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

The *Saeima*¹ has adopted
the President has proclaimed the following law:

On Subterranean Depths

Chapter I General Provisions

Section 1. Terms Used in the Law

The following terms are used in the Law:

- 1) **soil** - upper unconsolidated layer of the Earth's crust which has been formed under the effect of atmospheric and biological factors and which features natural fertility;
- 2) **widespread mineral resources** - mineral resources spread throughout the territory of Latvia and present in sufficient amount;
- 2¹) **permit for the extraction of widespread mineral resources** - an administrative act that grants the right to the addressee thereof to use subterranean depths within specific boundaries and for a specific period taking into account the conditions of the permit;
- 3) **mineral resources** - formations of non-organic or organic origin (also groundwater) the use of which is practically possible and economically viable;
- 4) **deposit of mineral resources** - a natural set of mineral resources the amount, quality and conditions of extraction of which have been assessed and the practical use of which is possible;
- 5) **register of deposits of mineral resources** - a set of data on the stocks of mineral resources in deposits and their quality;
- 6) **extraction of mineral resources** - a complex of activities for the separation of the mineral resources from their natural environment;
- 7) **exploration of mineral resources** - the geological, geophysical, geochemical and technical activities at the

licence area the aim of which is to determine the quality and stock of the mineral resources in a deposit, as well as to assess the commercial significance of the deposit of mineral resources;

8) **balance of the stock of mineral resources** - a set of data for a specific period on the amounts of extraction of mineral resources, losses of stocks and remaining stocks of mineral resources;

9) **prospection of mineral resources** - targeted geological exploration aimed at finding perspective deposits of mineral resources for further exploration;

10) **concrete ring well** - a water supply installation fixed with a concrete ring for capturing groundwater;

11) **geological information** - data on the structure, properties and resources of subterranean depths;

12) **geological exploration** - geological works of all types, including geological research aimed at discovering the structure, composition, properties, and state of subterranean depths, as well as regularities of the spread of the useful properties and location of mineral resources and subterranean depths;

12¹) **geological exploration of national significance** - geological exploration aimed at obtaining important information regarding the geological structure, geological processes and mineral resources (except for hydrocarbons) of a territory which can be of paramount importance to the national economy, defence and other fields;

13) **borehole of water abstraction** - a water supply installation fixed with pipes for capturing groundwater;

14) **licence area** - a district (block) or set of several districts (blocks) of subterranean depths intended for a certain purpose of use of subterranean depths, the boundaries of which are specified in the licence for the use of subterranean depths or permit for the extraction of widespread mineral resources;

15) **hydrocarbons** - untreated petroleum (crude oil), natural gas and gas condensates;

15¹) **underground structures** - tunnels, artificial caves, pits, shelters, as well as storage facilities for hydrocarbons and carbon dioxide in geological structures;

15²) **useful properties of subterranean depths** - physical features of rocks (porosity, permeability, density, capacity of insulation, thermal energy etc.), as well as geological structures which may be used in the national economy;

15³) **prospection of hydrocarbons** - geophysical and geochemical exploration of a territory and data processing to analyse geological structure thereof and evaluate the potential spread of hydrocarbon deposits;

15⁴) **exploration of hydrocarbons** - geological, geophysical and geochemical exploration of hydrocarbons, arrangement of exploration well, exploration works in a well, including core lifting, geophysical exploration, pumping out of liquid (also hydrocarbons) from experimental well, quality testing and other works in order to evaluate and choose extraction technologies and calculate stocks of hydrocarbons;

15⁵) **experimental extraction of hydrocarbons** - pumping of hydrocarbons performed during their exploration from the exploration well of hydrocarbons in order to determine the size of a hydrocarbon deposit, composition thereof, as well as the most efficient applicable technology for the extraction of hydrocarbons;

15⁶) **extraction of hydrocarbons** - separation of hydrocarbons from their natural environment in order to obtain profit from the sale of such hydrocarbons;

16) [16 December 2004];

17) **mineral resources of national significance** - hydrocarbons (untreated petroleum (crude oil) and natural gas), groundwater (freshwater, mineral water, thermal water and water used in industry) and rocks of the crystalline bedrock;

18) **deposit of mineral resources of national significance** - a deposit specified by the Cabinet, which is located in the territory of Latvia or in the exclusive economic zone and the stocks of which ensure the needs of the State or several its regions for the relevant mineral resource;

19) **section of subterranean depths of national significance** - a district of the Earth's crust specified by the Cabinet in the territory of Latvia or in the exclusive economic zone in which the structure or properties of subterranean depths are or can be of paramount importance to the national economy, defence and other fields;

20) **subterranean depths** - a part of the Earth's crust which is located under the soil, inland and sea water up to the depths in which the use thereof is economically and technically possible;

21) **use of subterranean depths** - geological exploration, extraction of mineral resources and use of the useful properties of subterranean depths;

22) **licence for the use of subterranean depths** - an administrative act which grants its addressee the right to use the subterranean depth within specific boundaries, in a specific form and for a specific period, taking into account the provisions of the licence;

23) **the Earth's crust** - the outer, solid part of the Earth the thickness of which in Latvia is 40-64 km;

24) **subterranean depths fund** - all usable and non-useable subterranean depths in the territory of Latvia and in the exclusive economic zone regardless of the possession (owner) thereof;

25) **monitoring of subterranean depths** - system for the observation, control, analysis and forecasting of the state of subterranean depths;

26) **State geological supervision of the subterranean depths fund** - system of measures specified in laws and regulations the task of which is to follow how the procedures for the use of subterranean depths specified in laws and regulation, normative documents and permits or licences (the programme of compliance of geological exploration of mineral resources and evaluation of results achieved, acceptance and record-keeping of stocks of mineral resources) are being complied with;

27) **landowner** - a person which corresponds to the concept of owner defined in the Civil Law or which is registered with the State Immovable Property Cadastre Information System as the legal possessor of a property or which within the framework of the land reform has acquired an immovable property that has not been recorded in a Land Register;

28) **recovering** - a set of actions to be performed after extraction of mineral resources to prepare the place of extraction of mineral resources for future land use according to the planned purpose of land use.

[11 February 1999; 16 December 2004; 5 October 2006; 17 June 2010; 16 May 2013; 25 February 2021]

Section 2. Purpose of the Law

The purpose of this Law is to ensure complex, efficient, environmentally-friendly and sustainable use of subterranean depths, as well as specify the requirements for the protection of subterranean depths.

[16 December 2004]

Section 3. Ownership

(1) Subterranean depths and all mineral resources present therein shall be owned by the landowner.

(2) The landowner or a person accordingly authorised by it, if the landowner is a public entity (hereinafter - the authorised person), may deal with subterranean depths as far as this Law and other laws and regulations do not restrict his or her rights.

[17 June 2010; 21 December 2017]

Chapter II

Supervision of Use of Subterranean Depths Fund

Section 4. Supervisory Bodies of Use of Subterranean Depths Fund

(1) The supervision of the use of subterranean depths fund regardless of the possession (owner) thereof, in accordance with the procedures specified in regulatory enactments, shall be performed by:

1) the Ministry of Environmental Protection and Regional Development, institutions that are subordinate thereto and *valsts sabiedrība ar ierobežotu atbildību "Latvijas Vides, ģeoloģijas un meteoroloģijas centrs"* [State limited liability company Latvian Environment, Geology and Meteorology Centre];

2) the Ministry of Economics and its subordinate institutions;

3) local governments.

(2) The mandate of the abovementioned authorities shall be determined by this Law and other laws, as well as by-laws and other regulatory enactments of the relevant ministries and institutions (authorities) approved by the Cabinet.

(3) The Ministry of Environmental Protection and Regional Development shall ensure the geological supervision of the subterranean depths fund and the control of the efficient use thereof.

(4) The Cabinet shall lay down the hydrocarbons licence areas, conditions for receiving licences for the prospection, exploration and production of hydrocarbons, procedures for the issuing and use thereof, as well as

conditions for cancelling a licence.

(5) Local governments in the administrative territories thereof shall:

1) issue permits for the extraction of widespread mineral resources in accordance with the procedures specified by the Cabinet and in compliance with the limits specified by the State Environmental Service, except for the cases specified in Section 10, Paragraph one, Clause 3, Sub-clauses (a) and (b) of this Law;

2) supervise recovering of places of extraction of mineral resources.

(6) Income from the State fee received from the permits for the extraction of widespread mineral resources shall be used for covering the expenses for the fulfilment of functions assigned to local governments.

(7) [16 December 2004]

[11 February 1999; 16 December 2004; 5 October 2006; 12 June 2009; 17 June 2010; 16 December 2010; 14 November 2019]

Section 5. Forms of Supervision of the Use of Subterranean Depths

(1) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall, in accordance with the procedures specified in this Law and other laws and regulations:

1) accept and record stocks of mineral resources;

2) draw up the register of deposits of mineral resources and balance of the stock of mineral resources;

3) [12 June 2009];

4) obtain and compile geological information and store it in the State Geology Fund;

5) organise the geological mapping of the State territory.

(2) The Cabinet is entitled to burden the land owned by legal persons and natural persons and depths thereof with restrictions on ownership rights necessary for the State in the cases specified by the laws.

(3) Land may be alienated from owners in accordance with the procedures laid down in laws and regulations regarding alienation of immovable property necessary for public needs for national security, environment and subterranean depths protection needs, use of mineral resources and deposits of national significance, as well as use of sections of subterranean depths of national significance, arrangement and exploitation of structures of national significance.

(4) The Cabinet shall:

1) determine the procedures, by which the State limited liability company Latvian Environment, Geology and Meteorology Centre shall accept the stocks of mineral resources and agree on the passport of the borehole of water abstraction and source;

2) approve the price list of paid services related to the accepting of the stocks of mineral resources and the agreement on the passport of the borehole of water abstraction and source.

[11 February 1999; 16 December 2004; 12 June 2009; 17 June 2010; 25 February 2021]

Chapter III Use of Subterranean Depths

Section 6. Guiding Principles for the Use of Subterranean Depths

(1) Subterranean depths are a non-renewable asset which is to be used for the benefit of landowners, the State and public.

(2) The value of subterranean depths shall not be included in the cadastral value of the land and property tax shall not be paid for the subterranean depths. The landowner or his or her authorised person shall use the subterranean depths within the boundaries of his or her property free of charge in accordance with the provisions of Section 11 of this Law.

(3) Users of subterranean depths shall use the subterranean depths by complying with the requirements of laws and regulations regarding the protection of cultural monuments, environmental impact assessment, the protection and use of specially protected nature territories, as well as the requirements of other laws and regulations in the field of environmental protection.

(4) In ensuring the rational use and protection of subterranean depths, the State and local government may restrict, suspend or terminate any activity of legal and natural persons in the use of subterranean depths in the cases provided for in and in accordance with the procedures specified in this Law and other laws and regulations.

[5 October 2006; 17 June 2010]

Section 7. Types of Use of Subterranean Depths

The types of use of subterranean depths shall be as follows:

- 1) geological, hydrogeological, engineering geological, geo-ecological or geophysical exploration;
- 2) establishment of a monitoring system of subterranean depths or performance of monitoring;
- 3) prospection, exploration or extraction of mineral resources;
- 4) use of useful properties of subterranean depths;
- 5) establishment, conservation and liquidation of boreholes, except for the establishment of boreholes using the subterranean depths in the way referred to in Clauses 1 and 2 of this Section.

[17 June 2010]

Section 8. Users of Subterranean Depths

(1) Subterranean depths may be used by:

- 1) the landowner;
- 2) an authorised person of the landowner;
- 3) a person who has entered into a contract with the landowner or his or her authorised person in which the type of use of subterranean depths is indicated. This contract is a mandatory precondition for the receipt of the licence for the use of subterranean depths or the permit for the extraction of widespread mineral resources. If in cases specified by the Cabinet, the licence for the use of subterranean depths shall be issued for the use of subterranean depths throughout the territory of Latvia, the contract with the landowner or authorised person thereof shall be entered into prior to commencing the use of subterranean depths;
- 4) in inland public waters - a person who has been issued the licence for the use of subterranean depths or the permit for the use of natural resources;
- 5) in internal maritime waters, territorial sea and exclusive economic zone of the Republic of Latvia in the licence areas specified by the Cabinet - a person who has been issued the licence for the use of subterranean depths or the permit for the use of natural resources.
- 6) a scientific institution the principal activity of which is related to research in the area of natural sciences and which has been granted financial resources of public legal entities or international public legal entities for performing the exploration referred to in Section 7, Clause 1 of this Law.

(2) The Cabinet shall determine:

- 1) the procedures for the use of subterranean depths in public waters;
- 2) the procedures for the use of subterranean depths in the territorial sea and exclusive economic zone of the Republic of Latvia;
- 3) the procedures for the extraction of mineral resources;
- 4) the conditions and procedures by which a public entity shall lease land for the use of subterranean depths, extend the concluded lease agreements, as well as the procedures for calculating land lease payments;
- 5) the conditions and procedures by which a public entity or a capital company of a public entity shall lease land to the entity referred to in Paragraph one, Clause 6 of this Section, as well as the procedures for calculating land lease payments.

[21 October 2010; 16 May 2013; 21 December 2017; 25 February 2021]

Section 9. Time Periods for the Use of Subterranean Depths

(1) The licence for the use of subterranean depths or permit for the extraction of widespread mineral resources shall be issued for the following time periods:

1) for the geological, hydrogeological, engineering geological, geo-ecological or geophysical exploration, exploration of mineral resources, establishment of a monitoring system of subterranean depths or performance of monitoring - for a period of up to five years;

2) for the exploration of hydrocarbons - for a period of up to 10 years;

3) for the prospection of mineral resources - for a period of up to five years;

4) for the establishment, conservation or liquidation of a borehole - for a period of up to one year;

5) for the extraction of mineral resources (except for that referred to in Clause 7 of this Section) or use of useful properties of subterranean depths - for a period of up to 25 years;

6) for the geological exploration and the following extraction of mineral resources or use of the useful properties of subterranean depths - for a period of up to 30 years;

7) for the extraction of peat - for a period of up to 75 years. During the period of validity of the licence, the State Environmental Service shall review the conditions of the licence at least once every 25 years and, if necessary, renew or supplement it.

(2) Public entities may lease land for the use of subterranean depths for the period referred to in Paragraph one of this Section.

(3) An agreement on the lease of a functionally necessary land parcel or a part of it with the entity referred to in Section 8, Paragraph one, Clause 6 of this Law shall be entered into for a time period that does not exceed the duration of the licence for the use of subterranean depths.

(4) If an environmental impact assessment is required for performing exploration of hydrocarbons and the exploration work cannot be commenced without it, the start date of the exploration term shall be determined after the environmental impact assessment.

[21 December 2017; 25 February 2021]

Section 10. Procedures for the Use of Subterranean Depths

(1) The use of subterranean depths may be commenced only when the following documents have been received in accordance with the procedures specified by the Cabinet (except for the cases referred to in Section 11 of this Law):

1) a permit issued by the local government - in the cases specified in Section 4, Paragraph five of this Law;

2) a licence issued by the State Construction Control Bureau - in the cases specified in Section 4, Paragraph four of this Law;

3) a licence issued by the State Environmental Service:

a) in the case when the deposit of widespread mineral resources is included in the administrative territory of several local governments;

b) in the case when, in addition to widespread mineral resources, stocks of other mineral resource have been accepted in the deposit of mineral resources;

c) in the case when mineral resources are extracted by a local government;

d) in the case when subterranean depths are used in public waters, the territorial sea and exclusive economic zone of the Republic of Latvia;

e) in all other cases.

(2) In the cases specified by the Cabinet in respect of the lands owned by a public entity the licence for the use of subterranean depths, except for the production of hydrocarbons, or the permit for the extraction of widespread mineral resources shall be issued to a person who has won a bid or auction following a tender for the land lease rights and the receipt of the licence or permit.

(2¹) The Cabinet shall determine the cases when a licence shall be issued for the use of subterranean depths throughout the territory of Latvia.

(2²) For the use of subterranean depths in public waters, the territorial sea and exclusive economic zone of the Republic of Latvia, the licences for the use of subterranean depths shall be issued under tendering procedures. If the licence for the use of subterranean depths is necessary for geological exploration related to the construction, establishment or operation of structures in the sea, a tender shall not be organised and the aforementioned licence

shall be issued to one of the following persons:

1) the person who, in accordance with the laws and regulations regarding maritime environment protection and management, has received a permit or licence for the use of the relevant licence area for the construction, establishment, including the research related thereto, and operation of structures in the sea;

2) the person who has entered into a written contract for the performance of geological exploration with the person referred to in Clause 1 of this Paragraph.

(3) For the use of subterranean depths of national significance, the licences for the use of subterranean depths shall be issued under tendering procedures. The rules of tender shall be developed and approved by the State Environmental Service.

(4) The State fee shall be paid for a licence for the use of subterranean depths, permit for the extraction of widespread mineral resources and passport of the deposit. The amount for the State fee and procedures for its payment shall be determined by the Cabinet.

(4¹) The State Environmental Service shall issue permits for the storage of waste from extraction. The State Environmental Service shall examine a submission for a permit for storage of waste from extraction and take a decision within a period which is no longer than 60 days.

(5) If the mineral resources extracted as a result of the use of subterranean depths are intended to be used to maintain roads or improve territories of local governments, or maintain buildings owned by them, then the State fee for the issuance of the licence for the use of subterranean depths to local governments in respect of land owned by them or that is in their permanent use shall not be paid based on the request of the local government and determining the extraction limits required for these works.

(6) Licences for the use of subterranean depths and permits for the extraction of widespread mineral resources may not be pledged, sold, given as a present, changed or otherwise alienated. If the user of the subterranean depths changes, the licence or permit issued previously shall lose its effect, but the new user of the subterranean depths has the right to receive a new licence or permit without a tender (auction) if he or she undertakes the obligations specified in the licence or permit issued previously. Licences for the prospection, exploration and production of hydrocarbons may be alienated in accordance with Paragraph thirteen of this Section.

(7) The procedures for the use of mineral resources of national significance, deposits of national significance and the procedures for the prospection, exploration and extraction of hydrocarbons, as well as the provisions for the environmental protection during works of exploration and extraction of hydrocarbons carried out in the sea shall be regulated by the Cabinet. The Cabinet regulations shall also regulate the procedures for the use of mineral resources of national significance in the cases when the owner of the land and installation for the extraction of mineral resources of national significance is not the same person.

(8) The Cabinet shall lay down the sections of subterranean depths of national significance and regulations for the use thereof separately for each section.

(9) Ground water may be used if the passport of the borehole of water abstraction or sources has been agreed upon or the stocks of the deposit of ground water have been accepted and the passport of the deposit has been received. In the cases specified in the laws and regulations regarding environmental protection, a permit for the use of water resources or a relevant permit for the performance of polluting activity must be received prior to the commencement of water abstraction.

(10) General procedures for a tender or tender with a following auction for the issuance of permits for the extraction of mineral resources and licences for the use of subterranean depths, as well as the procedures for licensing works for the prospection, exploration and production of hydrocarbons shall be determined by the Cabinet.

(11) Mineral resources, except for hydrocarbons and ground water, shall be extracted, if the stocks of mineral resources have been accepted, the passport of deposit has been received and a project for extraction of mineral resources has been developed (if the laws and regulations regulating the use of subterranean depths lay down that such project is necessary). The contents of the passport shall be determined by the Cabinet.

(12) A State fee shall be paid for the production of hydrocarbons. The amount of the fee and the procedures for the calculation and payment thereof shall be determined by the Cabinet.

(13) Licences for the prospection, exploration and production of hydrocarbons may be alienated. The holder of the licence for the prospection, exploration and production of hydrocarbons must meet the requirements specified by the Cabinet and must undertake all the liabilities specified in the licence. The issuer of the licence shall issue the licence to the new holder of the licence for the prospection, exploration and production of hydrocarbons with the same conditions, without changing the duration of the previously issued licence. The procedures and conditions for the change of the licensee shall be regulated by the Cabinet.

(14) A user of subterranean depths shall, in accordance with the procedures and the amount specified by the

Cabinet, pay an annual State fee into the State basic budget for the right to use the subterranean depths in public waters, the territorial sea and exclusive economic zone of the Republic of Latvia, except for the prospection, exploration and production of hydrocarbons, as well as geological exploration, which is related to the construction, establishment and operation of structures in the sea and which takes place in accordance with the laws and regulations in the field of maritime environment protection and management.

[16 December 2004; 5 October 2006; 12 June 2009; 17 June 2010; 21 October 2010; 16 May 2013; 21 December 2017; 14 November 2019; 25 February 2021]

Section 11. Use of Subterranean Depths Without a Permit for the Extraction of Mineral Resources or a Licence for the Use of Subterranean Depths

(1) Landowners or their authorised persons shall use the subterranean depths, except for hydrocarbons, within the boundaries of their property without a licence for the use of subterranean depths or permit for the extraction of mineral resources in the following cases:

1) when extracting the widespread mineral resources specified in Annex to this Law in the total area of up to 0.5 hectares and in depths of up to 2 metres, if the mineral resources extracted are used within the boundaries of their land property;

2) when installing and using concrete ring wells and boreholes of water abstraction in depths up to 20 metres if not more than 10 cubic metres of ground water per day are intended to be abstracted.

(2) *[17 June 2010]*

[16 December 2004; 5 October 2006; 12 June 2009; 17 June 2010]

Section 11.¹ Use of Subterranean Depths when Extracting Mineral Resources as a Result of the Construction of Underground and Surface Structures

(1) If as a result of the construction of underground and surface structures, including the creation of ponds and other water bodies, cleaning or deepening of the bed of surface water bodies, mineral resources are extracted and they are intended to be disposed, then a permit for the use of the natural resources issued by the regional Environmental Board shall be required.

(2) When performing construction of surface and underground structures, works for the cleaning and deepening of the bed of surface water bodies as a result of which mineral resources in an amount of less than 1000 cubic meters are extracted, the permit specified in Paragraph one of this Section is not required.

(3) If as a result of establishment of a surface water bodies, cleaning or deepening of their bed mineral resources are extracted, the licence for the use of subterranean depths shall be received in cases when:

1) a surface water body is established, its bed cleaned or deepened within the territory of a deposit of mineral resources included in the register of deposits of mineral resources;

2) during establishment of one or several surface water bodies it is intended to extract the mineral resources referred to in Annex to this Law in the amount of maximum 10 000 cubic metres;

3) during establishment of a surface water body it is intended to extract mineral resources which are not referred to in Annex to this Law.

[16 December 2004; 17 June 2010; 25 February 2021]

Section 12. Servitude Rights in the Use of Subterranean Depths

[16 December 2004]

Section 12.¹ Use of Subterranean Depths in the Interests of the Society and the State in Sections of Subterranean Depths of National Significance

(1) In sections of subterranean depths of national significance, a restriction of ownership rights to subterranean depths can be determined if subterranean depths need to be used in the interests of the society and the State. The Cabinet shall decide separately on each restriction of ownership rights or each case of the use of subterranean depths.

(2) Procedures for the calculation and disbursement of the compensation for the restriction of ownership rights to subterranean depths specified in accordance with Paragraph one of this Section shall be determined by the Cabinet. A written contract needs to be entered into for the compensation to be paid for the restriction of ownership rights.

(3) The agreement referred to in Section 8, Paragraph one, Clause 3 of this Law is not required for the receipt of

the licence for the use of subterranean depths, if there is no need to be on the land property and create geological test pits when performing geological exploration of a section of subterranean depths of national significance or prospection of mineral resources.

(4) At least two weeks prior to the commencement of the use of subterranean depths the user of subterranean depths shall inform the relevant landowner in writing of the use of subterranean depths laid down in Paragraph three of this Section.

(5) The landowner has the right to demand compensation of losses if they are caused due to the use of a section of subterranean depths of national significance. Without prejudice to the landowner's right to demand compensation of losses caused to it according to the procedures provided in laws, the Cabinet can provide procedures for determining the amount of compensation for losses and payment of the compensation.

(6) The user of subterranean depths shall inform the landowner of the results of geological exploration or prospection of mineral resources of a section of subterranean depths of national significance. The Cabinet shall determine the content and amount of information to be provided, as well as the procedures by which the landowner shall be informed of the results of geological exploration or prospection of mineral resources.

[25 February 2021]

Section 12.² Conditions for Extraction of Rocks of the Crystalline Bedrock in a Section of Subterranean Depths of National Significance

(1) The tender referred to in Section 10, Paragraph three of this Law shall not be organized if a person has not committed violations during the geological exploration of rocks of the crystalline bedrock and has performed the geological exploration of rocks of the crystalline bedrock by using private funding and without receiving any State aid. The Cabinet shall lay down the conditions and procedures by which a licence for the extraction of rocks of the crystalline bedrock is received without a tender.

(2) The user of subterranean depths shall inform the landowner of the extracted amount of rocks of the crystalline bedrock and shall pay a compensation to him/her. The Cabinet shall lay down procedures by which the landowner shall be informed and the compensation for the extracted amount of mineral resources shall be calculated and paid to the landowner.

(3) Prior to receiving a licence for the extraction of rocks of the crystalline bedrock, the user of subterranean depths shall submit a financial security to the State Environmental Service to ensure recovering of the place of extraction of mineral resources and remediation of the consequences of major accidents. The financial security shall be a first demand guarantee letter issued by a credit institution or an insurance policy issued by an insurer which includes irrevocable commitment of the insurer to disburse the insurance compensation upon the first request of the State Environmental Service, and also incontestability of such request. The Cabinet shall determine:

1) the procedures by which the user of subterranean depths shall submit to the State Environmental Service a financial security or its extension;

2) the procedures for the calculation of the amount of the financial security and the minimum sum of insurance.

[25 February 2021]

Section 13. Rights of Users of Subterranean Depths

The users of subterranean depth have the following rights:

1) to use the subterranean depths for the activity indicated in the licence for the use of subterranean depths or the permit for the extraction of widespread mineral resources;

2) to use that obtained as a result of the use of subterranean depths in accordance with the permit or licence and applicable laws and regulation;

3) to use the by-products obtained during the extraction and processing of mineral resources if the permit or licence does not provide for restrictions;

4) to propose reviewing of provisions indicated in the permit or licence by the issuer of the permit or licence, if conditions which significantly differ from the information indicated in the permit or licence have arisen during the use of subterranean depths;

5) to receive an extension of the term of the permit or licence or a new permit or licence if the provisions of the previous permit or licence have been duly fulfilled and the contract for the use of subterranean depths entered into with the landowner or his or her authorised person allows it.

[5 October 2006; 17 June 2010]

Section 14. Obligations of the Users of Subterranean Depths

The users of subterranean depths have the following obligations:

- 1) to comply with the requirements of the laws and regulations, the licence for the use of subterranean depths, the permit for the extraction of widespread mineral resources or the licence for the extraction of natural resources in works connected with the use of subterranean depths;
- 2) to follow the procedures for the obtaining of mineral resources approved by the Cabinet;
- 3) to ensure preparation of geological documentation and take care of the storage thereof during the course of the geological exploration of subterranean depths;
- 4) to submit the geological information to the State limited liability company Latvian Environment, Geology and Meteorology Centre in accordance with the procedures and within the period of time specified in the permit or licence, as well as the data obtained on the stocks of mineral resources and properties thereof;
- 5) to submit reports required regarding the use of subterranean depths in accordance with the procedures specified in laws and regulations;
- 6) to comply with the requirements of the laws and regulations governing environmental protection, protection of cultural monuments, land transformation, as well as protection of structures and other objects and to prevent that the use of subterranean depths leaves harmful effect to them; the users of subterranean depths shall not be liable for the violations of the laws and regulations committed by previous users;
- 7) to remove and preserve the part of fertile soil for recovering;
- 8) to recover at their own expense damages caused as a result of the use of subterranean depths within the term indicated in the permit or licence;
- 9) [17 June 2010];
- 10) to suspend or restrict the use of subterranean depths, if geological formations, meteorites, archaeological or other objects significant for science, culture and environmental protection have been discovered, as well as immediately notify the issuer of the permit or licence, if necessary - the State Inspection for Heritage Protection, regarding the find. If further use of subterranean depths endangers or damages these objects, the use of subterranean depths must be discontinued;
- 11) to manage the waste from extraction in accordance with the procedures for the management of waste from extractive industries specified by the Cabinet;
- 12) to compensate to the State expenses related to rectification of negative consequences caused by deforestation (if extraction of mineral resources is intended in a forest) in conformity with the laws and regulations in the field of forest and activities related thereto.

[16 December 2004; 5 October 2006; 12 June 2009; 17 June 2010; 16 May 2013]

Chapter IV Protection of Subterranean Depths

Section 15. Main Requirements in the Protection of Subterranean Depths

Main requirements in the protection of subterranean depths shall be as follows:

- 1) the complete and complex exploration of subterranean depths;
- 2) the rational extraction of mineral resources, as well as use of the by-products present in deposits;
- 3) in the use of subterranean depths to not allow harmful effect on the stock of mineral reserves and the properties of subterranean depths;
- 4) use of subterranean depths preventing pollution with ecologically dangerous substances to be stored in underground and surface structures and storehouses, as well as waste water;
- 5) adjustment and control of subterranean depths.

Section 16. Limitation, Suspension of Use of Subterranean Depths, Cancellation of a Permit or Licence

- (1) The State Environmental Service shall take the decision to limit or suspend use of subterranean depths if it

establishes that the requirements of a licence for the use of subterranean depths, a permit for the extraction of widespread mineral resources or the laws and regulations regulating the use of subterranean depths are being violated, as well as if the use of subterranean depths results in threats to human health, the environment or property. The decision of the State Environmental Service may be contested to the State Environmental Monitoring Bureau. The decision of the State Environmental Monitoring Bureau may be contested to the court in accordance with the procedures laid down in the Administrative Procedure Law.

(2) The State Inspection for Heritage Protection shall initiate the limitation or suspension of the use of subterranean depths to a holder of the licence for the use of subterranean depths or permit for the extraction of widespread mineral resources if it may result in threats to cultural monuments.

(3) The licence for the use of subterranean depths or permit for the extraction of widespread mineral resources shall be cancelled by the issuer thereof if the addressee of the licence or permit:

1) has not commenced the use of subterranean depths within a year from the coming into effect of the licence for the use of subterranean depths (except for the licence for the extraction of mineral resources);

2) has not commenced the extraction of mineral resources (except for the production of hydrocarbons) within three years from the coming into effect of the relevant licence or permit;

2¹) does not pay to the landowner the payments provided for in Section 12.¹, Paragraphs two and five or Section 12.², Paragraph two or taxes or fees provided for in laws and regulations, or does not provide to the landowner the information laid down in this Law, or the financial security referred to in Section 12.², Paragraph three of this Law expires;

3) uses the subterranean depths in a way not specified in the licence for the use of subterranean depths;

4) systematically violates the requirements of laws and regulations in relation to the use and protection of subterranean depths or the conditions of the licence for the use of subterranean depths or permit for the extraction of widespread mineral resources.

(4) The decision of the State Environmental Service on the cancellation of the licence for the use of subterranean depths may be contested to the State Environmental Monitoring Bureau. The decision of the State Environmental Monitoring Bureau may be contested to the court in accordance with the procedures laid down in the Administrative Procedure Law.

(5) The decision of a local government to cancel the permit for the extraction of widespread mineral resources may be contested and appealed in accordance with the procedures specified in the Law On Local Governments and the Administrative Procedure Law.

(6) The submitting of a submission for contesting of the decision referred to in this Section on the limitation or suspension of the use of subterranean depths or the cancellation of the licence for the use of subterranean depths or permit for the extraction of widespread mineral resources or the submitting of an application to the court for the revocation or validity of such decision or the recognition thereof as unlawful shall not suspend the operation of the decision.

[17 June 2010; 25 February 2021]

Section 17. Conditions for the Construction of Areas of Spread of Mineral Resources

(1) In reviewing the projects for the construction of populated areas, industrial or recreational complexes, as well as other objects, the environmental protection institutions shall evaluate whether in the subterranean depths of the land to be constructed there are no deposits of mineral resources of national significance.

(2) Construction of areas of deposits of mineral resources of national significance or areas of spread of subterranean depths sections of national significance, as well as designing and construction of underground structures shall be permissible only after the receipt of the permit of the State Environmental Service.

[16 December 2004; 12 June 2009 / Amendment to Paragraph two regarding the change of competent authority shall come into force on 1 August 2009. See Paragraph 14 of Transitional Provisions]

Section 18. Control of the Use and Protection of Subterranean Depths

(1) The use and protection of subterranean depths shall be controlled in accordance with the procedures specified in this Law and other laws and regulations regulating the use of subterranean depths by the issuer of the permit for the extraction of mineral resources or the issuer of the licence for the use of subterranean depths or the State Environmental Service.

(2) Local government may, upon agreement with the State Environmental Service, implement measures for the protection of subterranean depths of local significance and for the control of the use thereof within the framework of

this Law.

[16 December 2004; 5 October 2006]

Chapter V

Damage to Subterranean Depths and Informative Basis of Subterranean Depths

[11 June 2020 / The new wording of the title of the Chapter shall come into force on 1 July 2020. See Paragraph 26 of Transitional Provisions]

Section 19. Liability for Violations in the Use of Subterranean Depths

[11 June 2020 / See Paragraph 26 of Transitional Provisions]

Section 20. Compensation of Losses

[17 June 2010]

Section 21. Damage caused by Landowners and Users of Subterranean Depths

(1) A landowner for which the ownership rights to the land have been restored or to which the land has been handed over in the ownership anew in accordance with the laws On Land Reform in the Cities of the Republic of Latvia and On Land Privatisation in Rural Areas shall not be held liable for the harm caused to the land and subterranean depths by previous landowners or users of subterranean depths.

(2) The owner or user of subterranean depths may eliminate the harm caused to the land and subterranean depths by other persons prior to obtaining the ownership rights to the land by performing recovering and purification at his or her own expense. In such case it shall be indicated in the permit for the extraction of widespread mineral resources or the licence for use of subterranean depths and the relief for the State fee for the receipt of the permit or licence shall be applied.

(3) The landowners shall be exempted from the payment of court costs during the land reform, if they bring an action in court regarding the recovery of damages caused against the institution that has unjustifiably permitted the use of subterranean depths or against persons who have used the subterranean depths owned by the landowners arbitrarily.

[16 December 2004; 5 October 2006; 11 June 2020 / The new wording of the title of the Section shall come into force on 1 July 2020. See Paragraph 26 of Transitional Provisions]

Section 22. Informative Basis for the Use and Protection of Subterranean Depths

(1) Geological information shall be compiled and stored in the Geological Information System. It shall include the results of geological exploration, scientific research works, results of subterranean depths monitoring, as well as the data obtained as a result of the extraction of mineral resources and the use of other types of subterranean depths. The State Geological Information System belongs to the State, it shall be managed by the State limited liability company Latvian Environment, Geology and Meteorology Centre.

(2) Geological exploration, scientific research works and monitoring of subterranean depths shall be performed upon the procurement of the government, local governments, or order of the users or owners of subterranean depths.

(3) The geological exploration and scientific research in the lands owned by the State and local governments shall be performed in accordance with the programmes for geological and scientific research or government and local governments procurements received. In the land owned by legal and natural persons, these works shall be performed in accordance with the programmes for scientific research or the government, local governments procurements, orders of the users of subterranean depths or landowners and within the period (terms) agreed upon with the landowner or user of subterranean depths.

(4) Persons who perform geological exploration of subterranean depths, scientific research, as well as the monitoring of subterranean depths, shall ensure a careful and economical attitude towards the environment and the property of the landowners and users of subterranean depths.

(5) [17 June 2010]

[17 June 2010]

Section 23. Basic Provisions for the Creation and Use of the Geological Information System

(1) The information obtained as a result of geological exploration and scientific research, as well as the monitoring of subterranean depths or as a result of the use of other types of subterranean depths shall be possessed by the

State if these works have been done by the funds from the State budget or local government. If such information has been obtained by the order of legal or natural persons and by their funds, it shall be owned by the relevant legal or natural person.

(2) The local government, any legal or natural person regardless of the type of financing of works shall hand over the geological information obtained as a result of the use of subterranean depths to the State on behalf of the State limited liability company Latvian Environment, Geology and Meteorology Centre free of charge by entering into a contract for its use. The State limited liability company Latvian Environment, Geology and Meteorology Centre shall submit the information obtained as a result of the geological exploration of hydrocarbons, as well as prospection, exploration and production of hydrocarbons also to the State Construction Control Bureau. The State limited liability company Latvian Environment, Geology and Meteorology Centre shall compile, process and store information, as well as ensure access thereto.

(3) The owner of geological information may not prohibit to use the information, if as a result of the non-use thereof a damage to the environment has been caused or such may arise.

(3¹) The Geological Information System shall be the property of the State. The system shall include the State geology fund, the archives, the library of geologically technical literature, the depository of borehole cores and the collections created therein, the electronic information systems developed using the resources from the State budget and other data.

(4) The content and conditions for the use of the Geological Information System shall be regulated by the Cabinet.

(5) Geological information and samples which have been extracted as follows shall have the status of restricted access information (except for the case referred to in Paragraphs three and six of this Section):

1) during prospection, exploration and extraction of hydrocarbons on land - for 10 years from the transfer of information to the centre;

2) during prospection, exploration and extraction in the sea - during the entire time period of validity of a relevant licence for the use of subterranean depths;

3) during extraction of rocks of the crystalline bedrock - during the entire time period of validity of a relevant licence for the use of subterranean depths;

4) during geological exploration of rocks of the crystalline bedrock, except for cases when geological exploration of national significance has been performed - during the entire period of validity of the relevant licence for the use of subterranean depths.

(6) Geological information that is not referred to in Paragraph five of this Section has the status of restricted access information (except for the case referred to in Paragraph three of this Section) for five years if the owner of the information has specified it upon transferring the geological information to the State.

(7) Information obtained in geological exploration of national significance commissioned by the State shall be generally accessible.

[11 February 1999; 16 December 2004; 12 June 2009; 17 June 2010; 16 May 2013; 14 November 2019; 25 February 2021]

Chapter VI

Final Provision

[11 June 2020 / See Paragraph 26 of Transitional Provisions]

Section 24. Procedures for the Examination of Disputes

[11 June 2020 / See Paragraph 26 of Transitional Provisions]

Chapter VII

Administrative Offences in the Field of Use of Subterranean Depths and Competence in Administrative Offence Proceedings

[11 June 2020 / Chapter shall come into force on 1 July 2020. See Paragraph 26 of Transitional Provisions]

Section 25. Administrative Liability in the Field of Use of Subterranean Depths

(1) For the use of subterranean depths without conforming to the requirements on extraction of mineral resources or monitoring of subterranean depths, a fine from six to one hundred and forty units of fine shall be imposed on a natural person, but a fine from twenty-eight to two hundred and eighty units of fine - on a legal person.

(2) For the use of subterranean depths without a licence for the use of subterranean depths or permit for the extraction of widespread mineral resources, a fine from fourteen to two hundred and ten units of fine shall be imposed on a natural person, but a fine from twenty-eight to four hundred and twenty units of fine - on a legal person.

[11 June 2020 / Section shall come into force on 1 July 2020. See Paragraph 26 of Transitional Provisions]

Section 26. Competence in Administrative Offence Proceedings

The administrative offence proceedings for the offences referred to in Section 25 of this Law shall be conducted by the State Environmental Service.

[11 June 2020 / Section shall come into force on 1 July 2020. See Paragraph 26 of Transitional Provisions]

Transitional Provisions

1. With the coming into force of this Law, the law On Approval of Code of Subterranean Depths of Latvia, Code of Subterranean Depths (*Latvijas PSR Augstākās Padomes un Valdības Ziņotājs*, 1976, No. 23; 1980, No. 9; 1982, No. 52; 1985, No. 1; . 1988, No. 1).

2. The Cabinet shall approve the list of deposits of mineral resources of national significance within 6 months after coming into force of this Law.

3. Up to the approval of the list of deposits of mineral resources of national significance the deposits of mineral resources of industrial significance referred to in the Decision of the Council of Ministers, of 13 November 1991, No. 316, Regarding Approval of the List of Mineral Deposits and Peat Deposits of Industrial Significance, shall be considered as deposits of mineral resources of national significance.

4. The Cabinet shall develop regulations regarding the procedures for the use of mineral resources and deposits of national significance, as well as sections of subterranean depths of national significance; regulations regarding the procedures for the licensing of prospection, exploration and production of hydrocarbons, as well as regulations for the prospections, exploration and production of hydrocarbons within six months after entering into force of this Law.

[16 December 2004]

5. Until the day of coming into force of the new Cabinet regulations, but not longer than until 1 July 2005, the following Cabinet Regulations shall be in force insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 239, of 8 July 1997, Regulations for Use of Subterranean Depths;

2) Cabinet Regulation No. 307, of 5 September 2000, Procedures for Use of Mineral Resources and Deposits of National Significance, as well as for Use of Sections of Subterranean Depths of National Significance;

3) Cabinet Regulation No. 412, of 28 November 2000, Regulations Regarding the Protection of the Environment during Exploration and Production of Hydrocarbons in the Sea;

4) Cabinet Regulation No. 51, of 8 February 2000, Regulations for Prospection, Exploration and Production of Hydrocarbons;

5) Cabinet Regulation No. 52, of 8 February 2000, Procedures for Licensing Competition of Prospection, Exploration and Production of Hydrocarbons.

[16 December 2004]

6. The Cabinet shall issue the following by 1 September 2005:

1) the Regulations referred to in Section 12.¹, Paragraph two of this Law;

2) the Regulations referred to in Section 14, Clause 2 of this Law.

[16 December 2004]

7. If the use of the useful properties of subterranean depths has been commenced prior to the day of coming into force of the amendments to this Law adopted on 16 December 2004, the user of subterranean depths need not to receive the permit for the extraction of mineral resources or licence for the use of subterranean depths until the end of the duration of the contract entered into for the use of subterranean depths. These users of subterranean depths shall comply with the requirements of the laws and regulations regulating the use of subterranean depths up to the receipt

of the permit (licence), as well as he or she shall submit all geological information related to the use of subterranean depths to the relevant environmental protection institution

[16 December 2004; 5 October 2006]

8. Up to the day of coming into force of new Cabinet Regulations, but no longer than until 30 April 2007, the Cabinet Regulation No. 449 of 21 June 2005, General Procedures for the Issuance of Licences for the Use of Subterranean Depths and Permits for the Extraction of Widespread Mineral Resources, as well as Use of Geological Information, and the Cabinet Regulation No. 691 of 13 September 2005, Regulations Regarding Prospection, Exploration and Production of Hydrocarbons, shall be in force.

[5 October 2006]

9. The Cabinet shall issue the regulations referred to in Section 10, Paragraph four of this Law by 1 October 2006. Up to the day of coming into force thereof the licences for the use of subterranean depths and permits for the extraction of widespread mineral resources shall be issued for charge in accordance with the Cabinet Regulation No. 449 of 21 June 2005, General Procedures for the Issuance of Licences for the Use of Subterranean Depths and Permits for the Extraction of Widespread Mineral Resources, as well as Use of Geological Information.

[5 October 2006]

10. By 1 May 2008, the Cabinet shall issue the regulations referred to in Section 14, Clause 11 of this Law.

[5 October 2006]

11. Section 14, Clause 11 of this Law shall come into force on 1 May 2008.

[5 October 2006]

12. By 7 August 2009, the Cabinet shall issue the regulations referred to in Section 10, Paragraph twelve of this Law.

[12 June 2009]

13. *[17 June 2010]*

14. Amendments to Section 4, Paragraph three and five, Section 5, Paragraph one, Section 10, Paragraphs one and eleven, Section 11, Paragraph two, Section 14, Clauses 4 and 10, Section 16, Paragraph four, Section 17, Paragraph two and Section 23, Paragraph two of this Law regarding the change of the competent authority shall come into force on 1 August 2009.

[12 June 2009]

15. By 1 September 2011, the Cabinet shall issue the regulations referred to in Section 5, Paragraph four of this Law.

[17 June 2010]

16. By 1 September 2011, the Cabinet shall issue the regulations referred to in Section 8, Paragraph two of this Law.

[17 June 2010; 21 October 2010]

17. By 1 September 2011, the Cabinet shall issue the regulations referred to in Section 10, Paragraphs two and eleven, as well as Section 23, Paragraph four of this Law. Until the date of coming into force of these Cabinet regulations, but no longer than until 1 September 2011, Cabinet Regulation No. 448 of 21 June 2005, Regulations Regarding Deposits of Mineral Resources of National Significance and the Procedures for the Use thereof, the Procedures for the Use of Mineral Resources of National Significance, as well as the Procedures for the Tenders and Auctions for the Issuing of the Permits or Licences for the Use of Subterranean Depths, and Cabinet Regulation No. 280 of 24 April 2007, General Procedures for the Issue of Licences for the Use of Subterranean Depths and Permits for the Extraction of Widespread Mineral Resources, and for the Use of Geological Information, shall be in force insofar as they are not in contradiction with this Law.

[17 June 2010]

18. By 1 September 2011, the Cabinet shall issue the regulations referred to in Section 10, Paragraph thirteen of this Law. Until the date of coming into force of these Cabinet regulations, but no longer than up to 1 September 2011 Cabinet Regulation No. 597 of 4 September 2007, Regulations Regarding Prospecting, Exploration and Production of Hydrocarbons and Procedures for Payment and Amount of State Fee, shall be in force insofar as they are not in contradiction with this Law.

[17 June 2010]

19. By 31 December 2010, the Cabinet shall issue the regulations referred to in Section 10, Paragraphs 2.¹ and fourteen of this Law.

[17 June 2010]

20. Section 10, Paragraph fourteen of this Law shall come into force on 1 January 2011.

[17 June 2010]

21. Amendments to Section 10, Paragraph 2.² of this Law shall come into force concurrently with the Maritime Environment Protection and Management Law.

[21 October 2010]

22. Amendments to Section 8 of this Law regarding the procedures for the calculation of a land lease payment if a public entity leases the land for the use of subterranean depths shall come into force from 1 November 2013.

[16 May 2013]

23. The Cabinet shall issue the regulations referred to in Section 8, Paragraph two, Clause 4 of this Law by 30 November 2018. The Cabinet regulations regarding lease of the land of a public entity shall be applied until coming into force of the relevant Cabinet regulations, but not later than until 30 November 2018, insofar as they are not in contradiction with this Law.

[21 December 2017]

24. A land lease agreement entered into before the day of coming into force of Section 9, Paragraph one, Clause 7 of this Law the validity of which expires before 30 November 2018 can be extended by assessing considerations of usefulness and comply with the condition that the total duration of the agreement may not, from the day of its signing, exceed the period laid down in Section 9, Paragraph one, Clause 7 of this Law.

[21 December 2017]

25. The Cabinet shall issue the regulations referred to in Section 4, Paragraph four of this Law by 31 December 2020. Cabinet Regulation No. 805 of 22 December 2015, Regulations Regarding the Prospection, Exploration and Production of Hydrocarbons, shall be applied until coming into force of the relevant Cabinet regulations, insofar as they are not in contradiction with this Law.

[14 November 2019]

26. Amendment to the title of Chapter V of this Law, amendment regarding deletion of Section 19, amendment to the title of Section 21, amendment regarding deletion of Chapter VI, as well as Chapter VIII shall come into force concurrently with the Law on Administrative Liability.

[11 June 2020]

27. The Cabinet shall, by 31 December 2021, issue the regulations referred to in Section 12.¹, Paragraphs two, five and six, as well as Section 12.², Paragraphs two and three of this Law.

[25 February 2021]

28. The Cabinet shall issue the regulations referred to in Section 10, Paragraph eight of this Law by 31 December 2021. Cabinet Regulation No. 439 of 8 August 2017, Regulations Regarding the Use of the "Inčukalns Natural Gas Storage" Section of Subterranean Depths of National Significance, and Cabinet Regulation No. 524 of 7 July 2008, Regulations Regarding the Use of the "Dobele Structure" Section of Subterranean Depths of National Significance, shall be applied until coming into force of the relevant Cabinet regulations, but not later than until 31 December 2021, insofar as they are not in contradiction with this Law.

[25 February 2021]

Informative Reference to European Union Directive

[16 December 2004; 5 October 2006]

This Law includes legal norms arising from Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons and Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006.

This Law has been adopted by the *Saeima* on 2 May 1996.

President G. Ulmanis

Rīga, 21 May 1996

Law On Subterranean Depths
Annex

List of Widespread Mineral Resources

[16 December 2004]

1. Clay.
2. Sand, sand-gravel.
3. Loose freshwater rocks.
4. Peat deposits up to the area of 5 hectares within the borders of the property owned by one owner.
5. Loam, sandy loam, aleirite.

¹ The Parliament of the Republic of Latvia

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