eco-innovation** – introduction of new scientific, technical, social or other ideas in the field of environmental technologies, as well as implementation of developments and technologies in a competitive product or service demanded in the market, which improves environmental quality;

3) **emission** – the direct or indirect release in the environment, as a result of human activities, of chemical substances (preparations), odours, organisms or micro-organisms, vibrations, heat, non-ionising radiation, noise or release of other types of pollution;

4) **sustainable development** – the integrated and balanced development of public welfare, the environment and economy, which meets the present social and economic needs of inhabitants and ensures the compliance with environmental requirements, not endangering the possibility to meet the needs of the future generations, as well as ensures the preservation of biologic diversity;

5) **education for sustainable development** – education which promotes the possibilities of each individual to obtain knowledge, values and skills necessary for the participation in the taking of decision regarding individual or collective activities at the local and world level in order to improve the quality of life at present without causing threats to the needs of the future generations;

6) **damage to soil or subterranean depths** – any change or pollution that is created by direct or indirect introduction of chemical substances (preparations), organisms or micro-organisms into the soil or subterranean depths and creates a risk to human health or significantly adversely impacts on human health or the environment;

7) **damage to specially protected species or biotopes** – any damage that has significant adverse effects on specially protected nature territories or micro-reserves, the

<sup>1</sup> The Parliament of the Republic of Latvia

achievement or maintenance of favourable protection status of specially protected species or biotopes. Damage to specially protected species and biotopes shall not include previously identified adverse effects that have occurred as a result of the occupational activities of the operator if the relevant authority has clearly allowed this activity in accordance with Section 14 of the Law On the Conservation of Species and Biotopes and Section 43 of the Law On Specially Protected Nature Territories or in accordance with other laws and regulations regulating the field of environmental protection, unless significant adverse effects have been detected on specially protected species and biotopes;

8) **damage to waters** – any damage that has significant adverse effects on the ecological or chemical status, quantitative status or ecological potential of a particular water body, except adverse effects, to which Section 14 of the Water Management Law applies;

9) **damage to the environment** – the measurable adverse changes in natural resources or measurable impairment of functions related to natural resources, which may occur directly or indirectly. A function related to natural resources is a benefit, which is incurred by the public or environment from the relevant natural resource;

9<sup>1</sup>) **polluting substances** – substances, which are referred to in Annex I (oil) and Annex II (noxious liquid substances) of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto as amended to date (hereinafter – MARPOL Convention);

9<sup>2</sup>) **ship** – any type of sea-going vessel, which navigates in a maritime environment (irrespective of the flag thereof), as well as ships with underwater wings, ships on air cushions, underwater ships in conformity with the definition provided by the MARPOL Convention;

10) **immediate measures** – all the necessary and practically possible measures for the management of situations, delimitation and collection of all substances that have been released into the environment and elimination of other factors causing damage, in order to limit or prevent further environmental damage and adverse effects on the human health or the impairment of functions related to natural resources;

10<sup>1</sup>) **discharge from a ship** – any release howsoever caused from a ship into the water in conformity with the definition provided by the MARPOL Convention;

11) **operator** – a private person, derived public person, authority of direct or indirect administration who performs an occupational activity or is responsible for the performance of such activity or who has decisive economic power over the technical functioning of the occupational activity, or who has received a permit for the performance of the relevant occupational activity or has registered the performance of the relevant activity;

12) **baseline condition** – the condition at the time of the damage of the natural resources or the function related to the natural resources or for the benefit of another resource that would have existed if the environmental damage had not occurred. The baseline condition shall be determined on the basis of the information available;

13) **preventive measures** – the measures to prevent the imminent threat of environmental damage and prevent or reduce the possible environmental damage;

14) **occupational activity** – an economic activity, also commercial activity, irrespectively of it being profit or non-profit in character;

15) **remedial measures** – the measures to prevent damage, recover or decontaminate, rehabilitate or replace natural resources, to which damage has been caused, and functions related to natural resources, which have impaired, also the measures for the reduction, prevention of damage and temporary measures, or provision of equivalent alternatives for these resources or functions related to natural resources;

16) **imminent threat of damage** – sufficient likelihood that environmental damage will occur in the near future;

17) **the environment** – the aggregate of natural, anthropogenic and social factors;

18) **environmental protection** – the aggregate of measures for the conservation of the environmental quality, and ensuring the sustainable utilisation of natural resources;

19) **environmental information** – information regarding:

a) the state of the environment, including the air and atmosphere, water, soil, subterranean depths, landscape, nature, including wetlands, coastal and marine areas, biological diversity and components thereof, also genetically modified organisms, and interaction among these elements of the environment,

b) factors affecting the environment (for example, the emission of chemical substances, energy, odours, noise, radiation or waste and release of other types of pollution into the environment),

c) measures, also policy planning documents and other plans, programmes, agreements in the environmental field, laws and regulations and activities affecting or likely to affect the elements and factors of the environment affecting the environment or the objective of which is to protect the environment, as well as regarding the cost-benefit analysis and other economic analyses and assumptions, which are used in relation to the referred to measures and activities,

d) statements and reports regarding environmental protection, also regarding the implementation of laws and regulations,

e) the state of human health and security, the living conditions thereof and cultural objects and buildings insofar as the state of the environment, factors affecting the environment or the referred to measures affecting or likely to affect them;

20) **environmental information system** – an integrated intersectoral State information system, in which environmental data and information is collected, accumulated and processed, availability and circulation of environmental data is ensured for the evaluation of the state and trends of the environment, for the analysis of perspective, for the development of an environmental and sustainable development policy and for the evaluation of usefulness and efficiency of previous political, economic, administrative measures;

21) **environmental education** – education within the framework of which the knowledge and awareness regarding the environment and problems of environmental protection are obtained, the abilities and skills required for the solving of environmental protection problems are cultivated, as well as the responsible attitude and motivation for the taking of justified decisions is developed;

22) **environmental monitoring** – the systematic, regular and purposeful observation, measurement and analysis of the state of the environment, species and biotopes as well as the emission of pollution;

23) **laws and regulations regarding the environment** – these are laws and regulations which are applicable to the environment or help to achieve the objectives of the State environmental policy – to preserve, protect and improve the quality of the environment, to use sustainable natural resources and to ensure a good quality living environment;

24) **environmental technologies** – the aggregate of equipment used and measures performed in all sectors of the national economy, which ensure the efficient and purposeful utilisation of natural resources in the introduction of cleaner production processes, reducing the amounts of consumption, emission and waste of raw materials and energy; and

25) **environmental science** – a field of science which explores the mutual interaction of elements of the environment and interaction with the environment created by humans, as well as the impact of the economic activities of humans on the environment and the elements thereof.

*[21 June 2007; 18 April 2013]*

## Section 2. Purpose and Applicability of this Law

(1) The purpose of this Law is to ensure the preservation and recovery of the quality of the environment, as well as the sustainable utilisation of natural resources.

(2) Provisions of this Law shall also be applicable to continental shelf and exclusive economic zone of the Republic of Latvia.

(3) The conditions of Chapter VI<sup>1</sup> of this Law in accordance with international law shall be applied in relation to the discharge of dangerous and other polluting substances:

1) into the internal waters of Latvia;

2) into the territorial waters of Latvia;

3) into the exclusive economic zone of Latvia, or equivalent zone, which is established in accordance with international law;

4) into straits used for international navigation subject to the regime of transit passage, as laid down in Part III, section 2, of the 1982 United Nations Convention on the Law of the Sea, to the extent that a Member State exercises jurisdiction over such straits;

5) into the high seas; and

6) from ships that navigate under the flag of the Republic of Latvia – into any area in which the ship is located, except for the exception referred to in Section 35.<sup>1</sup>, Paragraphs two and three of this Law.

[21 June 2007]

## Section 3. Principles of Environmental Protection

(1) The State environmental policy shall be developed and decisions, which may affect the environment or human health, shall be taken by observing the following principles of environmental protection:

1) the **“polluter pays” principle** – a person covers all costs, which are related to the assessment, prevention, and limitation of pollution or liquidation of the consequences thereof caused due to his or her activities;

2) the **precautionary principle** – it is admissible to limit or prohibit an activity or measure, which may affect the environment or human health, but the impact of which is not sufficiently assessed or scientifically proved, if prohibition is a proportionate means in order to ensure the protection of the environment or human health. The principle shall not be applicable to immediate measures that are performed in order to prevent threats of damage or irreversible damage;

3) the **prevention principle** – a person prevents the emerging of the pollution and other adverse effects damaging to the environment or human health as much as possible, but, if it is not possible, prevent the spread and the negative consequences thereof;

4) the **assessment principle** – the effect of any such activity or measure, which may substantially affect the environment or human health, shall be assessed prior to permission or commencement of this activity or measure. An activity or measure, which may have adverse effects on the environment or human health even if all requirements of environmental protection are observed, shall be allowed only in such case, if the intended positive result for the public as a whole exceeds the damage caused by the relevant activity or measure to the environment and the public.

(2) When developing the environmental policy and taking decisions, the basic principles of regional development specified in the Regional Development Law shall be observed.

## Section 4. Planning of the Environmental Policy

(1) When developing a policy planning document and draft laws and regulations, the developer shall evaluate in the annotation of the planning document or draft regulatory

enactment the impact thereof on sustainable development and the environment. The strategic environmental impact assessment shall be performed for draft policy planning documents if it has been specified in the laws and regulations regulating the environmental impact assessment.

(2) The Cabinet shall approve the Guidelines for the Environmental Policy, taking into account the national priorities and conditions of the European Union and international conditions.

## **Section 5. Eco-innovation and Environmental Technologies**

(1) The Ministry of Environmental Protection and Regional Development in co-operation with other authorities shall promote the development, elaboration and use of environmental technologies in order to improve the quality of the environment, efficient and purposeful utilisation of natural resources and improve the quality of life.

(2) The Environmental Policy Guidelines shall determine the intersectoral action policy for the utilisation of natural resources, the development of environmental technologies and the promotion of eco-innovations.

*[16 December 2010]*

## **Chapter II Rights of the Public in the Environmental Field**

### **Section 6. General Rights of the Public in the Environmental Field**

Each private person, also associations, organisations and groups of persons (hereinafter – public) has the right:

1) to request that the public authorities and local governments, officials or private persons terminate such acts or omissions, which deteriorate the quality of the environment, damage human health or endangers life, legal interests or the property thereof;

2) to support measures of environmental protection and to co-operate with the public authorities and local governments in order to prevent realisation of such activities, also taking of such decisions, which may deteriorate the quality of the environment or contradict with the requirements of the laws and regulations regarding the environment;

3) to provide information to the public authorities and local governments regarding the activities and measures which affect or may affect the quality of the environment, as well as information regarding negative changes observed in the environment which have originated as a result of such activities or measures; and

4) to submit proposals regarding the legal order and draft documents developed in the environmental field to the public authorities and local governments.

### **Section 7. Rights of the Public to Environmental Information**

(1) The public has the right to receive environmental information from the authorities referred to in Section 10 of this Law in a written, audio, visual, electronic or any other form.

(2) The public has the right to receive information, if it is available, regarding the measurement procedures, also the methods of analysis, the methods of sample-taking and prior processing, or regarding another standardised procedure, which is used in the collecting of information regarding factors affecting the environment.

(3) The applicant that requests environmental information shall not have to justify for what purposes this information is necessary.

## **Section 8. Public Participation in the Taking of Decisions Related to the Environment**

(1) The public has the right to participate in the taking of such decisions and the preparation of such planning documents, also the preparation of amendments therein (hereinafter in this Section – the preparation of a document), which may affect the environment. The public may implement this right before the relevant decision or document has been taken, including regarding:

1) planning documents – in accordance with the laws and regulations regulating the spatial planning, strategic environmental impact assessment or particular environmental field, to which the document is applicable, also planning documents, which are developed in accordance with the laws and regulations regulating:

- a) waste management, also hazardous waste management,
- b) management of batteries and accumulators,
- c) management of packaging,
- d) air quality,
- e) protection of water resources, also from pollution by nitrates used in agriculture.

2) intended activity – in accordance with the laws and regulations regulating the environmental impact assessment and construction;

3) planned construction – in accordance with the laws and regulations regulating construction;

4) polluting activity – in accordance with the laws and regulations regulating the performance of polluting activities and the issuance of the relevant permits;

5) distribution of genetically modified organisms into the environment – in accordance with the laws and regulations regulating activities involving genetically modified organisms.

(2) The public has the right to submit proposals or express an opinion before the taking of the relevant decision or preparation of the final formulation of the document.

## **Section 9. Protection of the Rights of the Public**

(1) Each person, who has requested information in accordance with Section 7 of this Law and considers that the request for information has been ignored or rejected (partially or completely) without reason, an appropriate answer has not been received or rights to environmental information have been otherwise violated, is entitled to contest and appeal a relevant act or omission in accordance with the procedures specified in the Administrative Procedure Law.

(2) If the rights of a person, which are provided in Section 8 of this Law, are infringed or the rights of public participation specified in this Law are not observed, the person is entitled to contest and appeal a relevant act or omission in accordance with the procedures specified in the Administrative Procedure Law.

(3) The public is entitled to contest and appeal the administrative act or actual action of the public authority or local government if it does not comply with the requirements of the laws and regulations regarding the environment, creates threats of damage or environmental damage.

(4) If any private person violates the requirements of the laws and regulations regarding the environment, any other person may, providing justified information regarding the possible violation, turn to an authority, the competence of which is the control of compliance with the relevant regulatory enactment, and is entitled to request that the authority acts in accordance with the competence thereof.

(5) The exercising of the rights specified in this Section for a private person may not cause any consequences to such person that are unfavourable, including private law, in itself.

**Chapter III**  
**Duties of the State and Local Government Authorities in relation to the Provision and Dissemination of Environmental Information and the Involving of the Public in the Taking of Decisions**

**Section 10. Tasks of the State and Local Government Authorities in relation to the Provision and Dissemination of Environmental Information**

(1) The provision of environmental information that is at the disposal of (prepared or received by) the public authorities or local government authorities (hereinafter – authorities) shall be ensured by :

- 1) any State administrative authority or local government,
- 2) persons who perform the functions of public administration, *inter alia*, fulfil duties, carry out activities or provide services in the environmental field, and
- 3) persons to whom the State tasks or provision of public services under the control of the persons referred to in Clauses 1 or 2 of this Paragraph are delegated.

(2) In addition to the information referred to in Paragraph one of this Section the authority shall also ensure accessibility of such environmental information, which is held by a private person on behalf of the authority.

(3) An authority, within the competence thereof, shall:

- 1) collect and update environmental information that is at the disposal thereof;
- 2) permanently provide the public with environmental information that is at the disposal thereof;
- 3) assign the responsible co-ordinator or official who ensures the accessibility of environmental information to the public and provides the assistance necessary to the applicant that requests information, formulating or specifying more precisely the submission;
- 4) inform the public regarding the rights and possibilities thereof to receive environmental information;
- 5) establish and update the publicly accessible free of charge information databases, in which the environmental information referred to in Section 16 of this Law is included or also provide such information to another authority, which maintains such database; and
- 6) establish a system for the registration of environmental information that is at the disposal of authorities, as well as indicate where the relevant information is available, also creating references to information that is at the disposal of other authorities.

(4) The authority shall permanently disseminate environmental information, which it has collected within the competence thereof and which is at the disposal thereof.

(5) Publicly available information shall be drawn up so that it is as easily perceptible and comprehensible as possible.

(6) The State limited liability company “Latvian Environment, Geology and Meteorology Centre” (hereinafter – Centre) shall, not less than once every four years, prepare and publish the national report regarding the state of the environment, including information regarding the quality of the environment and the pressures on the environment therein. During the intervals between the publication of reports, information shall be regularly supplemented. A report, as well as the information compiled during the intervals between the publications, shall be put on the website of the Ministry of the Environmental Protection and Regional Development.

(7) If there is a threat to the environment or human health, which has occurred due to the act or omission of humans or natural phenomena, the relevant authority, at the disposal of which there is information that might help to perform all the necessary measures in order to prevent or reduce the damage, shall immediately disseminate such information to the public, which may be affected by it.

[12 June 2009; 16 December 2010]

## **Section 11. Procedures for the Issuance of Environmental Information, Time Periods and Charge for the Issuance Thereof**

(1) Environmental information shall be issued as soon as possible, taking into account the time period specified by the applicant that requests information or the time periods for the examination of an information request specified in the laws and regulations regulating the provision of information but not exceeding one month from the day of the receipt of the request. The applicant shall be informed regarding the extension of the time period and the reasons thereof.

(2) Environmental information, which has been gathered and collected using State or local government resources, and environmental information included in public data bases shall be available free of charge. If additional processing or preparation is necessary for the provision of the requested information, a charge for it may be specified in accordance with the laws and regulations regulating the provision of information. If a charge has been specified, the applicant shall be informed what charge is specified, as well as it shall be indicated, in which cases the applicant may be waived from paying the charge.

(3) Environmental information shall be provided, taking into account the provisions of Paragraphs four and five of this Section, as well as in accordance with the requirements of the laws and regulations regulating the provision of information, the Personal Data Protection Law and other laws and regulations as regards the restricted availability of information and the procedures for the provision of information.

(4) The receipt of environmental information may be limited only in the cases specified by the Law in accordance with the procedures specified in the Freedom of Information Law. The authority may limit the receipt of environmental information as regards such information regarding the elements of the environment, also species and biotopes, the disclosure of which may affect environmental protection, and as regards information, the disclosure of which may endanger public security.

(5) Restrictions for the receipt of environmental information, in every particular case, shall be adjusted to the public interests as regards the disclosure of information. Information regarding emission into the environment shall not be restricted access information.

(6) Environmental information shall be provided in the form or format indicated in the request for information, except in cases where:

1) the requested information is already accessible in another form or format to the applicant; or

2) there is a justified reason for the provision of information in another form or format. In such case the applicant shall be informed regarding this reason in the time period referred to in Paragraph one of this Section.

## **Section 12. Involvement of the Public in the Taking of Decisions Related to the Environment**

(1) The authority shall ensure the timely and efficient informing of the public and participation thereof in the preparation of the decisions or documents referred to in Section 8, Paragraph one of this Law. Public participation shall be ensured, taking into account the requirements of this Law, the international contracts and laws and regulations regulating the relevant field.

(2) The authority shall ensure the public with free of charge access to the information, which is related to the taking of the decision or preparation of the documents and is accessible during the process of the public participation.

(3) The procedure of decision-taking and the preparation of a document in the authority shall take place openly, complying with the following main provisions:



1) informing the public regarding the preparation of the relevant decision or document early and appropriately, also using electronic communication means;

2) providing the public with information regarding the possibilities of participation, also indicating:

a) the authority, in which the information, draft of the relevant decision or document, if such exists, and documents related thereto are available,

b) the authority, to which proposals and opinions are to be submitted,

c) the person responsible for the taking of the decision or preparation of the document and of ensuring the public participation,

d) the time period for the submission of proposals or opinions,

e) the place and time of a public discussion meeting, if such meeting is being organised.

(4) The time period for the submission of proposals of the public shall be determined as not less than 30 days, if another time period has not been specified in other laws and regulations, in which the public participation is specified. The referred to period may be shortened, if the public has already had the possibility to express their opinion regarding the relevant document. If a public discussion meeting is being organised, the organiser of the meeting shall provide information early and appropriately.

(5) Provisions of this Section shall not be applicable to documents, which are developed for national defence or in case of civil emergencies, as well as a planning document, in the developing of which the public participation has taken place:

1) within the framework of the process of the strategic environmental impact assessment;

2) in accordance with the Water Management Law.

(6) The authority, in taking the decisions or documents referred to in Section 8, Paragraph one of this Law, shall:

1) evaluate the opinions and proposals expressed during the public participation process;

2) adjust the rights and interests of the individual to the benefits and losses of the public, taking into account what impact the decision or document has on sustainable development, as well as taking into account the assessment principle.

(7) The authority shall appropriately inform the public regarding the decision or document taken, indicating justification of the selected solution, as well as regarding the place where it is possible to get acquainted with the accepted document and documents related thereto, also with information regarding the process for public participation.

### **Section 13. Involvement of the Public in the Preparation of Laws and Regulations**

(1) The authority shall involve the public or representatives thereof in the preparation and discussion of the laws and regulations regarding the environment, also amendments thereto in as early a stage as possible.

(2) The authority, which is developing the draft regulatory enactment regarding the environment, shall ensure accessibility thereof in accordance with the laws and regulations regulating the circulation of draft legislation.

### **Section 14. Environmental Consultative Council**

(1) The Ministry of the Environmental Protection and Regional Development in co-operation with the concerned associations and foundations, the objective of which is environmental protection in accordance with the statutes, shall establish an Environmental Consultative Council. Decisions of the council in the environmental field are of an advisory nature. The Cabinet shall approve the by-laws of the council. The by-laws shall determine the rights,

functions and agenda of the Environmental Consultative Council, as well as the procedures by which associations and foundations referred to in this Section delegate representatives for the Environmental Consultative Council.

(2) The Environmental Consultative Council shall promote the widest possible involvement of the public in the taking of decisions associated with the environment, co-operation and information exchange in the environmental field between each person and the public as a whole, public authorities and local governments, as well as facilitate the submission of proposals on issues which are associated with the development and implementation of environmental policy and the preparation of the relevant laws and regulations or planning documents.

(3) The Ministry of Environmental Protection and Regional Development shall financially ensure the operation of the Environmental Consultative Council, as well as co-operate with the Environmental Consultative Council, by submitting drafts of laws and regulations regarding the environment for discussion and the submission of proposals and shall be involved in the preparation of documents, which are associated with the environment.

*[16 December 2010]*

## **Chapter IV Environmental Information System**

### **Section 15. Basic Principles of the Environmental Information System**

(1) The Environmental information system shall be formed according to the objectives, priorities of environmental and sustainable development policy, changes of the quality of the environment and condition of resources. The efficiency of the implementation of the environmental and sustainable development policy and compliance of the state of the environment with the objectives of the policy shall be assessed, using the Environmental information system and national environmental and sustainable development indicators. The Cabinet shall determine the national environmental indicators.

(2) Individual interoperable registers and databases of the Environmental information system, which are under the management of different public authorities and the establishment and operation of which is determined by the laws and regulations regarding the environment, shall form the Environmental information system.

(3) The Environmental information system shall be compatible with the State information systems of national economy sectors. The Law On State Information Systems shall determine the general requirements for the establishment and development of the Environmental information system.

(4) A holder of each register or database of the Environmental information system shall ensure the storing and updating of timely, accurate, appropriate, valid data and information, also the quality management and quality control of the information system. The information and data included in the Environmental information system shall be geo-referenced and processed in geographic information systems.

(5) The Ministry of Environmental Protection and Regional Development shall co-ordinate the maintenance and development of the Environmental information system, in accordance with the procedures specified in the laws and regulations regarding the environment, as well as the laws and regulations regulating the State information system and circulation of electronic documents.

*[16 December 2010]*

## **Section 16. Information to Be Included in the Environmental Information System**

(1) At least the following information shall be included in the Environmental information system:

1) laws and regulations regarding the environment, international agreements, conventions and European Union laws and regulations in the environmental field;

2) environmental policy plans, programmes, strategies and other plans in relation to the environment;

3) reports regarding the implementation of the documents (if such are prepared) referred to in Clauses 1 and 2 of this Paragraph ;

4) reports and statements regarding the state of the environmental, pollution and the sources thereof, reports regarding environmental and sustainable development indicators;

5) data and information regarding the supervision of activities, which affect or may affect the environment;

6) permits that have been issued in accordance with the Law On Pollution and other laws and regulations regulating the environment, and provisions of these permits or reference where this information may be requested or found;

7) environmental monitoring programmes, plans and results;

8) research on the impact on the environment and risk assessments in relation to elements of the environment or a reference where this information may be requested or found; and

9) information regarding the provision of reports to the European Commission and other international authorities.

(2) The Centre shall establish and maintain a register of protected areas, in which information shall be arranged according to each river basin district. Within the meaning of this Section protected areas shall be the protected areas referred to in Section 1, Clause 1 of the Water Management Law.

*[12 June 2009]*

## **Section 17. Environmental Monitoring**

(1) The purpose of environmental monitoring shall be to specify the state of the environment, to evaluate the tendencies and perspective, to develop environmental policy measures and to evaluate the usefulness and efficiency of the previous measures.

(2) Environmental monitoring shall be organised and performed by the State and local government authorities, and merchants in accordance with the requirements of the laws and regulations regarding the environment. The Cabinet shall determine the requirements in relation to the environmental monitoring and procedures for the performance thereof.

(3) The Cabinet shall approve the Guidelines on Environmental Monitoring Programme, in which the structure, priorities and the necessary financing of the monitoring is determined for compliance with the requirements of laws and regulations, legislation of the European Union and international conventions, not less than once every six years.

(4) On the basis of the Guidelines referred to in Paragraph three of this Section, the Minister for Environment and Regional Development shall approve the Environmental Monitoring Programme for a time period of six years. The environmental monitoring network performed and organised by the State environmental protection authorities, the parameters, frequency and the methods to be used shall be determined in the Programme.

(5) Persons who in accordance with the procedures laid down in the laws and regulations regarding the environment perform environmental monitoring and who have a service identification card or authorisation issued by the State Environmental Service or other public authority laid down in the laws and regulations regarding the environment have the right, when informing the owner or the responsible person, to enter the territories of the State, local

governments and private property insofar it is necessary in order to perform the observations and measurements necessary for the environmental monitoring. Objects and territories intended for the State security and protection, also places of imprisonment, may be entered into in accordance with the procedures laid down in the relevant laws and regulations.

(6) Environmental monitoring data and information shall be stored and processed in the databases and registers of the Environmental information system.

*[12 June 2009; 16 December 2010; 18 April 2013]*

## **Chapter V Control in the Environmental Field**

### **Section 18. State Control in the Environmental Field**

State control in the environmental field (hereinafter – environmental State control) shall be control of the compliance with the requirements of the laws and regulations regarding the environment, including the following fields:

- 1) research, extraction, utilisation and accounting of natural resources;
- 2) performance of polluting activities;
- 3) research and remediation of polluted and potentially polluted sites;
- 4) activities with chemical substances and mixtures;
- 5) activities with the ionising radiation sources;
- 6) evaluation and reduction of industrial accident risk;
- 7) waste management;
- 8) management and protection of specially protected nature territories, specially protected species and biotopes, micro-reserves that are of special State significance; and
- 9) compliance with the provisions for the performance of the intended activities or provisions of the technical regulations in accordance with the laws and regulations regulating the environmental impact assessment.

*[18 April 2013]*

### **Section 19. Environmental State Control Authorities**

(1) The State Environmental Service, the Nature Conservation Agency and other direct administration authorities specified in the laws and regulations regarding the environment shall implement environmental State control.

(2) The State Environmental Service shall control the compliance with those laws and regulations regarding the environment, control of which has not been given over within the competence of other direct administration authorities or local government by laws and regulations.

*[12 June 2009]*

### **Section 20. State Environment Service inspectors**

(1) State environment service inspectors of the State Environmental Service and the Nature Conservation Agency shall carry out environmental State control.

(2) A State environment service inspector shall have an identification card, a badge and a uniform. The Cabinet shall approve the samples of the identification card, badge and uniform.

(3) Decisions of the State environment inspectors of the State Environmental Service and the Nature Conservation Agency, which are related to environmental State control, may be contested to the Director-General of the State Environmental Service or to the Director-General of the Nature Conservation Agency accordingly. The decisions of the Director-

General of the State Environmental Service and the Director-General of the Nature Conservation Agency may be appealed to the court.

(4) A State environment service inspector has the right to specify that the decision, which is related to State environmental control shall enter into effect and be implemented without delay if delay may cause significant negative changes in the environment.

[21 June 2007; 12 June 2009]

## **Section 21. Rights of the State Environment Inspectors**

[1 December 2009]

(1) When performing environmental State control, a State environment service inspector has the right to:

1) drive in or enter and without interference inspect any territory, installation or another object regardless of the form of property, if it is necessary for the control of compliance with environmental protection requirements when performing the planned inspections or if there are justified suspicions regarding violations of the laws and regulations regarding the environment. The State environment service inspector has the right to enter objects and territories provided for the State security and defence, also places of imprisonment, in accordance with the procedures specified in the relevant laws and regulations;

2) take samples and perform control measurements;

3) stop vessels and other floating means and order them to enter a port or to moor;

4) stop mechanical vehicles off the motor roads in areas of the coastal dunes and beaches of the Baltic Sea and the coast of the Gulf of Riga, protection zone of surface waterbody or a specially protected nature territory, as well as make drivers of vehicles eliminate or terminate violations;

5) request and receive free of charge information from private persons, the State and local government authorities necessary for the performance of environmental State control, which is at the disposal of a private person or authority, documents of the accounting of natural resources and other documents, in order to control the amounts of extraction, utilisation of natural resources, pollution of the environment, flow of packaging, waste management, building and other activities affecting the environment;

6) temporarily suspend or prohibit the performance of an activity, by which the laws and regulations regarding the environment are violated or which creates negative changes to the environment, or endangers human health or life;

7) issue administrative acts within their competence, which are necessary for the fulfilment of the requirements specified in the laws and regulations regarding the environment, for the reaching of environmental quality standards specified in the Law On Pollution and rational utilisation of natural resources;

8) draw up administrative reports regarding administrative violations, examine administrative violation cases and impose administrative fines in the cases specified in the Administrative Violations Code; and

9) other rights specified in laws and regulations.

(2) If requirements of the laws and regulations regarding movement, also the standing or stopping of mechanical vehicles are violated off the motor roads in the protection zone of coastal dunes and beach of the Baltic Sea and the Gulf of Riga or in a specially protected nature territory and the driver of the vehicle is not at the place of committing the violation, the State environment service inspector has the right to draw a protocol-notification regarding the imposed fine. The Cabinet shall determine the information to be included in a protocol-notification, procedures for the drawing up of a protocol-notification, the information to be included in a notification regarding the fine unpaid and the procedures regarding the sending

of a notification regarding the fine unpaid, as well as the procedures for the collection and control of the fine.

(3) [1 December 2009].

[21 June 2007; 1 December 2009]

## **Section 22. Local Government Control in the Environmental Field**

(1) Local government shall perform control in the environmental field in local government responsibility fields specified in the Law On Local Governments or the laws and regulations regarding the environment.

(2) Officials of local government environmental control have the rights specified in Section 21, Paragraph one, Clauses 1, 2, 5 and 9 of this Law.

(3) If the requirements of laws and regulations are violated in relation to the standing or stopping of mechanical vehicles off the motor roads in the protection zone of coastal dunes and beach of the Baltic Sea and the Gulf of Riga or in a specially protected nature territory and the driver of the vehicle is not at the place of committing the violation, local government environmental control officials and authorised persons have the right to act in accordance with the procedures for the application of the administrative punishment specified in Section 21, Paragraph two of this Law.

[21 June 2007]

## **Section 23. Public Control in the Environmental Field**

(1) The State Environmental Service may involve public environment inspectors – authorised persons of the State Environmental Service – in environmental control.

(2) The State Environmental Service shall award and cancel the status of a public environment inspector in accordance with the procedures specified by the Cabinet. The Cabinet shall determine the criteria and requirements to be met by public environment inspectors. The Cabinet shall determine the sample of an identification card of a public environment inspector.

(3) Public environment inspectors have the right:

1) to carry out inspections together with a State environment service inspector;

2) to draw up an inspection deed, determining the actual situation, and send it to the State Environment Service; and

3) to carry out inspections without the presence of a State environment service inspector, to draw up an administrative violation report and send it to the State Environment Service for examination in the following cases:

a) publicly accessible territory (territory that is accessible without restrictions to the public irrespective of the fact in whose ownership it is located) is littered with waste,

b) a mechanical vehicle moves, also stands or stops off the motor roads in the protection zone of coastal dunes and beach of the Baltic Sea and the Gulf of Riga or in a specially protected nature territory,

c) camp fires are lit outside of places installed for this purpose and therefore natural ground vegetation is damaged in the protection zone of coastal dunes and beach of the Baltic Sea and the Gulf of Riga, and

d) in other cases provided for in laws and regulations.

[21 June 2007]

## **Chapter VI**

### **Liability for Damage Caused to the Environment**

#### **Section 24. Environmental Damage**

- (1) Provisions of this Chapter regarding the liability for damage caused to the environment shall be applicable to damage done to specially protected nature territories, micro-reserves, as well as specially protected species and biotopes, water, soil and subterranean depths.
- (2) The significance of the impact of the damage to specially protected species or biotopes shall be assessed with reference to the baseline condition, taking into account the criteria determined by the Cabinet.
- (3) Environmental damage shall also include damage caused by substances polluting the air, if they cause damage to specially protected nature territories, micro-reserves or specially protected species and biotopes, water, soil and subterranean depths.

#### **Section 25. Main Provisions of Liability**

- (1) An operator shall be liable for environmental damage or imminent threat of damage, which, within the scope of the occupational activity thereof, has been caused by act or omission committed intentionally or through negligence, violating the requirements of the laws and regulations regarding the environment.
- (2) The holding of an operator, as well as the persons referred to in Paragraph three of this Section administratively liable or criminally liable for violations of the laws and regulations regarding the environment shall not exempt them from the duty to cover costs, which have occurred due to the environmental damage or imminent threat of damage caused thereby.
- (3) A person who is not to be regarded as an operator shall be liable to eliminate the damage or imminent threat of damage and for the environmental damage or imminent threat of damage, which has been caused by act or omission committed intentionally or through negligence, violating the requirements of the laws and regulations regarding the environment, and this person has a duty to cover expenses caused by the damage committed to the environment by him or her or imminent threat of damage, including expenses for preventive, immediate and remedial measures.
- (4) An operator shall be liable for environmental damage or imminent threat of damage irrespective of guilt, if the environmental damage or imminent threat of damage has emerged, when performing the following occupational activities:
  - 1) category A or B polluting activities specified in the Law On Pollution;
  - 2) activities, for the performance of which a waste management permit is required;
  - 3) water abstraction and impoundment where a water resources use permit is required;
  - 4) operation of a filling station or petroleum warehouse;
  - 5) manufacturing, utilisation, processing, packaging, distribution into the environment or movement within the territory of the production unit of hazardous chemical substances or products (preparations), plant protection products or also biocides specified in accordance with the laws and regulations regulating the circulation of chemical substances and mixtures);
  - 6) transportation of chemical substances or mixtures through pipelines;
  - 7) transportation of dangerous or polluting cargoes by land, inland waters, sea or air;
  - 8) limited use, deliberate distribution into the environment, placing on the market, also movement of genetically modified organisms, also genetically modified micro-organisms;
  - 9) transboundary movement of waste specified in regulations of the European Union, for the performance of which a permit is required; and
  - 10) management of extractive industry waste.
- (5) As regards environmental damage or imminent threat of damage, which has been caused by diffuse pollution (pollution in air, water or soil, which is not collected and eliminated from

stationary sources of pollution in an organised process), provisions of this Chapter shall be applicable only in the case, if it is possible to detect a causal link between the damage or imminent threat of damage and activity of the operator.

*[21 June 2007; 18 April 2013]*

## **Section 26. Liability for Damage Caused to the Environment Specified in International Laws and regulations**

(1) An operator shall not be liable for environmental damage or imminent threat of damage in accordance with the provisions of this Chapter in the cases where the liability thereof or compensation for the damage caused is specified in accordance with the following international conventions and amendments thereto binding on Latvia:

1) the Protocol of 27 November 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage of 1969;

2) the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1971;

3) the International Convention of 23 March 2001 on Civil Liability for Bunker Oil Pollution Damage;

4) the International Convention of 3 May 1996 on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea;

5) the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage and the Protocol of 12 September 1997 to amend the Vienna Convention of 21 May 1997 on Civil Liability for Nuclear Damage;

6) the Joint Protocol of 21 September 1988 relating to the Application of the Vienna Convention and the Paris Convention; and

7) the Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material of 1971.

(2) Provisions referred to in this Chapter shall not be applicable to environmental damage or imminent threat of damage, which has been caused by activities to which the Treaty Establishing the European Atomic Energy Community is applicable.

(3) An operator is entitled to limit the liability thereof in accordance with the requirements of the Convention on Limitation of Liability for Maritime Claims of 1976 (LLMC 1976) and amendments thereto.

## **Section 27. Action in Case of Imminent Threat of Damage**

(1) If environmental damage has not been caused, but imminent threat of damage exists, the operator shall perform all the necessary preventive measures without delay.

(2) In the case of imminent threat of damage, as well as in the case if, when performing preventive measures, imminent threat of damage has not been liquidated, the operator shall inform the State Environmental Service regarding the existing threat, the performed preventive measures and other essential aspects describing the situation in writing without delay.

(3) The State Environmental Service:

1) shall detect the operator in the result of whose occupational activity imminent threat of damage has emerged;

2) is entitled to request the operator to provide information regarding the imminent threat of damage, also in cases where there are suspicions regarding the existence of such a threat;

3) shall require that the operator carries out the necessary preventive measures;

4) is entitled to give binding instructions to the operator regarding preventive measures to be carried out; and



5) where necessary, shall organise the realisation of preventive measures in the cases and in accordance with the procedures specified by the Cabinet.

(4) In the case referred to in Paragraph three, Clauses 1, 3 and 4 of this Section the State Environmental Service shall take a decision regarding the detection of the operator, whose occupational activity has caused direct threats of damage, and the realisation of preventive measures. This decision shall be announced to the operator without delay. The decision of the State Environmental Service may be contested within a time period of 15 days in the State Environment Bureau. Contestation of the decision and submission of an application to the court regarding the cancellation of the decision, recognition as obsolete or invalid shall not suspend the operation of the decision.

## **Section 28. Action in Case of Damage Caused to the Environment**

(1) If environmental damage has been caused, the operator, in the result of whose occupational activity it has emerged or may have emerged, shall:

1) inform the State Environmental Service regarding the environmental damage and provide a complete description of the situation in writing without delay;

2) perform the immediate measures without delay; and

3) perform remedial measures.

(2) The State Environmental Service is entitled to require that the operator, in the result of whose occupational activity environmental damage has emerged or may have emerged, provides all the necessary information that is related to this environmental damage.

(3) The State Environmental Service shall inform the territorial local government regarding the environmental damage.

(4) The State Environmental Service shall:

1) detect the operator, in the result of whose occupational activity environmental damage has emerged;

2) require that the operator performs immediate measures for the remedying of the damage and is entitled to give instructions binding on the operator regarding these measures;

3) require that the operator performs the necessary remedial measures and is entitled to give instructions binding on the operator regarding these measures;

4) organise the carrying out of immediate measures if the operator, in the result of whose occupational activity environmental damage has emerged, has not been detected or the operator does not carry out these measures, as well as in the case if the operator does not comply with the binding instructions referred to in Clause 2 of this Paragraph; and

5) clarify, evaluate and, if possible, take into account the considerations of the private person, who has submitted a submission in accordance with Section 30 of this Law, as well as the owner of the immovable property, in which it is intended to perform the remedial measures.

(5) In the cases referred to in Paragraph four, Clauses 1, 2 and 3 of this Section the State Environmental Service shall take a decision regarding the detection of the operator whose occupational activity has caused damage to the environment, and the carrying out of immediate and remedial measures. This decision shall be announced to the operator without delay. The decision of the State Environmental Service regarding the detection of the operator and the performance of immediate measures may be contested in the State Environment Bureau within a time period of 15 days, but the decision regarding the performance of the remedial measures – in time period and in accordance with the procedures specified in the Administrative Procedure Law. Contestation of the decision regarding the performance of immediate measures and submission of an application to the court regarding the cancellation of the decision, recognition as obsolete or invalid shall not suspend the operation of the decision.

(6) The Cabinet shall determine the purposes and methods of the remedy, as well as the procedures by which remedial measures are to be specified and performed.

(7) If environmental damage has emerged in a way where it is not possible to ensure the concurrent performance of remedial measures, the State Environmental Service is entitled to decide on the sequence of the performance of remedial measures, taking into account the nature, amount and hazard of the damage caused to the environment, threats to human health, as well as the possibility of natural recovery.

### **Section 29. Action in the Case Where Environmental Damage has a Transboundary Impact**

(1) If environmental damage affects or is likely to affect the territory of another state, the State Environmental Service, informing the Ministry of Foreign Affairs and the State Fire-Fighting and Rescue Service, shall co-operate with the competent authority of the other state, also provide it with information regarding the nature, amount, and distribution of the environmental damage, the performed and necessary preventive, immediate or remedial measures in order to ensure that the preventive, immediate and if necessary, remedial measures are performed.

(2) If environmental damage caused in another state affects or is likely to affect the territory of the Republic of Latvia, the State Environmental Service in co-operation with the competent authority of the other state shall determine the necessary immediate or remedial measures and notify the relevant territorial local governments of Latvia regarding them.

(3) If an operator who performs occupational activity in the territory of another state, does not perform the necessary immediate or remedial measures voluntarily, the State Environmental Service is entitled to request the reimbursement of costs of these measures by coming to an agreement with the operator or by legal proceedings.

*[21 June 2007]*

### **Section 30. Rights of the Public in the Case when Environmental Damage or Imminent Threat of Damage Has Emerged**

(1) If the public gets to know about the environmental damage or imminent threat of damage, it has the right to submit a submission to the State Environmental Service or another competent authority with a request to perform the necessary activities in accordance with this Chapter.

(2) As precise information as possible regarding the damage caused to the environment or imminent threat of damage shall be indicated in the submission.

(3) The State Environmental Service or another competent authority shall evaluate the submission in as short a period of time as possible in accordance with the procedures specified in the Administrative Procedure Law, also clarifying the opinion of the operator regarding the facts and considerations referred to in the submission, and, where necessary, perform the relevant activities in accordance with this Chapter.

### **Section 31. Compensation for Environmental Damage**

(1) The operator whose occupational activity has caused environmental damage or imminent threat of damage shall cover the costs of the preventive, immediate and remedial measures.

(2) *[21 June 2007]*

(3) If the operator, whose occupational activity has caused environmental damage or imminent threat of damage, is detected by the State Environmental Service prior to the performance of preventive, immediate and remedial measures and the State Environmental Service has ensured the performance of these measures in accordance with Section 27,

Paragraph three, Clause 5 or Section 28, Paragraph four, Clause 4 of this Law the costs of the referred to measures shall be covered by the operator (a private person, derived public person or authority of indirect administration). The decision shall be executed in accordance with the procedures specified in the Administrative Procedure Law.

(4) If the operator, whose occupational activity has caused environmental damage or imminent threat of damage, is detected by the State Environmental Service after the performance of preventive, immediate and remedial measures, the State Environmental Service shall collect the amount of money from the operator for the covering of costs referred to in Paragraph one of this Section in accordance with the procedures specified in the Civil Procedure Law. The State Environmental Service is waived from the payment of the State fee for the claims on collection of funds for covering the costs referred to in Paragraph one of this Section.

(5) The costs referred to in Paragraph one of this Section shall include the costs that are justified by the necessity to ensure the proper and effective implementation of the provisions of this Chapter, including the costs of assessing environmental damage, imminent threat of damage and alternatives for actions, the administrative costs, legal and enforcement costs, the costs of data collection and monitoring, as well as other costs, which are related to the environmental damage or imminent threat of damage.

(6) If the operator proves that the environmental damage or imminent threat of damage was caused by a third person although corresponding safety measures were performed, which the operator had the duty to ensure, or environmental damage or imminent threat of damage has resulted from the compliance with such decision binding on a body governed by the public law, which is not applicable to emission or accident caused by the operator itself, the operator:

1) is entitled to recover the costs of the preventive and immediate measures, which were covered by him or her, and

2) shall not cover the costs of the remedial measures and is entitled to recover the costs, which were covered by it.

(7) If the operator proves that environmental damage or imminent threat of damage is caused by a third person although appropriate safety measures were performed, which the operator had the duty to ensure, the operator is entitled to request the reimbursement of costs of preventive, immediate and remedial measures from the third person who has caused the environmental damage or imminent threat of damage in accordance with the procedures specified in the Civil Procedure Law.

(8) If the operator proves that the environmental damage or imminent threat of damage has resulted from the compliance with such decision binding on the body governed by the public law, which is not applicable to the emission or accident caused by the operator itself, the operator is entitled to request the reimbursement of costs of preventive, immediate and remedial measures in accordance with the Law On Reimbursement of Losses Caused by State Administrative Authorities.

(9) The operator shall not cover the costs of the remedial measures if it proves that the environmental damage has not emerged due to its act or omission committed intentionally or through negligence and the environmental damage has been caused by:

1) emission or activity that is directly allowed and completely complies with the provisions of the permit issued for the performance of activities referred to in Section 25, Paragraph four; or

2) emission, activity or using of any product for the activity if their impact on the environment was not considered as damaging according to the findings of science and technology, at the time when the emission or the particular activity took place.

(10) Paragraph nine of this Section shall not be applicable to limited utilisation, intentional distribution in the environment, distribution in the market, also movement of genetically modified organisms, also genetically modified micro-organisms.

(11) The State Environmental Service may take a decision regarding the operator whose occupational activity has caused environmental damage or imminent threat of damage, or the detection of a third person and performance of preventive measures or immediate and remedial measures or submit an application of claim to the court within five years from the date on which those measures have been completed or from the date when the operator or the third person is detected, depending on which of the referred to events is the later.

(12) Income from the payments for the assessment, prevention of damage caused to the environment, performance of preventive, immediate or remedial measures, also the costs referred to in Paragraph one of this Section, shall be paid into the State basic budget, but costs, which have arisen for a local government shall be paid into the budget of such local government.

(13) The Cabinet shall determine the procedures for the assessment of the environmental damage and the calculation of the costs referred to in Paragraph one of this Section.

(14) In specially protected nature territories – natural monuments, which have been designated as such by the Cabinet or a local government, the damage shall be assessed taking into account the level of the damage or destruction to the natural monument. The Cabinet shall determine the procedures by which the damage done to a natural monument shall be assessed.

[21 June 2007]

### **Section 32. Joint Liability for Imminent Threat of Damage or Environmental Damage**

(1) Operators shall be jointly liable for the imminent threat of damage or environmental damage, which has emerged in the result of activities of several operators.

(2) If the operator proves that its performed activity has created only a part of the imminent threat of damage or environmental damage, the operator shall cover only the costs of preventive, immediate or remedial measures for the part of the imminent threat of damage or environmental damage, which has emerged due to the actions thereof.

### **Section 33. Provision of Financial Guarantees for Definite Activities**

Operators may use types of financial guarantee, also insurance, funds and bank guarantees, in order to insure the performance of preventive, immediate or remedial measures specified by this Law.

### **Section 34. Collection of Information Regarding Environmental Damage**

(1) The Centre shall establish and maintain a database, in which information regarding events when environmental damage or imminent threat of damage has emerged, in order to register cases when preventive, immediate or remedial measures are to be performed in accordance with this Chapter.

(2) The State Environmental Service and operators shall submit to the Centre the information referred to in Paragraph one of this Section in accordance with the procedures specified by the Cabinet.

[12 June 2009]

### **Section 35. Force Majeure and Other Exceptions**

(1) Provisions referred to in this Chapter shall not be applicable to cases where the environmental damage or imminent threat of damage has emerged due to a natural phenomenon of exceptional, inevitable, unpredictable in due time and irresistible character or due to an armed conflict, hostilities, civil war or insurrection (hereinafter – *force majeure*).

(2) Provisions referred to in this Chapter shall not be applicable to activities, the principal aim of which is the national defence or international security, as well as to activities, the only aim of which is protection from a natural disaster.

(3) In the case of a *force majeure* the operator shall inform the State Environmental Service regarding the environmental damage or imminent threat of damage without delay in writing, indicating, where possible, the measures performed and planned for prevention, restriction or reduction of the environmental damage or imminent threat of damage, as well as perform all immediate measures without delay.

(4) After the liquidation of the consequences of the *force majeure*, the operator shall submit to the State Environmental Service information regarding the environmental damage, the amount thereof and the measures performed for the restriction or prevention of environmental damage, as well as for the assessment of the present situation.

(5) The provisions of this Chapter shall not apply to emissions, accidents or any other incident, which have caused damage to the environment if since the causing of such damage more than 30 years have passed.

[21 June 2007]

## **Chapter VI<sup>1</sup>** **Liability for Water Pollution**

[21 June 2007]

### **Section 35.1 Application of Liability for Water Pollution**

(1) Liability for the water pollution referred to in Section 2, Paragraph three, Clauses 1, 2, 3, 4 and 5 of this Law shall be applied if there has occurred a discharge of a noxious or other polluting substance from a ship (irrespective of the flag of the ship), except for warships, naval auxiliary or other ships owned by a state or operated by a state at the time of discharge, and used only for non-commercial purposes.

(2) A discharge of noxious or other polluting substances shall not be considered a violation if it conforms to Regulations 15, 34, 4.1 or 4.3 of Annex I or Regulations 1.3, 3.1.1 or 3.1.3 of Annex II of the MARPOL Convention.

(3) A discharge of noxious or other polluting substances into the territories referred to Section 2, Paragraph three, Clauses 3, 4 and 5 of this Law shall not be a violation for which a ship owner, master or crew, which have acted on the basis of an order from the master are liable if the discharge conformed to Regulation 4.2 of Annex I and Regulation 3.1.2 of Annex II of the MARPOL Convention.

[21 June 2007]

### **Section 35.2 Violations and Sanctions**

(1) For the discharge of noxious or other polluting substances or pollution of waters in any other way from ships, persons shall be held liable according to the procedures specified in laws and regulations.

(2) The provisions regarding violations of Paragraph one of this Section shall not apply to the members of a ship's crew, which are performed in straits used for international navigation, exclusive economic zones and the high seas if the provisions of Regulation 4.2 of Annex I or Regulation 3.1.2 of Annex II of the MARPOL Convention are fulfilled.

(3) The holding of persons to liability for the discharge of noxious or polluting substances from ships shall not release such persons from civil legal liability and shall not restrict the civil legal liability thereof regarding losses caused to other persons and the environment and the compensation for damage.

*[21 June 2007]*

## **Chapter VII** **Voluntary Measures for Environmental Management**

### **Section 36. Agreement with a Merchant Regarding the Attainment of Environmental Objectives**

(1) The public authority may enter into agreement with a merchant or an organisation representing merchants regarding the compliance with such environmental requirements, which exceed the requirements specified in the laws and regulations regarding the environment, or regarding the attainment of definite environmental objectives.

(2) The component of the agreement with the merchant referred to in Paragraph one of this Section may be a complete or partial exemption from the payment of the natural resources tax in the cases specified in the Natural Resources Tax Law.

### **Section 37. Voluntarily Applicable Means of Environmental Management**

In order to promote economically efficient utilisation of natural resources, limit pollution of the environment and reduce the production and selling of products polluting the environment, the public authorities and local governments:

1) when performing public procurement, shall include justified environmental provisions in technical specifications; and

2) may introduce voluntary means of environmental management, including environmental certificates, or promote the application thereof.

### **Section 38. Ecolabel and the Awarding Thereof**

(1) The Environment Supervision State Bureau is a competent institution in respect of the performance of tasks provided for in Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (Text with EEA relevance). The Environment Supervision State Bureau in accordance with the referred-to Regulation shall award the European Union ecolabel (hereinafter – also ecolabel) for products in order to promote the production and distribution of environment friendly products.

(1<sup>1</sup>) A person, who lodges a submission to the Environment Supervision State Bureau regarding awarding of ecolabel for a product, shall cover the costs for the examination of the submission and product registration, as well as the costs related to testing and conformity assessment in respect of criteria for ecolabel, in accordance with the pricelist of paid services provided by the Environment Supervision State Bureau approved by the Cabinet. The Cabinet shall determine:

1) fee for the examination of the submission regarding awarding of ecolabel and product registration;

2) annual fee regarding use of ecolabel and payment procedures.

(2) The Environment Supervision State Bureau shall co-ordinate the European Union ecolabel award scheme in Latvia, inform manufacturers regarding the relevant requirements, popularise European Union ecolabels, as well as provide necessary information to the European Commission.

*[21 June 2007; 16 December 2010; 7 June 2012]*

### **Section 39. Eco-management and Audit Scheme**

(1) In order to evaluate and improve the achievement of public and private legal subjects (authorities, merchants, associations, performers of economic activities, etc.) in the field of environment, as well as to provide the public and other concerned persons with the relevant information, public or private legal subjects may participate in the eco-management and audit scheme of the European Community in accordance with Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 allowing voluntary participation by organisations in a Community eco-management and audit scheme.

(2) The State Environment Bureau shall perform the necessary measures for the compliance with the requirements of Articles 11, 12, 13, 14 and 15 of Regulation referred to in Paragraph one of this Section.

(3) The State Environment Bureau shall establish and maintain a register of the eco-management and audit scheme and perform the registration of public and private legal subjects, except natural persons, in the register of the eco-management and audit scheme or take a decision regarding the refusal to register.

(4) An accredited environmental verifier shall examine and approve the elements necessary for the registration with the Eco-management and Audit System. The State limited liability company “Standardization, Accreditation and Metrology Centre” shall perform the accreditation of the environmental verifiers and supervision of activities thereof, as well as establish and maintain a register of environmental verifiers in accordance with the procedures specified by the Cabinet.

*[14 February 2008; 14 November 2008; 12 June 2009; 16 December 2010; 18 April 2013]*

## **Chapter VIII**

### **Environmental Science, Environmental Education and Sustainable Development**

#### **Section 40. Development of the Environmental Science**

The Ministry of Environmental Protection and Regional Development in co-operation with the Ministry of Education and Science shall perform the necessary measures for development of the environmental science in order to promote scientific activities in the field of sustainable development, environmental protection and environmental education, ensuring the performance of environmental quality research, development of eco-innovation and environmental technologies, as well as awareness and solving of environmental protection problems.

*[16 December 2010]*

#### **Section 41. Environmental Science and Education Council**

(1) The Ministry of Environmental Protection and Regional Development in co-operation with other ministries, authorities of higher education and colleges involved in the environmental science and environmental education shall establish the Environmental Science and Education Council. Decisions of the Council shall have a recommendatory nature. The Cabinet shall approve the by-laws of the Council. The Ministry of Environmental Protection and Regional Development shall ensure financially the operation of the Environmental Science and Education Council.

(2) The Environmental Science and Education Council shall promote the co-operation of authorities related to the environmental science and environmental education development, shall be aware of and solve problems in respect of the environmental science and education for sustainable development, as well as promote the co-operation of authorities involved in

the introduction of a policy for a sustainable environment and improvement of the instruments thereof.

[16 December 2010]

## **Section 42. Environmental Education**

(1) The matters in respect of environmental education and education for sustainable development shall be included in the mandatory curriculum of the subject or course standard in accordance with the specific character of each subject by co-ordinating and ensuring succession on different education levels.

(2) The environmental protection course shall be included in the mandatory part of all study programmes of authorities of higher education and colleges.

(3) A course regarding sustainable development shall be included in the study programmes of instructors of all authorities of higher education and colleges.

### **Transitional Provisions**

1. With the coming into force of this Law, the Law On Environmental Protection (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1991, No. 33/34; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No. 13; 2000, No. 15; 2002, No. 3, 22; 2003, No. 12; 2004, No. 9; 2005, No. 6; 2006, No. 15) is repealed.

2. Sections 25, 26, 27, 28, 29, 30, 31, 32, 34 and 35 of this Law come into force on 30 April 2007.

3. If pollution has emerged before 30 April 2007, research and remedying of the polluted and potentially polluted location shall be performed in accordance with the Law On Pollution.

4. Environmental damage, which has emerged before 30 April 2007, shall be determined and compensated in accordance with the following procedures:

1) private persons, who have caused environmental damage, shall have the duty:

a) to liquidate as soon as possible or also to reduce the consequences of environmental damage in order to prevent the negative impact on the environment and threat to the sustainable development of the environment;

b) to compensate losses that are necessary in order to restore the affected or create close to environmental values, if it is not possible to prevent the environmental damage;

2) The Director of the Regional Environmental Board of the State Environmental Service or the Director of the Marine and Inland Waters Administration or the Director of the Administration of the Specially protected Nature Territories shall establish with an order a commission in order to specify the losses, which have emerged in the result of environmental damage, (hereinafter – the Commission). In accordance with the laws and regulations regarding the environment the Commission shall determine the losses, which have emerged in the result of environmental damage, on the basis of the inspection deed;

3) The Director of the Regional Environmental Board of the State Environmental Service or the Director or the Marine and Inland Waters Administration or the Director of Administration of the Specially Protected Nature territories, within a time period of two months after the performed inspection, on the basis of calculations performed by the Commission, shall issue an administrative deed regarding the elimination of the environmental damage and reimbursement of losses (hereinafter – a deed) Total losses shall be indicated in the deed and the time period for the commencement of restoration works, procedures for the performance of these works and the time period, by which the referred to



works are to be performed, shall be specified. If it is not possible to eliminate the environmental damage, the Commission shall determine a time period, by which the calculated sum of the loss must be paid into the State basic budget.

4) Total losses, which have emerged in the result of the environmental damage, shall be determined on the basis of the amount and the costs of works, which are necessary in order to restore the affected environmental values or create close to environmental values, if it is not possible to eliminate the environmental damage, as well as on the basis of sums of losses, which in accordance with the laws and regulations regarding the environment have been calculated for the pollution that has been left in the environment and secondary pollution.

5) If it is possible to eliminate the consequences of environmental damage only partially, the person, who has caused the environmental damage, shall pay the remaining sum of losses in the State basic budget in the specified period of time.

6) A deed issued by the Director of the Regional Environmental Board of the State Environmental Service or the Marine and Inland Waters Administration or the Director of Administration of the Specially Protected Nature Territories may be contested to the State Environment Bureau within a time period of one month after coming into effect thereof. A decision of the State Environment Bureau may be contested pursuant to the procedures specified in the Administrative Procedure Law.

5. The Cabinet shall:

1) approve Environmental Policy Guidelines by 1 December 2008;  
2) approve Guidelines of the Environmental Monitoring Programme by 1 December 2008;

3) issue the regulations referred to in Section 14, Paragraph one; Section 24, Paragraph two and Section 41, Paragraph one by 1 March 2007;

4) issue the regulations referred to in Section 20, Paragraph two; Section 21, Paragraph two; Section 23, Paragraph two; and Section 39, Paragraphs three and four by 1 December 2007; and

5) issue the regulations referred to in Section 15, Paragraph one; Section 17, Paragraph two and Section 31, Paragraph fourteen by 1 December 2008.

*[21 June 2007; 14 February 2008]*

6. The following Cabinet regulations shall be applicable until the issuance of new Cabinet regulations, but not later than until 1 March 2008 insofar they do not contradict with this Law:

1) [14 February 2008];

2) [14 February 2008];

3) Cabinet Regulation No. 320 of 20 April 2004, Procedures for the Establishment and Maintenance of Register of Environmental Management and Audit Scheme and Registration of Organisations Therein; and

4) Cabinet Regulation No. 689 of 3 August 2004, Regulations regarding the Accreditation and Supervision of Testing and Calibration Laboratories, Certification and Inspection Authorities and Environmental Verifiers.

5) The Cabinet Regulation No.187 of 7 March 2006, Procedures for Drawing up of a Protocol-Notification Regarding Violation of Provisions for Movement of Vehicles off the motor roads in areas of the coastal dunes, beaches or specially protected nature territories of the Baltic Sea and coast of the Gulf of Riga.

*[21 June 2007; 14 February 2008]*

7. Until the issuance of new Cabinet Regulations, but not later than until 1 December 2008 Cabinet Regulation No. 333 of 20 April 2004, Regulations regarding Restricted Utilisation and Intentional Distribution in the Environment and Market, as Well as Monitoring

Procedures of Genetically Modified Organisms, shall be applied, insofar they do not contradict with the provision of this Law.

8. Clause 4 of Section 26, Paragraph one of this Law shall come into force simultaneously with the coming into force of the International Convention of 3 May 1996 on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.

9. Section 21, Paragraph three of this Law shall come into force on 1 January 2007.

10. Amendments to Section 21, Paragraph three of this Law regarding the deletion of the amount of the insurance sum and Section 38, Paragraph two regarding the competence of the Environment State Bureau shall come into force on 1 January 2008.

*[21 June 2007]*

11. Section 25, Paragraph four, Clause 10 of this Law shall come into force on 1 May 2008.

*[21 June 2007]*

12. The following Cabinet regulations shall be applicable until the issuance of new Cabinet regulations, but not later than until 1 December 2008 insofar they do not contradict with this Law:

1) Cabinet Regulation No. 162 of 8 April 2003, Regulations regarding Environmental Monitoring and Register of Polluting Substances; and

2) Cabinet Regulation No. 357 of 24 May 2005, Procedures for the Calculation of Losses Created Due to Damage Caused to Natural Monuments.

*[14 February 2008]*

13. Amendments to Section 10, Paragraph six, Section 16, Paragraph two, Section 17, Paragraph five and Section 34 of this Law regarding change of a competent institution shall come into force from 1 August 2009.

*[12 June 2009]*

14. Until 1 July 2012 the Cabinet shall issue the regulations referred to in Section 38, Paragraph 1.<sup>1</sup> of this Law.

*[7 June 2012]*

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

This Law contains legal norms arising from:

1) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage;

2) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC;

3) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC;

4) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;

5) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements; and

6) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC.

[21 June 2007]

This Law has been adopted by the *Saeima* on 2 November 2006.

President

V. Vīķe-Freiberga

Rīga, 15 November 2006