

Republic of Latvia
Cabinet Regulation
No. 126
Adopted 21 February 2012

Procedures for the Issuance of a Special Permit for Performance of Scientific Research Activities in the Territorial Sea, the Continental Shelf and the Exclusive Economic Zone of the Republic of Latvia for a Ship of Scientific Research of a Foreign State

Issued pursuant to
Section 20, Paragraph three
of the Marine Environment Protection
and Management Law

I. General Provisions

1. This Regulation prescribes the procedures by which a special permit for performance of scientific research activities in the territorial sea, the continental shelf and the exclusive economic zone of the Republic of Latvia shall be issued for a ship of scientific research of a foreign state (hereinafter – permit).
2. The State Environmental Service shall issue a permit to a ship of scientific research.
3. When submitting a notification of a ship of scientific research regarding a proposed cruise of scientific research (Annex 1) (hereinafter – notification of cruise) for the receipt of a permit and when performing scientific research activities in the territorial sea, the continental shelf and the exclusive economic zone of Latvia, according to the conditions of the permit, the United Nations Convention on the Law of the Sea, 1982, the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (hereinafter – Helsinki Convention) and other international agreements binding to Latvia, as well as the Marine Environment Protection and Management Law and other regulatory enactments related to the use of the sea shall be observed.

II. Procedures for the Submission of a Notification of Cruise

4. In order to receive a permit, the embassy of the state represented by the ship of scientific research or the Ministry of Foreign Affairs, or an international (intergovernmental) organisation shall, by diplomatic channels, submit a written notification of cruise to the Ministry of Foreign Affairs of Latvia (hereinafter – Ministry of Foreign Affairs).
5. A notification of cruise shall be submitted not later than 90 days prior to commencement of the planned scientific research activities in the territorial sea, continental shelf and exclusive economic zone of Latvia.

6. The Ministry of Foreign Affairs shall, within five working days after receipt of the notification of cruise, send it to the Ministry of Defence for the provision of an opinion and to the State Environmental Service for the evaluation and taking of a decision.

7. If the information indicated in the notification of cruise regarding the proposed cruise of a ship of scientific research is incomplete or unclear, the Ministry of Defence and the State Environmental Service shall, within five working days, inform the Ministry of Foreign Affairs thereof in writing, indicating the information to be submitted additionally. The Ministry of Foreign Affairs shall, within three working days, inform the person submitting the notification of cruise regarding the need for additional information.

8. If, within 15 working days from the day when the request for the information in question was sent, the Ministry of Foreign Affairs does not submit all the additional information requested, the State Environmental Service shall take a decision to refuse to issue a permit.

9. The Ministry of Defence shall within 10 working days after receipt of the notification of cruise from the Ministry of Foreign Affairs or receipt of the information referred to in Paragraph 7 of this Regulation, send an opinion on the notification of cruise to the State Environmental Service. The Ministry of Defence shall send a copy of the opinion to the Ministry of Foreign Affairs.

III. Procedures for the Issuance of a Permit

10. The State Environmental Service shall, within 30 working days after receipt of the notification of cruise referred to in Paragraph 6 of this Regulation, evaluate it and take a decision to issue a permit or to refuse to issue a permit.

11. In order to take the decision referred to in Paragraph 10 of this Regulation and to prepare the conditions to be included in the permit, the State Environmental Service shall send a copy of the notification of cruise for the assessment of the admissibility of scientific research activities to the following institutions:

11.1. the State scientific institute “Institute of Food Safety, Animal Health and Environment “BIOR”” – if the planned scientific research activities are related to fish resources (research of fish resources);

11.2. the the State stock company “Maritime Administration of Latvia” – for evaluation from the shipping safety point of view;

11.3. the Latvian Institute of Aquatic Ecology or the Nature Conservation Agency (according to the competence thereof) – if the scientific research activities are related to the study of marine ecosystem.

12. The institutions referred to in Paragraph 11 of this Regulation shall submit opinions to the State Environmental Service on the issuance of a permit and the conditions thereof not later than within ten working days after receipt of a copy of the notification of cruise.

13. Taking into account the opinions of the Ministry of Defence and the institutions referred to in Paragraph 11 of this Regulation, the State Environmental Service shall prepare a permit in accordance with the sample permit form indicated in Annex 2 to this Regulation or a decision to refuse to issue a permit. The notification of cruise is an integral part of the permit.

14. The State Environmental Service shall, within three working days, send a permit or decision to refuse to issue a permit to the Ministry of Foreign Affairs in printed form and to the Latvian Naval Forces of the National Armed Forces – in electronic form.

15. The Ministry of Foreign Affairs shall, within three working days, by diplomatic channels, inform the person submitting the notification of cruise regarding the decision taken by the State Environmental Service in writing. If a favourable decision has been taken, the permit issued by the State Environmental Service shall be appended.

16. The conditions of the permit may be amended, if the person submitting the notification of cruise submits information to the Ministry of Foreign Affairs by diplomatic channels regarding changes to the notification of cruise, for example, the date of the cruise, the equipment to be used, the location of monitoring stations or the change in sample types. The Ministry of Foreign Affairs shall send information regarding changes in the notification of cruise to the State Environmental Service and the Ministry of Foreign Affairs. The State Environmental Service shall evaluate the information received and make the relevant amendments to the permit following co-ordination with the Ministry of Defence and the institutions referred to in Paragraph 11 of this Regulation (according to the competence thereof).

17. A permit for ships of the Baltic Sea region for marine environment monitoring and scientific research activities, which are to be performed in compliance with the objectives of the Helsinki Convention, shall be issued for one year. In such case, the recipient of the permit shall, at least one week prior to each respective cruise, inform the State Environmental Service regarding the date of the cruise, the location of the station, the sample types and the collection methods.

18. The institution performing the research activities referred to in the notification of cruise or the person in charge of the scientific research activities (lead scientist) shall insert a report of the scientific research cruise on the website indicated in the notification of cruise. If the referred to information is not available on the website, the State Environmental Service has the right to request it in printed form or in the form of an electronic document.

19. The State Environmental Service may suspend or cancel a permit in the cases referred to in Article 253 of the United Nations Convention on the Law of the Sea, 1982, regarding the rights of the coastal state to suspend or terminate scientific research activities for a period of time.

Prime Minister

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