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- 20 June 2002 [shall come into force from 24 July 2002];
- 18 December 2003 [shall come into force from 21 January 2004];
- 27 January 2005 [shall come into force from 1 March 2005];
- 6 April 2006 [shall come into force from 3 May 2006];
- 27 September 2007 [shall come into force from 5 October 2007];
- 25 October 2007 [shall come into force from 21 November 2007];
- 7 May 2009 [shall come into force from 1 August 2009];
- 10 December 2009 [shall come into force from 13 January 2010];
- 17 June 2010 [shall come into force from 5 July 2010];
- 16 December 2010 [shall come into force from 1 January 2011];
- 14 July 2011 [shall come into force from 4 August 2011];
- 31 January 2013 [shall come into force from 6 March 2013];
- 6 February 2014 [shall come into force from 22 February 2014];
- 9 June 2016 [shall come into force from 30 June 2016];
- 1 February 2018 [shall come into force from 6 March 2018];
- 12 April 2018 [shall come into force from 10 May 2018].

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:

## On Pollution

### Chapter I General Provisions

#### Section 1. Terms Used in This Law

The following terms are used in this Law:

1) **substantial change** – a change in the properties or nature of operation of the installation, or an extension thereof which may have a significant negative impact on human health or the environment, or may have an impact on emission limit values the conformity with which must be ensured by the operator of the relevant installation;

1<sup>1</sup>) **permit** – an administrative act issued by the State Environmental Service allowing to carry out a polluting activity provided that the installation or part thereof operates in conformity with the requirements laid down in the laws and regulations governing environmental protection and in this administrative act;

1<sup>2</sup>) **dangerous substances** – substances or mixtures which in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 should be classified in any of the hazard classes listed in this Regulation;

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

3) **emission** – a direct or indirect release of substances, vibrations, heat, non-ionising radiation, or noise from individual or diffuse sources into the air, water, or land;

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

3<sup>1</sup>) **allowance** – an allowance to emit during a specified period one tonne of carbon dioxide or a specified quantity of other greenhouse gases expressed in carbon dioxide equivalents, taking into account the global-warming potential of the relevant greenhouse gas. The allowance shall be used only for the purposes of implementing the provisions of this Law, as well as in accordance with the provisions of this Law may be transferable to another natural person or legal person;

3<sup>2</sup>) **aircraft operator** – a person which performs carriage by air and operates an aircraft at the time it performs the aviation activity specified in Annex 2 to this Law or, where such person is not known or is not identified by the owner of the aircraft – the owner of the aircraft. This Law shall be applied to the aircraft operator the administrating Member State of which is Latvia;

3<sup>3</sup>) **commercial air transport operator** – a person which performs carriage by air and, for remuneration, provides scheduled or non-scheduled air transport services for the carriage of passengers, freight or mail;

3<sup>4</sup>) **auctioning of emission allowances** – type of resolution of emission allowances according to Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (Text with EEA relevance);

3<sup>5</sup>) **administering Member State of an aircraft operator** – a Member State which has issued an operating licence to the relevant aircraft operator if the operator of an aircraft has a valid such operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers, and in all other cases – the Member State with the greatest calculated amount of aviation emissions from flights performed by the relevant aircraft operator in the base year (the calendar year which started on 1 January 2006, or the first calendar year of operation of the aircraft operator for those aircraft operators who have started aviation activities after 1 January 2006);

3<sup>6</sup>) **shipping company** – within the meaning of this Law, the company referred to in Article 3(d) of Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (hereinafter – Regulation No 2015/757);

3<sup>7</sup>) **auctioning instrument of emission allowances** – means acquired by auctioning the emission allowances referred to in Section 32.<sup>2</sup>, Paragraph three of this Law;

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

4<sup>1</sup>) **storage of carbon dioxide (CO<sub>2</sub>)** – injection of carbon dioxide streams, ensuring complete and permanent inclusion thereof in geological formations;

4<sup>2</sup>) **carbon dioxide stream** – a flow of substances that results from carbon dioxide capture processes;

5) **operator** – a private individual, a derived public person, a direct or intermediate administration institution which performs professional activities or is responsible for the performance of such activities or which has the decisive economic power over the technical implementation of the relevant professional activity;

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

7) **pollution** – a direct or indirect introduction, as a result of human activity, of substances, vibrations, heat, or noise into the air, water, or land, which may be harmful to

human health or the environment and which may result in damage to material property, or interfere with the use of natural resources and other legitimate uses of the environment;

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

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

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

10<sup>1</sup>) **greenhouse gases** – carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>), nitrogen trifluoride (NF<sub>3</sub>), and other gaseous constituents of the atmosphere (both natural and anthropogenic) that absorb and re-emit infrared radiation;

10<sup>2</sup>) **greenhouse gas emissions** – release of greenhouse gases into the atmosphere from:

a) the polluting activities included in the European Union Emissions Trading System referred to in Part I of Annex 2 to this Law;

b) aircraft with which all flights falling within the aviation activities referred to in Part II of Annex 2 to this Law are performed;

c) other sources of greenhouse gas emissions referred to in Part I of Annex 4 to this Law;

10<sup>3</sup>) **other sources of greenhouse gas emissions** – greenhouse gas emissions into the atmosphere from the activities referred to in Part I of Annex 4 to this Law which are not included in the European Union Emissions Trading System and which do not require a greenhouse gas emission permit;

10<sup>4</sup>) **removal of carbon dioxide** – removal of carbon dioxide which arises from the land use, land-use change, and forestry activities referred to in Part II of Annex 4 to this Law;

10<sup>5</sup>) **annual emission allocation** – annual maximum permissible amount of greenhouse gas emissions from other sources of greenhouse gas emissions referred to in Part I of Annex 4 to this Law;

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

11<sup>1</sup>) **storage site** – a defined volume area within a geological formation used for the geological storage of carbon dioxide and associated surface and injection facilities;

11<sup>2</sup>) **water column** – the vertically continuous mass of water from the surface to the bottom sediments of a water body;

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

12<sup>1</sup>) **noise** – disturbing sounds of all kinds which are undesirable in the air environment and which cause discomfort, affect hearing, and hinder acoustic communication;

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

14) **noise indicator** – a physical scale with which noise is characterised, which may cause a harmful effect;

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

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

17) **installation** – a stationary technical unit where one or more polluting activities of Category A, B or C are carried out, as well as any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;

18) **emerging technique** – a technique provided for the polluting activities (installations) specified in Annex 1 to this Law which, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques;

19) **conclusions on the best available techniques** – a description of the best available techniques specified by the European Commission for the sector of industry or polluting activity, as well as the emission levels related to the best available techniques, consumption levels of raw materials, monitoring of the polluting activity, and the remediation measures of the site applicable to the polluting activity;

20) **environmental inspection** – all actions, including inspection of installations, monitoring of emissions and control of internal reports and follow-up documents, verification of self-monitoring, inspection of the techniques used and conformity of the environment management of the installation, carried out by the State Environmental Service or a person, if he or she has been assigned such task by the State Environmental Service the purpose of which is to improve the conformity of installations with their permit conditions and, where necessary, to monitor their impact on the environment, as well as ensure the conformity of operation of the installation with the laws and regulations regarding environmental protection;

21) **soil** – the top layer of the Earth's crust which is situated between the bedrock and the surface and which is composed of mineral particles, organic matter, water, air, and living organisms;

22) **greenhouse gas emissions of transport energy life cycle** – all net emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) which may be attributed to transport energy, including all the relevant stages starting from extraction or growing and production, inter alia, land-use change, transport, bringing in, bringing out, distribution, treatment, and combustion regardless of the country in which they are created;

23) **upstream emissions** – all greenhouse gas emissions which are generated before raw material enters into a refinery or processing plant where petrol, diesel fuel, or gas oil, liquefied petroleum gas, compressed natural gas, liquefied natural gas, compressed synthetic methane, and compressed hydrogen are produced;

24) **greenhouse gas emissions of transport energy per one energy unit** – division of the total mass to be attributed to greenhouse gas emission of transport energy (expressed in carbon dioxide equivalents) by the total energy content of transport energy which for fuel is expressed as its lowest thermal capacity;

25) **fuel supplier** – a person who has an obligation to pay excise duty for fuel in the cases specified in the law On Excise Duties;

26) **cargo vapour emission control system** – the system specified in Subparagraph 1.2.13 of the Circular No 585 of the Maritime Safety Committee of the International Maritime Organisation, Standards for Vapour Emission Control Systems;

27) **transport energy** – within the meaning of this Law the goods with certain value with which the movement of a vehicle and operation of the installed machinery are ensured.

*[18 December 2003; 6 April 2006; 25 October 2007; 10 December 2009; 14 July 2011; 31 January 2013; 9 June 2016; 1 February 2018; 12 April 2018]*

## **Section 2. Purpose of the Law**

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

- 1) to prevent pollution resulting from polluting activities or, if it is impossible, reduce emission into soil, water, and air;
- 2) to prevent or, if it is impossible, reduce the use of non-renewable natural resources and energy when performing polluting activities;
- 3) to prevent or, if it is impossible, reduce the generation of waste;
- 4) to ensure ascertaining of polluted and potentially polluted sites in the territory of the State and registration thereof;
- 5) to specify measures for investigation of polluted and potentially polluted sites and remediation of polluted sites;
- 6) to specify the persons who shall cover expenses related to investigation of polluted and potentially polluted sites and remediation of polluted sites;
- 7) to prevent or reduce the effects of environmental noise on human beings;
- 8) to reduce greenhouse gas emissions from the activities referred to in Annexes 2 and 4 to this Law and to increase removal of carbon dioxide from the activities referred to in Part II of Annex 4 to this Law, taking into account cost efficiency, ensuring participation in the European Union Emissions Trading System, and fulfilling the commitments of Latvia in relation to greenhouse gas emissions reduction and removal of carbon dioxide;
- 9) to specify the right of each natural person and legal person, as well as the associations, organisations and groups thereof (hereinafter – the public) to participate in the decision-making process in relation to the issuing of permits for the performance of polluting activities or the review of such permits, as well as in relation to the division and allocation of greenhouse gas allowances;
- 10) to prevent or, where impossible, restrict odours caused by polluting activities.

*[18 December 2003; 9 June 2016; 1 February 2018]*

## **Section 3. Scope of Application of this Law**

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

- 1) the requirements to be taken into account when initiating, performing, and discontinuing polluting activities;
- 2) the requirements to be taken into account when issuing permits for the performance of polluting activities and the use of water, as well as the procedures for the provision of information regarding polluting activities the performance of which does not require a permit;
- 3) the procedures for the determination of the environmental quality requirements;
- 4) the procedures for determining the emission limit value of specific substances, the conditions for a polluting activity, as well as other restrictions referring to the performance of polluting activities;
- 5) the procedures for ascertaining, registration, investigation, and remediation of polluted sites;
- 6) the conditions for the supervision of polluting activities, the control and monitoring of polluting activities, as well as the procedures by which the public shall be informed regarding such activities;
- 7) the requirements to be taken into account upon issuing greenhouse gas emission permits, as well as upon granting and auctioning allowances;

7<sup>1</sup>) the requirements to be conformed to by aircraft operators in the field of greenhouse gas emission control;

8) the requirements in relation to activities with allowances and the conditions for the development of a plan for the allocation of allowances;

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

10) the requirements, specified for equipment and products containing chemical substances.

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

(2<sup>1</sup>) This Law determines the objectives for the reduction of emissions of air polluting substances, as well as the procedures for the development of the action programme for the reduction of emissions and recording the emission of air polluting substances.

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

(4) This Law provides for the conditions:

1) for the reduction of greenhouse gas emissions from other sources of greenhouse gas emissions and for the fulfilment of the commitments of greenhouse gas emissions reduction referred to in this Law;

2) for the removal of carbon dioxide from the land use, land-use change and forestry activities referred to in Part II of Annex 4 to this Law and for the fulfilment of the commitments referred to in this Law in relation to removal of carbon dioxide.

This Law determines the requirements for the monitoring, reporting, and verification of carbon dioxide emissions from maritime transport carried out in accordance with Regulation No 2015/757.

[18 December 2003; 27 January 2005; 10 December 2009; 14 July 2011; 9 June 2016; 1 February 2018; 12 April 2018]

## **Chapter II**

### **Requirements and Conditions for Performance of Polluting Activities**

#### **Section 4. Requirements for Performance of Polluting Activities**

(1) An operator, when performing a polluting activity, shall conform to the specific nature thereof and fulfil the following requirements:

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

2) ensure the observance of environmental quality requirements;

3) carry out the monitoring of the polluting activity;

4) provide environmental protection and other State institutions, local governments and the public with the information provided for by this Law and other laws and regulations;

5) conform to the requirements in respect of the site of a polluting activity;

6) compile and provide the employees performing the polluting activity with the necessary information regarding the probable effect of the polluting activity on human health and the environment;

7) conform to the conditions referred to in Section 11 of this Law;

8) obtain a Category A or B permit for the performance of polluting activities or notify regarding the performance of Category C polluting activities and, in the cases specified in this Law, obtain a greenhouse gas emission permit;

9) after complete cessation of the operation of the installation, perform the measures which are necessary to prevent the risk of pollution and to tidy up the location of the installation to an appropriate condition;

- 10) rationally use energy.
- (2) An aircraft operator, when performing a polluting activity, shall conform to the requirements of Paragraph one, Clauses 1, 3, 4, and 7 of this Section.  
*[18 December 2003; 25 October 2007; 10 December 2009]*

## **Section 5. Precautionary Measures**

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

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

*[18 December 2003; 12 April 2018]*

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

- (1) An operator, prior to the initiation of a polluting activity or a substantial change, shall ascertain information regarding the possible impact thereof on human health and the environment;
- (2) The operator shall provide employees performing a polluting activity with the necessary information regarding the procedures by which such activity is to be performed and its possible impact on human health and the environment, the precautionary measures to reduce such impact, as well as the actions in emergency situations.
- (3) The operator has an obligation to provide information to environmental protection institutions which are responsible for the issue and control of permits in accordance with this Law, as well as to inform the public and the relevant local government regarding the results of the monitoring specified in a permit and the impact of a polluting activity on human health and the environment.
- (3<sup>1</sup>) The operator shall ensure the possibility for the State Environmental Service to carry out activities which are necessary for the control of the fulfilment of the requirements laid down in the laws and regulations of environmental protection and the conditions defined in the permit.
- (4) If the requirements laid down in the laws and regulations of environmental protection or the conditions of the permit are infringed, or further conformity with them are jeopardised, the

operator shall immediately notify the State Environmental Service thereof and act so as to ensure that normal operation of the installation is renewed as soon as possible or the possible threat of conformity with the requirements laid down in the laws and regulations of environmental protection or the conditions of the permit is prevented accordingly. The State Environmental Service shall assign the operator to perform the necessary measures in order to renew normal operation of the installation and conformity with the requirements laid down in the laws and regulations of environmental protection and the conditions defined in the permit.

(5) If pollution dangerous to human life, health, or the environment has occurred or there is a serious threat of occurrence of such pollution, the operator shall notify the State Environmental Service thereof.

*[18 December 2003; 10 December 2009; 31 January 2013; 12 April 2018]*

## **Section 7. Monitoring of Polluting Activities**

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

*[20 June 2002]*

## **Section 8. Requirements for the Site of Polluting Activity**

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

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

### **Section 8.<sup>1</sup> Storage of Carbon Dioxide**

*[1 January 2013 / See Paragraph 32 of Transitional Provisions]*

### **Section 8.<sup>2</sup> Storage of Carbon Dioxide**

Storage of carbon dioxide in geological formations, as well as in the water column is prohibited in the territory of Latvia, the exclusive economic zone and continental shelf thereof.

*[31 January 2013]*

## **Section 9. Cost-effectiveness**

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



## **Section 10. Emission Limit Values, Level and Limit**

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

(2) An emission limit value shall be determined on the site where pollution is discharged from an installation. The reduction in concentration which is formed as a result of dilution need not be taken into account at the time of determining the limit value.

(3) Upon determining the emission limit value for the discharge into water of indirect pollution of an installation, the operation of water treatment installations may be taken into account if for the environment as a whole an equivalent level of protection is ensured and the environmental pollution level does not increase.

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

(5) An emission level related to the best available techniques shall be such emission level which is reached under standard circumstances of use of the installation by using the best available techniques which are included in the conclusions on the best available techniques, and which is expressed as the average indicator in a particular period of time in conformity with the reference conditions specified appropriately.

*[25 October 2007; 10 December 2009; 12 April 2018]*

## **Section 11. Conditions for Performance of a Polluting Activity**

(1) When performing a polluting activity, an operator and an aircraft operator conform to:

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

2) the emission limit values and limits of certain types of pollution, as well as emission levels related to the best available techniques;

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

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

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

1) the regulations regarding the development of draft emission limits of stationary pollution sources;

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

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

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

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

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

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

- 8) the procedures for the restriction of the spread of the smell caused by polluting activity and the methods for specifying such smells;
- 9) the environmental protection requirements for petrol stations, oil depots, and tank containers;
- 10) the regulations regarding the emission of polluting substances into the air caused by combustion engines used in particular railway and river traffic;
- 11) the regulations regarding sewerage sludge and the use, monitoring, and control of the compost thereof;
- 12) the procedures by which the emission of polluting substances from certain products is limited;
- 13) the requirements for the use and labelling of equipment and products containing particular dangerous chemical substances and environmentally harmful goods list;
- 14) the types of liquid fuel with increased sulphur content which are prohibited to be released for free circulation or sold;
- 15) the environmental quality rules for equipment and specific types of vessels which use liquid fuel containing sulphur;
- 16) the use of experimental and innovative emission reduction technologies in vessels;
- 17) the procedures by which aviation activities shall be included in the European Union Emissions Trading System;
- 18) the procedures by which transportation of carbon dioxide stream by pipelines to the storage sites shall be ensured, as well as the criteria for the purity of carbon dioxide stream and the procedures by which disputes regarding access to transport networks and storage sites shall be examined;
- 19) the procedures by which emission of air polluting substances from incineration installations shall be prevented, limited, and controlled;
- 20) the procedures by which emission of volatile organic compounds from installations in which organic solvents are used shall be limited;
- 21) the requirements for the restriction, control, and monitoring of the emissions generated by the installations of the titanium dioxide industry.

(3) [12 April 2018]

(4) The Cabinet shall determine the procedures by which the association "Latvijas Antīko automobiļu klubs" [Latvian Antique Automobile Club] shall be issued a certification regarding the fact that the means of transport conforms to the status of antique means of transport in order to acquire products with an increased volatile organic compound content.

(5) The Cabinet shall determine the quality requirements for bio-oils and the use and control procedures for bio-oils to be used for oiling cutting tools used in forestry operations.

(6) The Cabinet shall determine the price list for paid services for provision of the information and data necessary for the development of projects on emission limit of stationary sources of pollution.

*[20 June 2002; 18 December 2003; 27 January 2005; 6 April 2006; 25 October 2007; 7 May 2009; 10 December 2009; 14 July 2011; 31 January 2013; 9 June 2016; 12 April 2018]]*

### **Chapter III**

#### **Environmental Quality Requirements and Programmes for Implementation of Environmental Quality Requirements**

#### **Section 12. Environmental Quality and Determination of Environmental Quality Requirements**

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

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

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

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

(2<sup>1</sup>) The Cabinet, taking into account the conditions in Paragraph two of this Section, shall determine the quality standards for soil.

(3) The environmental quality requirements laid down in laws and regulations may be attained gradually, during several specific intermediate stages.

*[27 January 2005]*

### **Section 13. Limit Values and Target Values**

(1) The environmental quality requirements are divided into limit values and target values.

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

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

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

*[20 June 2002]*

### **Section 14. Restrictions on Initiating a Polluting Activity**

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

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

*[20 June 2002; 18 December 2003]*

### **Section 15. Restrictions on a Polluting Activity**

If environmental quality limit values for a specific type of pollution have been exceeded or may be exceeded in a territory, where a polluting activity is performed according to a permit issued in accordance with the procedures laid down in laws and regulations:

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

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

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

### **Section 16. Co-operation of Operators**

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

(2) If the agreement of operators provides that the total emissions of the relevant type arising from polluting activities to which the agreement applies are to be lower than before entering into the agreement and if, in accordance with this Law and other laws and regulations, other requirements for the reduction of pollution have been conformed to, the State Environmental Service shall accept such agreement.

(3) Operators who have intended to perform polluting activities to which an agreement applies shall submit a submission for obtaining a permit and the State Environmental Service shall issue a permit in conformity with the reduction of the amount of emissions provided for in the agreement.

*[27 January 2005; 10 December 2009; 12 April 2018]*

### **Section 16.<sup>1</sup> Recording the Emission of Air Polluting Substances at the National Level**

(1) *Valsts sabiedrība ar ierobežotu atbildību “Latvijas Vides, ģeoloģijas un meteoroloģijas centrs”* [State limited liability company Latvian Environment, Geology and Meteorology Centre] shall carry out the development of total calculations and forecasts of the emission of air polluting substances at the national level, as well as preparation of the emission report in co-operation with relevant sectoral ministries, authorities, and merchants.

(2) The Cabinet shall determine the procedures for the establishment and maintenance of the national system for the preparation of total calculations and forecasts of the emission of the air polluting substances at the national level and the procedures for the assessment of impact of air pollution on ecosystems, as well as the requirements for the information to be provided to the public and the European Commission.

*[12 April 2018]*

### **Section 16.<sup>2</sup> Reduction of Air Pollution at the National Level**

(1) In order to reduce the negative impact caused by air pollution on human health and the environment, Latvia shall, during the period of time from 2020 to 2029 and after 2030, reduce emissions of sulphur dioxide, nitrogen dioxide, volatile organic compounds (except for methane), and PM<sub>2,5</sub> particles caused by different sectors of the national economy. The Cabinet shall determine the objectives for the reduction of emissions of the abovementioned substances for the period of time from 2020 to 2029 and after 2030.

(2) In order to ensure reduction of air pollution and fulfilment of the objectives for the reduction of emissions specified in laws and regulations, the Ministry of Environmental Protection and Regional Development shall organise the development of the action plan for the reduction of air pollution and co-ordinate the implementation thereof. The action plan shall be developed in co-operation with the Ministry of Agriculture, the Ministry of

Economics, the Ministry of Transport, the Ministry of Finance, the Ministry of Health, as well as other authorities, if the decisions taken thereby have direct or subordinate effect on the emission of air polluting substances. The Cabinet shall determine the content of the action plan, as well as the procedures by which the action plan shall be developed and reports on performance thereof shall be provided.

(3) The action plan referred to in Paragraph two of this Section shall be approved by the Cabinet.

(4) The Ministry of Agriculture, the Ministry of Economics, the Ministry of Transport, the Ministry of Finance, the Ministry of Health, as well as other authorities the decisions taken by which have direct or subordinate effect on the emission of air polluting substances, when organising and planning their activity or sectoral policy, shall take into account the objectives for the reduction of emission of air polluting substances stipulated by the Cabinet and implement the measures specified in the action plan.

*[12 April 2018]*

### **Section 17. Plan for the Implementation of the Environmental Quality Requirements and Action Programmes for Reduction of Air Pollution**

(1) If the environmental quality requirements specified for the particular type of pollution are exceeded or are likely to be exceeded, as well as in the cases specified in other laws and regulations the Ministry of Environmental Protection and Regional Development shall develop the action plan for the reduction of pollution. At least objectives and measures to be performed for the reduction of pollution, as well as the source of financing thereof, shall be indicated in the action plan. The abovementioned plan shall be approved by the Cabinet.

(2) *[12 April 2018]*

(2<sup>1</sup>) If the environmental quality requirements specified for air polluting substances are exceeded or are likely to be exceeded in a territory of a local government, the relevant local government shall develop the action programme for the reduction of air pollution in the particular territory in co-operation with the Ministry of Environmental Protection and Regional Development and implement the measures specified therein.

(3) The content of the action programme for the reduction of air pollution and the procedures for the development thereof and for reporting shall be determined by the Cabinet.

*[20 June 2002; 18 December 2003; 7 May 2009; 16 December 2010; 12 April 2018]*

### **Section 18. Highly Sensitive Territories**

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

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

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

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

(3) The Cabinet shall:

1) *[17 June 2010];*

2) *[18 December 2003].*

(4) The Minister for Environmental Protection and Regional Development after co-ordination with the Minister for Agriculture shall establish for the co-ordination of management

measures for the highly sensitive territories referred to in Paragraph two, Clause 2 of this Section a consultative council, including in such council representatives from the Ministry of Environmental Protection and Regional Development, the Ministry of Agriculture, and the Ministry of Health and the existing institutions subordinate to these ministries, as well as representatives of public organisations, and shall approve the by-laws of such council.

*[18 December 2003; 17 June 2010; 16 December 2010]*

### **Section 18.<sup>1</sup> Assessment and Reduction of Noise**

(1) The noise mapping and development of strategic noise maps for the territory of an agglomeration shall be ensured by the relevant local government, but for objects of the infrastructure outside the territory of the agglomeration – for railway lines, motorways and airports where traffic intensity is more than 50 000 aircraft per year – by the manager of the relevant transport infrastructure object. The local government and the manager of the relevant transport infrastructure object shall co-operate in the carrying out of noise mapping for the territory of the agglomeration.

(2) An action plan for the reduction of noise in the territory of the agglomeration shall be developed and introduced by the relevant local government, but an action plan for the reduction of noise for a transport infrastructure object which is located in the territory of the agglomeration and outside the territory of the agglomeration – by the manager of the relevant transport infrastructure object. The local government and the manager of the relevant transport infrastructure object shall co-operate in development of the action plan, as well as in introduction of the action plan in the territory of the agglomeration.

(3) The Cabinet shall determine:

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

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

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

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

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

(4) In populated areas, roads, railways, and airports where the relevant indicators are less than those referred to in Paragraph 10 or 11 of the Transitional Provisions of this Law, the institutions referred to in Paragraphs one and two of this Section may perform noise mapping, develop and implement strategic noise maps and action plans for the reduction of noise in conformity with the conditions provided for environmental protection in this Law and other laws and regulations.

*[18 December 2003; 10 December 2009; 9 June 2016]*

### **Section 18.<sup>2</sup> Assessment and Restriction of Radiation of Electromagnetic Fields**

(1) The requirements for the assessment of radiation of electromagnetic fields shall apply to devices – mechanical, electrical or electronic constructions, as well as combinations thereof – which are intended for the fulfilment of special functions:

1) for low frequency devices for the production of electricity and transmission of electrical current, including transmission of railway track current, with nominal voltage from

one kilovolt (kV) and more, including other similar devices within the frequency range from one hertz (Hz) to nine kilohertz (kHz);

2) for direct current distant transmission and redistribution fixed devices, including operation of devices with nominal voltage from two kilovolts (kV);

3) for high frequency or radiofrequency devices, including fixed installations which cause electromagnetic fields in the frequency range from nine kilohertz (kHz) to 300 gigahertz (GHz).

(2) The Cabinet shall determine:

1) the limit values and target values of radiation of electromagnetic fields, the procedures for the application and methods for the assessment thereof;

2) the requirements for the assessment or reduction of the risk caused by electromagnetic fields;

3) the competent authority for the control of radiation of electromagnetic fields caused by the devices.

*[12 April 2018 / Section shall come into force on 1 November 2011. See Paragraph 49 of Transitional Provisions]*

## **Chapter IV**

### **Classification of Polluting Activities and Conditions for Their Performance**

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

(1) Polluting activities are classified into Categories A, B, and C, considering the quantity and effect or the risk of pollution caused to human health and the environment.

(2) The requirements specified in Chapter II of this Law shall also apply to such activities which do not conform to Category A, B, or C, but may cause pollution.

(3) In order to initiate Category A or B activity, as well as in the case of substantial changes, an operator shall obtain a permit to perform the polluting activity.

(3<sup>1</sup>)*[Paragraph shall come into force on 1 April 2020. See Paragraph 60 of Transitional Provisions]*

(4) It is prohibited to divide a polluting activity among two or more operators in order to avoid the application of the category of permit that conforms to the total capacity of the polluting activity or the volume of production produced. If a polluting activity is divided or the emission from several operator installations which perform the polluting activity impacts on one and the same territory, in determining the category of polluting activity permit, the capacity of the installations or the volume of production produced shall be summed.

(5) In order to initiate or continue the polluting activities referred to in Section I of Annex 2 to this Law, an operator shall also obtain a greenhouse gas emission permit – a written decision of the State Environmental Service which relates to the installation or several installations which are situated in one site and which have one operator, that is, a permit to emit greenhouse gases, provided that the operator ensures the monitoring of the greenhouse gas emissions and each year prepares an emission report (hereinafter – the annual emission report) on greenhouse gas emissions according to the requirements laid down in the relevant permit, this Law, and the laws and regulations regarding the operation of the European Union Emissions Trading System.

*[18 December 2003; 25 October 2007; 31 January 2013; 9 June 2016; 12 April 2018]*

## **Section 20. Category A Activities**

(1) Polluting activities that are performed, using the installations specified in Annex 1 to this Law, are Category A activities. Upon performing Category A activities, an operator shall apply the best available techniques.

(2) Category A permits shall be required for stationary technological installations in which one or several of the polluting activities referred to in Annex 1 to this Law are performed. The conditions regarding the Category A permits shall apply to such installations, in conformity with the quantity of pollution resulting from such installations or the risk to human health and the environment according to the specified parameters, in addition, taking into account also the polluting activities performed by other installations that are technically connected with such installations which also may affect emission and environmental pollution.

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

(4) The conditions for Category A permits for installations that are used for the research, development, or testing of emerging techniques are specified in Section 31, Paragraph seven of this Law.

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

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

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

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

4) the procedures for requesting and issuing of permits;

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

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

7) the time period for the examination of a submission and the taking of a decision which may not exceed 90 days. The days which are related to requesting of information shall not be included in the time period for taking of a decision.

(6) If a Category A polluting activity is planned to be implemented outside the territory of Latvia and it has a possible transboundary impact, the State Environmental Monitoring Bureau shall:

1) within 14 days after information has been received from the competent authority of the relevant state regarding a submission for the performance of a polluting activity, post a notification regarding the received information on its website and publish the notification in at least one newspaper;

2) indicate the place in the notification where the public and interested authorities may acquire information regarding the intended activity and its transboundary impact, as well as regarding a reasonable time period by which written proposals may be submitted to the State Environmental Monitoring Bureau;



3) compile the proposals submitted by the public and interested institutions and send them to the competent authority of the relevant state.  
*[18 December 2003; 27 January 2005; 25 October 2007; 10 December 2009; 16 December 2010; 31 January 2013; 12 April 2018 / Amendment to Paragraph five, Clause 3 on the replacement of the words “the submission form and the permit form” with the words “the information to be included in the submission for obtaining the permit” shall come into force on 1 April 2020. See Paragraph 61 of Transitional Provisions]*

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

(1) The best available techniques are applicable to the most effective and progressive technological and operational methods development stage in which is shown the actual applicability of specific methods in order to prevent and – in cases where prevention is impossible – reduce emissions and the impact on the environment as a whole, and they are intended in order to specify the basic principle for the calculation of emission limits.

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

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

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

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

- 1) use technology which ensures generation of the least possible quantity of waste;
- 2) use technology which ensures conformity with the requirements of Section 5 of this Law;
- 3) use substances which are less dangerous to human life, health, and the environment;
- 4) promote reuse of substances produced and used in the manufacturing process and waste processing;
- 5) use processes, installations, and operational methods that have already been tested and found to be successful;
- 6) follow the development of technologies and how knowledge and understanding in respect of the new technologies expands;
- 7) take into account the nature, impact, and quantity of emission;
- 8) take into account the expected time periods for suspension or closure of an installation;
- 9) take into account the time required for the implementation of the best available techniques;
- 10) take into account the consumption of raw materials, including water, used during the manufacturing process and energy efficiency of the technology;
- 11) prevent or reduce to a minimum emission risks and its impact on human health or the environment;
- 12) prevent accidents, but if an accident has occurred – reduce its consequences;
- 13) use the conclusions regarding the best available techniques as the basis. Upon performing the activities for which there are no applicable conclusions on the best available techniques at the time when the permit is issued or reviewed, the guideline document of the best available techniques developed by the European Commission or information regarding

the best available techniques which has been published by international organisations shall be used;

14) ensure that the emission caused by the installation does not exceed the emission level related to the best available techniques.

*[25 October 2007; 10 December 2009; 31 January 2013; 12 April 2018]*

## **Section 22. Category B Activities**

(1) Polluting activities for the initiation or substantial change of which a Category B permit is required are Category B activities.

(2) The Cabinet shall determine Category B polluting activities, taking into account the quantity, effect, or risk of pollution to human health or the environment, approve the submission form and the permit form for a Category B polluting activity, as well as determine the procedures by which a permit shall be requested and issued. If the polluting activity is related to the water extraction, the Category B permit shall specify the limits for the use of water.

(2<sup>1</sup>) The Cabinet shall determine the time period for examination of a submission and taking of a decision which may not exceed 60 days. If the procedure of hearing the public opinion is applied to a polluting activity in accordance with Section 27 of this Law, the time period for examination of a submission and taking of a decision may not exceed 90 days. The days which are related to requesting of information shall not be included in the time period for taking of a decision.

(3) The Cabinet shall determine the procedures by which the public may become acquainted with the conditions of a permit for Category B activity, as well as the results of monitoring and tests.

*[18 December 2003; 27 January 2005; 10 December 2009; 16 December 2010; 12 April 2018 / Amendment to Paragraph two on the replacement of the words “the submission form and the permit form for a Category B activity” with the words “the information to be included in the submission for obtaining the permit” shall come into force on 1 April 2020. See Paragraph 62 of Transitional Provisions]*

## **Section 23. Category C Activities**

(1) Polluting activities the performance of which does not require a permit, but before the initiation or substantial change of which a submission should be submitted to environmental protection institutions are Category C activities.

(2) The Cabinet shall determine Category C activities, taking into account the quantity, effect, or risk of pollution to human health or the environment, as well as the content of a submission and procedures for the submission thereof.

*[27 January 2005]*

## **Section 24. Notification Regarding Category C Activities**

(1) An operator shall, not later than 30 days prior to the initiation of a Category C activity, submit a submission to the State Environmental Service.

(2) An operator shall, not later than 30 days prior to a substantial change in a Category C activity, submit a submission to the State Environmental Service.

(3) *[20 June 2002]*

*[20 June 2002; 27 January 2005; 12 April 2018]*

## Section 24.<sup>1</sup> Activities for which a Greenhouse Gas Emission Permit is Necessary

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

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

(2<sup>1</sup>) Upon determining the total rated thermal input of an installation in order to establish the conformity of the installation with the polluting activities referred to in Annex 2 to this Law, the rated thermal inputs of all technical units (for example, boilers, burners, turbines, heaters, furnaces, incinerators, calciners, kilns, ovens, dryers, engines, fuel cells, chemical looping combustion units, flares, and thermal or catalytic post-combustion units) which are part of it in which fuels are combusted within the installation, shall be added together. The following shall not be taken into account in the sum total:

1) technical units with a rated thermal capacity under three megawatts;

2) technical units which use renewable energy resources as fuel, but other fuels – exclusively during start-up or shut-down of units.

(2<sup>2</sup>) If all the indicators referred to in Annex 2 to this Law are exceeded, all technical units in which fuel is combusted, except for the technical units for incineration of hazardous or municipal waste, shall be included in the greenhouse gas emission permit.

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

(3<sup>1</sup>) An operator has the right to submit a submission to the State Environmental Service in which it is requested to revoke the greenhouse gas emission permit issued in accordance with Paragraph three of this Section.

(4) A greenhouse gas emission permit is not necessary for installations used for research, development, and testing of new products or processes and installations which use renewable energy resources as fuel, but other fuels – exclusively during start-up or shut-down of installations.

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

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

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

3) the third period – eight calendar years starting from 1 January 2013;

4) the fourth and subsequent periods – 10 calendar years starting from 1 January 2021.

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

(7) The Cabinet shall determine:

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

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

*[18 December 2003; 27 January 2005; 25 October 2007; 10 December 2009; 17 June 2010; 1 February 2018; 12 April 2018]*

## **Section 24.<sup>2</sup> Special Requirements in Relation to Polluting Activities**

(1) Special requirements may be specified for the performance of such polluting activities which conform to a specific industrial sector and which are characterised by a specific effect on the environment by the relevant sector. Upon specifying special requirements applicable to the polluting activities (installations) referred to in Annex 1 to this Law, conclusions regarding the best available techniques shall be taken into account.

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

(3) In order to restrict emission of volatile organic compounds, including spread of odours caused by a polluting activity which are generated by carrying out loading of petroleum products and hazardous chemical substances and mixtures into tankers, local governments shall issue binding regulations in which the requirements for the installation, operation, and monitoring of the freight evaporation emission control systems are laid down for the operators of polluting activity which in the port territories reload petroleum products and hazardous chemical substances and mixtures the vapour pressure of which is 27.6 kilopascals (kPa) or more by measuring according to Reid technique, or mazut, crude oil, or benzol if total turnover of the polluting activity specified in the permit for a polluting activity is 200 000 tons per year or more in the port territory owned or used by the operator.

(4) Local governments are entitled to determine a time limit which is less than 168 hours per calendar year for exceeding the odour target value in the binding regulations of the local government which have been taken in accordance with Paragraph three of this Section, and provide therein that the conformity with the odour target value should be ensured on the border of the territory in use or owned by the operator, as well as to determine the procedures by which the authority which controls protection of the port territory against pollution shall be informed regarding the results of measurements.

(5) The operator of polluting activity who reloads petroleum products and hazardous chemical substances in the port territory the vapour pressure of which is 27.6 kilopascals (kPa) or more by measuring according to Reid technique, or mazut, crude oil or benzol, and if the turnover of such products and substances in the port territory owned or used by it is more than 200 000 tons per year shall install the freight evaporation emission control systems by 31 December 2021 if the local government has not issued binding regulations in accordance with Paragraph three of this Section or has issued binding regulations, however, it has not specified another, sooner time period for the installation of freight evaporation emission control system in the port territory. After installation of freight evaporation emission control systems, the operator of polluting activity shall ensure their operation and monitoring, as well as carry out measurements of odour target values on the border of the territory used or owned by it.

*[18 December 2003; 31 January 2013; 1 February 2018]*

## **Section 24.<sup>3</sup> Information System of the State Environmental Service**

*[Section shall come into force on 1 April 2020. See Paragraph 64 of Transitional Provisions]*

**Chapter V**  
**Submission for, Issue, Review and Revocation of Permits**  
*[18 December 2003; 10 December 2009]*

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

(1) A permit for the initiation or substantial change of a polluting activity shall be issued if an operator has submitted a submission in accordance with the requirements laid down in this Law and other laws and regulations.

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

1) the operator has assessed the environmental impact of such activity and has received an opinion on the acceptance of intended activity – in cases where in accordance with laws and regulations the polluting activity requires an environmental impact assessment;

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

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

(3) A greenhouse gas emission permit for the initiation or substantial change of the polluting activity referred to in Annex 2 to this Law shall be issued if the operator has submitted, in addition to the submission, sufficient information in order that the State Environmental Service may conclude that the relevant operator is capable to ensure the monitoring of greenhouse gas emissions and prepare the annual emission reports on greenhouse gas emissions in accordance with the requirements laid down in this Law and other laws and regulations.

*[18 December 2003; 27 January 2005; 10 December 2009; 31 January 2013; 9 June 2016; 12 April 2018]*

**Section 26. Consultations with Other State Institutions and Local Governments**

Prior to the issuing of a permit, the State Environmental Service shall send to the relevant local government (prior to the issuing of a permit for Category A or B polluting activities – also to the Health Inspectorate) the information required for submitting proposals on the conditions for submissions and permits, and examine the proposals submitted by such institutions.

*[20 June 2002; 27 January 2005; 10 December 2009; 12 April 2018]*

**Section 27. Public Participation**

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

(1<sup>1</sup>) The hearing of the views of the public if the decision-making process has been commenced shall be ensured at the very least when the decision relates to:

1) obtaining the permit referred to in Paragraph one of this Section, except for the case specified in Section 28, Paragraph eight of this Law;

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

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

4) a Category B polluting activity where the State Environmental Service or the relevant local government, in addition to the cases specified in this Section, has taken a decision to hear the public opinion.

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

(2<sup>1</sup>) The public shall have access to the information related to the issuing of a permit which is at the disposal of the State Environmental Service.

(3) If a submission or a permit contains information which is to be considered restricted access information in accordance with laws and regulations, the State Environmental Service, on the basis of a submission from the operator, shall take a decision on restricted access to certain sections of the submission or the permit. This provision shall not apply to information regarding emission and the risk of accidents.

*[18 December 2003; 27 January 2005; 25 October 2007; 7 May 2009; 10 December 2009; 12 April 2018]*

## **Section 28. Submission for, Issue and Revocation of Category A or B Permits**

(1) A submission for a permit shall be prepared by an operator, inviting experts, if necessary. The operator shall be responsible for the veracity of the information indicated in the submission.

(1<sup>1</sup>) The submission for obtaining a permit shall be submitted electronically in the information system, using a special online form if a person has been electronically identified by the personal identification shared use module under the supervision of the State Regional Development Agency.

(2) The submission shall contain the following information:

1) the installation and its activities;

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

3) the sources of emission from the installation, including the sources of emission causing noise, vibration, and conducting heat into the environment;

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

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

5<sup>1</sup>) the quantity of such substances which may be emitted as a result of uncharacteristic activity of the installation into water, air (except for greenhouse gas emission) or soil;

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

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

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

9) other measures which will be taken to ensure the fulfilment of the requirements laid down in Chapters II and III of this Law;

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

(2<sup>1</sup>) The following shall be appended to a submission:

1) the information summary referred to in Paragraph two of this Section in which specific technical descriptions and terminology are not used in order for it to be easily understandable to the public;

2) a baseline report on the quality of soil and groundwater in the territory of the installation (hereinafter – the baseline report), if it is necessary for the performance of Category A activities in accordance with Section 29, Paragraph six of this Law.

(3) A submission shall include possible alternatives to the polluting activity and justify why the relevant variant has been chosen. If the abovementioned alternatives have already been examined upon assessing the environmental impact, the operator shall append the report on the environmental impact assessment and the opinion on the acceptance of the intended activity to the submission.

(4) When issuing a permit for the performance of a polluting activity for which, in accordance with laws and regulations, an environmental impact assessment is required, the State Environmental Service shall evaluate and take into account the report on the environmental impact assessment and conform to the requirements defined in the opinion of the State Environmental Monitoring Bureau on the report on the environmental impact assessment.

(5) A permit shall be issued by the State Environmental Service according to the place of operation of an installation. If necessary, the State Environmental Service shall invite experts, except for those who have participated in the preparation of the submission.

(6) Prior to issuing a permit, the State Environmental Service shall evaluate the proposals submitted during the public participation process and, by posting them on its website, shall also make information regarding such opinions and recommendations accessible to the public which have been received prior to the public discussion of the permit.

(7) The State Environmental Service may revoke the issued permit, decide to refuse to issue a permit or to amend the conditions of the issued permit if it is established that the operator:

1) does not provide the information requested by the State Environmental Service which is necessary for taking the decision to issue a permit, to issue a permit or to amend the conditions of the permit, upon commencing a new Category A or B activity or making substantial changes in the existing Category A or B activity;

2) has not commenced the polluting activity within three years from the day of entering into effect of the Category A or B permit.

(8) [12 April 2018]

(9) [12 April 2018]

(10) [12 April 2018]

*[20 June 2002; 18 December 2003; 27 January 2005; 25 October 2007; 10 December 2009; 16 December 2010; 31 January 2013; 12 April 2018]*

## **Section 28.<sup>1</sup> Submission for, Issuing, Amending and Revocation of a Greenhouse Gas Emission Permit**

(1) A submission for obtaining a permit or amending thereof shall be prepared by an operator, inviting experts, if necessary.

(2) The submission shall contain the following information:

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

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

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

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

(3) The information summary referred to in Paragraph two of this Section which does not use specific technical descriptions and terminology in order for it to be easily understandable to the public shall be appended to the submission.

(3<sup>1</sup>) The submission for obtaining a permit and annexes and documents appended thereto shall be submitted electronically, providing the information in online mode on the website of the Unified Environment Information System “TULPE” of the State Environmental Service after electronic registration. The submission for amending the permit and annexes and documents appended thereto shall be submitted electronically, using the information exchange system “DECLARE” of the unified European Union Emission Trading System (hereinafter – the EU ETS information exchange system “DECLARE”) established and maintained by the European Commission which is continuously available for the public in online mode.

(4) The permit or its amendments shall be issued by the State Environmental Service according to the place of operation of an installation. If necessary, the State Environmental Service shall invite experts, except for those who have participated in the preparation of the submission.

(4<sup>1</sup>) The permit shall be issued within the time period for issuing of the Category A and B permit, taking into account whether the Category A or B permit should be granted to the particular operator for the performance of a polluting activity or the Category C certification.

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

(6) The State Environmental Service shall revoke the issued greenhouse gas emission permit if it establishes that the operator has provided false or misleading information.

(7) The operator shall submit a submission to the State Environmental Service with the request to revoke the issued greenhouse gas emission permit if it does not carry out any of the activities referred to in Annex 2 to this Law anymore and does not want to submit the submission referred to in Section 24.<sup>1</sup>, Paragraph three of this Law.

*[18 December 2003; 27 January 2005; 10 December 2009; 9 June 2016; 1 February 2018; 12 April 2018 / Paragraph 3.<sup>1</sup> shall come into force on 1 June 2018. Amendment to Paragraph 3.<sup>1</sup> on the replacement of the words “on the website of the Unified Environment Information System “TULPE”” with the words “in the information system” and amendment to Paragraph 4.<sup>1</sup> on the replacement of the words “Category C certification” with the words “registration of Category C activity is performed” shall come into force on 1 April 2020. See Paragraphs 55, 65, and 66 of Transitional Provisions]*

## **Section 28.<sup>2</sup> State Fee for a Category A or B Permit**

A State fee shall be paid for the issuance of a permit for a Category A or B polluting activity and the review thereof. The amount of the fee and the procedures for payment thereof, as well as reliefs shall be determined by the Cabinet.

*[16 December 2010 / Section shall come into force on 1 March 2011. See Paragraph 28 of Transitional Provisions]*

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

(1) Existing Category A and Category B activities are the same polluting activities for the performance of which a Category A or Category B permit is required and the permits specified in other laws and regulations in respect of pollution emission have been obtained.

(2) [12 April 2018]

(3) [12 April 2018]

(4) [12 April 2018]

(5) [12 April 2018]



(6) If a Category A activity includes the use, production, or emission of such hazardous chemical substances which may cause soil and groundwater pollution in the territory of the installation, the operator shall develop a baseline report and submit it to the State Environmental Service together with the submission for obtaining a permit for a Category A polluting activity and the information summary referred to in Paragraph 2.<sup>1</sup>, Clause 1 of this Section appended thereto. The baseline report which is necessary for the performance of the existing polluting activities shall be submitted to the regional environmental board before the polluting activity permit is reviewed for the first time in accordance with Section 32, Paragraph 3.<sup>2</sup> of this Law. The State Environmental Service shall use the information included in the baseline report, bringing forward the conditions of the permit for the operation of the installation or, if operation of the installation is discontinued, for returning the territory of the installation to the satisfactory state in accordance with Section 30 of this Law. The development of a baseline report shall not be required for Category A activities for which the assessment of soil and groundwater quality has been carried out during the environmental impact assessment, if the submission for the receipt of a permit for the performance thereof has been submitted not more than three years after receipt of an opinion on the environmental impact assessment.

(7) The Cabinet shall determine the procedures for the development of a baseline report and the content thereof.

(8) If the information included in the baseline report points to a level of pollution which causes risk to human health or the environment, the State Environmental Service, upon reviewing a permit for Category A activity, shall bring forward conditions to the operator for performing of such measures which are necessary in order to ensure returning the site of the installation to satisfactory state. The State Environmental Service shall justify the conditions with the requirements of the laws and regulations regarding the quality standards of soil and ground, as well as regarding the quality of groundwater.

*[27 January 2005; 31 January 2013; 12 April 2018]*

### **Section 30. Notification of Change in Operation, Change of Installation Operator and Complete Cessation of Installation Operation**

(1) Before a change in operation an operator shall notify the State Environmental Service thereof within the time period stipulated by the Cabinet. The State Environmental Service shall assess whether such change should be regarded as a substantial change and whether it is necessary to make amendments to the conditions of a permit, and inform the operator thereof. A change in operation as a result of which the operational indicators of the installation exceed the indicators specified in Annexes to this Law is a substantial change.

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

(3) If there is a change of an installation operator, the State Environmental Service shall, on the basis of a submission by the operator, correct the permit by writing therein data on the new operator without changing however the conditions of the permit and – in the case of the greenhouse gas emission permit – the time period thereof. In case of a change of an installation operator the former installation operator shall prepare and submit for examination and approval the annual emission report on greenhouse gas emissions during the time period of operation thereof, as well as transfer emission allowances according to the quantity referred to therein. Such requirement need not be applied if the new installation operator submits a written certification to the State Environmental Service that it will prepare and submit for examination and approval the annual emission report on greenhouse gas emissions throughout

the calendar year during which the change of installation operators has taken place, as well as will transfer emission allowances according to the quantity referred to in this report.

(4) Not later than 30 days prior to the complete cessation of the operation of the installation, the operator shall submit to the State Environmental Service a relevant submission, indicating measures which will be performed for the arrangement of the site of operation according to the conditions of the permit. Within 30 days after information has been received from the operator on the arrangement of the site in appropriate condition, the State Environmental Service shall revoke the Category A or B permit and the greenhouse gas emission permit issued to the operator. The State Environmental Service shall post the information on its website on the measures performed by the operator and indicated in the baseline report for the arrangement of the territory in appropriate condition.

(5) In case if the operation of a Category A activity is discontinued the operator shall ensure an assessment of the soil and groundwater condition in relation to such hazardous chemical substances which are used in production, have been produced in the installation or released into the environment. Upon submitting a submission to the State Environmental Board on discontinuation of the operation of the installation, the operator shall append an assessment of soil and groundwater pollution in comparison to the information included in the baseline report.

(6) If in comparison to the information included in the baseline report the soil and groundwater pollution indicated in the soil and groundwater assessment is substantial, as well as is hazardous to human health and the environment, the State Environmental Service shall bring forward conditions to the operator for performing such measures which are necessary to return to the initial state of soil and groundwater. The State Environmental Service shall justify the conditions with the requirements of the laws and regulations regarding the quality standards of soil and ground, as well as regarding the quality of groundwater.

(7) If the conditions of a permit do not provide for a requirement to develop a baseline report, in case if the operation of the installation is discontinued the operator shall evaluate the potential soil and groundwater pollution and, where appropriate, perform measures that are necessary for the installation not to be hazardous to soil and groundwater pollution.

*[18 December 2003; 25 October 2007; 10 December 2009; 31 January 2013; 9 June 2016; 1 February 2018; 12 April 2018]*

### **Section 31. Conditions of Category A and B Permits**

(1) A permit shall include conditions the conformity with which is required to ensure the protection of human health and to achieve high environmental quality at large – protection of air, surface water, groundwater, soil, and subterranean depths, as well as determine:

1) the emission limit values and limits for polluting substances which are likely to be emitted from an installation in conformity with the nature of the relevant substance and the potential transfer of pollution from one environment to another (water, air, soil), as well as other types of emission limits. The emission levels related to the best available techniques shall be included in the permit for Category A activities;

2) the requirements ensuring protection of soil and groundwater against pollution, the conditions for the monitoring of emissions generated by an installation, as well as the monitoring measurement methodology, frequency, and evaluation;

3) the requirement for an operator to provide an annual report and other necessary information regarding the fulfilment of the conditions of the permit;

4) the requirements to be conformed to by an operator in order to ensure the protection of human health and the environment, as well as waste management, upon using natural resources and energy, as well as upon using chemical substances and mixtures. In order to prevent soil and groundwater pollution, the requirements for installations the operation of which is related to the use, production, or emission of hazardous chemical substances, in

relation to the safety control of operation of installations shall be included in the conditions of the permit, including the conditions for monitoring of chemical substances used, produced, or utilised in the installation in accordance with Section 45 of this Law;

5) measures related to conditions other than normal operating conditions for the installation, including start-up (for example, adjustment or testing of the operation of an installation or part thereof after putting into service or after rebuilding thereof according to the technical documentation of the installation), likely leaks, malfunctions, momentary stoppages and cessation of operations of an installation;

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

7) the requirements in relation to the energy performance of an installation which an operator of the installations referred to in Annex 2 to this Law need not apply in cases where it is not otherwise possible to conform to the conditions specified in the greenhouse gas emission permit;

7<sup>1</sup>) the requirements in conformity with the conditions brought forward in the opinion on the environmental impact assessment for those polluting activities in respect of which the environmental impact assessment has been carried out and acceptance of the intended activity has been received;

8) other measures to be performed to ensure the fulfilment of the requirements referred to in Chapter II of this Law.

(2) The conditions of a Category A permit, including emission limit values or characteristics, shall be justified by the use of the best available techniques. Upon specifying the conditions of a permit:

1) the conclusions regarding the best available techniques shall be used for the activities (installations) included in Annex 1 to this Law, without determining the specific type of technology to be used;

2) the technical characteristics, geographical location, and environmental conditions of the relevant installation shall be taken into account.

(3) The emission limits values of polluting substances in a Category A permit shall be determined so that in normal operating mode of the installation they would not exceed the emission level related to the best available techniques. Upon determining the emission limit values, the following considerations shall be taken into account:

1) the emission limit values apply to the same or shorter periods and the same conditions for the operation from which the emission levels related to the best available techniques were derived;

2) the emission limit values do not apply to the circumstances indicated in Clause 1 of this Paragraph, but the operator proves to the State Environmental Service by the results of the annual emission monitoring that, upon operation of the installation in normal operating mode, emission does not exceed the emission levels related to the best available techniques.

(4) If the State Environmental Service includes conditions for the operation of an installation in a Category A permit on the basis of the best available techniques that have not been included in the conclusions on the best available techniques, it shall ensure that the principles referred to in Section 21, Paragraph five of this Law are used for the determination of techniques, as well as the conformity of emissions generated by the installation with the limit values and target values. The State Environmental Service shall conform to such condition also in case if the conclusions on the best available techniques do not apply to an activity performed in the installation or production process or if the abovementioned conclusions do not apply to the potential impact of the activity or process on the environment. In such case the State Environmental Service, upon determining the conditions for the permit, shall find out the opinion of the operator, append it to the permit, and publish on the website of the State Environmental Service as an appendix to the permit.

(5) If the environmental quality standards specified in laws and regulations provide for stricter conditions than it follows from the requirement to use the best available techniques, the Category A permit shall include other conditions to be conformed to in order to achieve the relevant environmental quality standards.

(6) The State Environmental Service may grant derogations from the emission level related to the best available techniques for Category A activities. Derogations shall be granted if an operator, on the basis of the environment quality standard specified in laws and regulations, as well as the geographical location of the installation and the results of the research of technical characteristics thereof, proves that application of the abovementioned emission levels causes costs that are incommensurately high in comparison to the threat to the environment. Derogations shall be granted if an operator, on the basis of the environment quality standard specified in laws and regulations, as well as geographical location of the installation and the results of the research of technical characteristics thereof, proves that application of the abovementioned emission levels causes costs that are incommensurately high in comparison to the threat to the environment. The emission limit values applied as a result of derogation shall not exceed the emission limit values generated by installations which have been specified in accordance with the procedures referred to in Section 11, Paragraph two or Section 24.<sup>2</sup> of this Law.

(7) For installations which are used for the research, development, or testing of new products or production processes, the State Environmental Service shall determine a transitional period in a Category A permit for derogations from the emission limit values and the use of the best available techniques, as well as measures restricting the occurrence of pollution for a period of time that does not exceed nine months. After the specified transitional period, the operator shall ensure that the operation of such installations which are used for the research, development, or testing of new products or production processes conforms to the emission level related to the best available techniques. The operation of the abovementioned installations shall be discontinued if after the specified transitional period the operator fails to ensure conformity with the specified emission level.

(8) The State Environmental Service shall justify the monitoring conditions of a Category A permit with the monitoring conditions referred to in the conclusions on the best available techniques.

(9) The conditions of a Category B permit shall be justified by the characteristics, geographical location, and environmental conditions of the relevant polluting activity. If the emission limit generated by the installation does not have applicable emission limits values, the Category B permit shall include technical characteristics of the specific installation.

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

(11) If a polluting activity is performed or it is intended to be performed on a polluted or potentially polluted site, the State Environmental Service shall include the requirement for an operator in the permit conditions to perform an investigation of the polluted or potentially polluted site or remediation of the polluted site. A decision to include an investigation or remediation in the permit conditions shall be taken in accordance with Chapter VII of this Law.

*[31 January 2013; 12 April 2018]*

### **Section 31.<sup>1</sup> Greenhouse Gas Emission Permit Conditions**

A greenhouse gas emission permit shall include:

- 1) a description of the polluting activity and information regarding the greenhouse gas emissions created by the installation;
- 2) the requirements in relation to the greenhouse gas emission monitoring to be performed by the operator, indicating the monitoring methods and frequency of measurement;

- 3) the conditions for the annual emission report examination;
- 4) the procedures for the submission of annual emission reports;
- 5) a requirement to surrender allowances which conform to the quantity of greenhouse gases emitted by the installation in the particular calendar year every year within four months after the end of the particular calendar year.

*[18 December 2003; 27 January 2005; 10 December 2009; 9 June 2016]*

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

(1) Category A and B permits shall be issued for the whole period of operation of the relevant installation.

(1<sup>1</sup>) If the State Environmental Service cannot assess and anticipate, with sufficient precision, the impact of polluting activity on human health or the environment at the time of issue of the permit, upon issuing the permit, the State Environmental Service may determine the time period for review thereof which does not exceed three years.

(2) The State Environmental Service shall, in accordance with the procedures stipulated by the Cabinet, review the permit conditions and, if necessary, renew or supplement them.

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

- 1) when information regarding the negative effects of pollution on human health or the environment has been received, the limit values of environmental quality requirements have been exceeded, or amendments to the laws and regulations determining the environmental quality requirements have been made;

- 2) the European Commission has issued new conclusions regarding the best available techniques for the polluting activities (installations) indicated in Annex 1 to this Law. The conditions of the permit shall be reviewed within four years from the day of issue of the conclusions of the European Commission;

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

- 3<sup>1</sup>) in order to ensure the issuance of the permit in accordance with the conditions referred to in Section 31, Paragraph seven of this Law;

- 4) when it is determined by other laws and regulations;

- 5) prior to changes in the polluting activity;

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

- 7) in the cases specified in Sections 50 and 51 of this Law;

- 8) if the pollution created by the installation is so substantial that it is necessary to review the conditions of the permit or the emission limits specified therein, or to specify new emission limits in the permit.

(3<sup>1</sup>) The conditions of the permit in the cases referred to in Paragraph three, Clauses 1 -6 and 8 of this Section and in Section 50, Paragraph three of this Law may be reviewed, renewed, or supplemented during the whole period of validity of the permit.

(3<sup>2</sup>) [12 April 2018]

(4) An operator shall submit a submission for obtaining a new permit or for the implementation of a substantial change in the polluting activity to the State Environmental Service within the time periods and in accordance with the procedures which are provided for in the laws and regulations determining the issuance of permits for the performance of a polluting activity, or within one month after discovery of the circumstances referred to in Paragraph three, Clauses 1 -4 or Clause 8 of this Section.

(5) [12 April 2018]

*[18 December 2003; 27 January 2005; 25 October 2007; 7 May 2009; 10 December 2009; 31 January 2013; 12 April 2018]*

**Chapter V.<sup>1</sup>**  
**Greenhouse Gas Allowances and Allowance Allocation Plan**  
*[18 December 2003]*

**Section 32.<sup>1</sup> Allowance Allocation Plan and List of Installations**

(1) The Ministry of Environmental Protection and Regional Development, taking into account also the views of the public, shall develop and the Cabinet shall approve a national allowances allocation plan (hereinafter – the allocation plan) for each of the periods specified in Section 24.<sup>1</sup>, Paragraph five, Clauses 1 and 2 of this Law. The allocation plan shall be drawn up in conformity with European Union legislation.

(2) The allocation plan shall determine the total quantity of the allowance to be issued to operators in the relevant period, and a list of the installations that perform the polluting activities referred to in Annex 2 to this Law, as well as the planned allocation of allowances between the operators of the installations shall be appended thereto.

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

1) the total quantity of allowances allocated by the State to operators in the relevant period shall be consistent with the greenhouse gas emission reduction targets of Latvia specified by the Kyoto Protocol to the United Nations Framework Convention on Climate Change (hereinafter – the Convention);

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

3) conforms to the requirements of other laws and regulations from which an increase in greenhouse gas emissions arise;

4) conforms to the provision that the number allowances allocated to a relevant installation may not exceed the necessary quantity thereof, taking into account the potential of the installation (including technological potential) for the reduction of greenhouse gas emissions;

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

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

7) includes information regarding the procedures by which an operator receives allowances for an installation for which larger greenhouse gas emissions are planned in relation to changes in activities, if such changes are implemented after submission of the allocation plan to the European Commission, as well as for new installations in relation to which a greenhouse gas emission permit has been obtained after submission of the allocation plan to the European Union and which are not included in the allocation plan;

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

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

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

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

12) does not include norms which discriminate against undertakings or sectors, as well as conditions which may be acknowledged as State aid that does not conform to laws and regulations;

13) determination of the quantity of the maximum emission reduction unit and certified emission reduction unit which an operator may use in the European Union allowance trade system, as a percentage part of the quantity of allowance allocated to each installation. The emission reduction units shall be allocated in accordance with the Convention Kyoto Protocol. Certified emission reduction units shall be allocated in accordance with Article 12 of the Convention Kyoto Protocol and decisions which are taken in accordance with the Convention or the Convention Kyoto Protocol.

This Clause relates to the allocation plan which has been developed for the period specified in Section 24.<sup>1</sup>, Paragraph five, Clause 2 of this Law.

(4) After the Cabinet has approved the allocation plan, the Ministry of Environmental Protection and Regional Development shall submit it for approval to the European Commission.

(5) The Ministry of Environmental Protection and Regional Development shall develop and the Cabinet shall approve a list of installations for the period of time referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 3 of this Law.

(5<sup>1</sup>) The Ministry of Environmental Protection and Regional Development shall develop and the Cabinet shall approve the list of installations for each period referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 4 of this Law once in five years.

(6) The list of installations shall include stationary technological installations performing the polluting activities referred to in Annex 2 to this Law, as well as stationary technological installations to which greenhouse gas emission permits have been issued in accordance with the procedures laid down in Section 24.<sup>1</sup>, Paragraph three of this Law. The annual distribution of free-of-charge emission allowances among operators shall be determined in the list of installations.

(7) The list of installations shall be developed in accordance with legal acts of the European Union in the field of allocation of allowances, as well as taking into account Cabinet regulations regarding granting of free-of-charge allowances to production of electricity, if the Cabinet has taken a decision to support allocation of free-of-charge allowances to production of electricity.

(8) In order to prepare the list of installations for the period referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 3 of this Law, the operator shall, according to the request of the Ministry of Environmental Protection and Regional Development, submit to the State Environmental Service complete and verified information which is necessary to calculate the free-of-charge emission allowances for the installation. Information shall be submitted regarding the operation of the installation during the time period from 1 January 2005 to 31 December 2010. The State Environmental Service shall take a decision to approve the submitted information.

(8<sup>1</sup>) In order to prepare the list of installations for each five year period of the period of 10 years referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 4 of this Law, the operator shall, according to the request of the Ministry of Environmental Protection and Regional Development, submit to the relevant State Environmental Service complete and verified information and data which are necessary in order to determine the amount of allocation of emission allowances for the relevant installation. Operators shall submit such information in respect of the first five year period of the period of 10 years referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 4 of this Law which starts on 1 January 2021 for the period of time from 1 January 2014 until 31 December 2018. The State Environmental Service shall take a decision to approve the submitted information. The abovementioned information shall be verified and approved in conformity with the requirements which are laid down in the legal acts of the European Union in the field of allocation of emission allowances and in the

regulatory enactments regarding the participation of stationary technological equipment in the European Union Emissions Trading System.

(9) The information referred to in Paragraph eight of this Section shall be examined and approved in conformity with the requirements which have been laid down for examination and approval of annual emission reports on greenhouse gas emissions in the laws and regulations regarding the procedures by which monitoring of greenhouse gas emissions shall be performed, as well as annual emission reports on greenhouse gas emissions shall be examined and approved.

(10) The State Environmental Service shall ensure the submission of the approved information to the Ministry of Environmental Protection and Regional Development.

(11) After the Cabinet has approved the list of installations, the Ministry of Environmental Protection and Regional Development shall submit it to the European Commission for approval.

*[27 January 2005; 6 April 2006; 17 June 2010; 16 December 2010; 14 July 2011; 9 June 2016; 1 February 2018; 12 April 2018 / See Paragraphs 50, 51, and 52 of Transitional Provisions]*

## **Section 32.<sup>2</sup> Allocation of Allowances**

(1) The Ministry of Environmental Protection and Regional Development, upon evaluating also the public opinion and taking into account the list of installations approved by the European Commission and amendments thereto, shall, not more than within two months after approval of the European Commission regarding the list of installations or amendments thereto, take a decision to allocate allowances to an operator who has obtained a greenhouse gas emission permit. The Ministry of Environmental Protection and Regional Development shall take a decision to allocate allowances to an aircraft operator. The decision of the Ministry of Environmental Protection and Regional Development may be appealed in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

(1<sup>1</sup>) An operator who has received a greenhouse gas emission permit for the polluting activities referred to in Annex 2 to this Law, and an aircraft operator shall be allocated allowances for the following time periods:

- 1) first period – from 1 January 2005 to 31 December 2007;
- 2) the second time period – from 1 January 2008 to 31 December 2012;
- 3) the third time period – from 1 January 2013 to 31 December 2020;
- 4) subsequent time periods – each subsequent 10 calendar years starting from 1 January 2021.

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

(3) Until 1 January 2012 an operator shall receive allowances free of charge. Allowances, except for the allowances allocated free of charge, shall be auctioned to aircraft operators starting from 1 January 2012 and to operators starting from 1 January 2013. 15 per cent of allowances from the quantity to be granted for aircraft operators of the European Union are auctioned to aircraft operators, taking into account the conditions governing the field of auctioning allowances of the European Union Emissions Trading System.

(3<sup>1</sup>) The financial means which have been obtained by auctioning the allowances referred to in Paragraph three of this Section (hereinafter – the auctioning revenue) shall be transferred into the State basic budget account opened in the Treasury according to the classification of revenue of the State budget.

(3<sup>2</sup>) Financing in the State basic budget for the current year and in long-term liabilities for subsequent years for the objectives referred to in Paragraph 4.<sup>4</sup> of this Section shall be provided for as a grant from general revenue in a separate budget programme (sub-programme) of the Ministry of Environmental Protection and Regional Development



according to the amount of auctioning revenue obtained in the preceding years and not utilised.

(3<sup>3</sup>) The Ministry of Environmental Protection and Regional Development shall be the executor of the programme (sub-programme) referred to in Paragraph 3.<sup>2</sup> of this Section.

(4) [31 January 2013]

(4<sup>1</sup>) [31 January 2013]

(4<sup>2</sup>) [31 January 2013]

(4<sup>3</sup>) [31 January 2013]

(4<sup>4</sup>) The auctioning revenue shall be used for reduction climate changes and provision of adaptation to climate changes, including:

1) for reduction or restriction of greenhouse gas emissions in energy, industry, transport, agriculture, forestry and waste management sectors, as well as for the financing of such projects and financial instruments the objective of which is:

a) to improve the energy performance of buildings of technological installations and vehicles;

b) to expand the use of renewable energy resources;

c) to promote adaptation to climate changes on national and regional scale, including for funding of such projects in which implementation of pilot projects for reduction and prevention of the negative impact of extreme weather conditions is intended;

2) for increasing the possibilities of reduction or restriction of greenhouse gas emission, as well the possibilities of adapting to climate changes, also for financing of such projects and financial instruments, the objective of which is:

a) to develop environmental technologies which ensure the increase of energy performance, the use of renewable energy resources, the reduction of greenhouse gas emissions in technological processes, or adaptation to climate changes;

b) to implement climate policy measures which are directed towards reduction of greenhouse gas emissions and adaptation to climate changes, as well as to prepare the necessary study, planning and technical document for integration in different sectors;

c) to implement educating measures which result in improving the understanding and knowledge of the society regarding climate changes and measures to be performed in order to reduce them and to ensure adaptation to climate changes, and which promote changes in habits of consumers, as well as promote the development of low carbon economy in Latvia;

3) for the fulfilment of commitments of the Convention and the Kyoto Protocol thereof, as well as other international commitments in the field of reduction of greenhouse gas emissions;

4) for the participation of Latvia in the European Union Emissions Trading System, as well as for the covering of administrative costs of provision of the auctioning process of allowances.

(4<sup>5</sup>) When using auctioning revenue, the impact of measures not only on the quantity of greenhouse gas emission, but also on the quality of the environment at large, including emission of other polluting substances, cross-border air pollution, natural habitats, shall be taken into account.

(4<sup>6</sup>) The use of auctioning revenue for the objectives referred to in Paragraph 4.<sup>4</sup>, Clauses 1 and 2 of this Section shall be ensured by organising open tenders of project applications. The Cabinet shall issue by-laws of open tenders of project applications in which the criteria for assessment of project applications, the procedures for the submission, examination, and approval of project applications and granting of financing, as well as the procedures for the implementation of projects, submission and examination of reports shall be determined. Auctioning revenue from the European Union Emission Trading System may be continued to

be granted for the purposes referred to in Paragraph 4.<sup>4</sup>, Clauses 1 and 2 of this Section for five years after the end of the time period of operation of the European Union Emissions Trading System.

(4<sup>7</sup>) The Ministry of Environmental Protection and Regional Development shall prepare and, starting from 2013, by 1 April of the current year, submit an informative report to the Cabinet on the use of auctioning revenue in the previous year, including information regarding the financed measures, on the achieved reduction of greenhouse gas emission, on what achievements have been had when ensuring adaptation to climate changes, as well as on the improvement of the environmental quality at large.

(5) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall allocate proportionately the total allowance quantity to be allocated for the relevant period free of charge by each year of the period and transfer it into the account of the operator and aircraft operator in the register for Kyoto units and allowances (hereinafter – the emission register).

(6) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall, by 28 February each year, allocate the allowances by the accounts of operators and aircraft operators in the emission register and by State account for auctioning of allowances, conforming to the list of installations approved by the European Commission, the decisions of the Ministry of Environmental Protection and Regional Development on allocation of allowances, and the legal acts of the European Union in the field of allocation of allowances and allowance auctioning.

(7) The Cabinet shall determine the procedures by which the auctioning of greenhouse gas allowances allocated to Latvia shall be ensured.

(8) The Cabinet shall determine the procedures by which the decision referred to in Paragraph one of this Section shall be taken in relation to the time periods specified in Paragraph 1.<sup>1</sup>, Clauses 3 and 4 of this Section.

*[27 January 2005; 6 April 2006; 25 October 2007; 10 December 2009; 17 June 2010; 16 December 2010; 14 July 2011; 31 January 2013; 9 June 2016; 1 February 2018]*

### **Section 32.<sup>3</sup> Activities with Allowances**

(1) An operator and an aircraft operator shall perform monitoring in accordance with the procedures laid down in Section 45 of this Law and, each year until 30 April, surrender the allowances which conform to the quantity of greenhouse gases emitted by the installation or aircraft in the previous calendar year by transferring them from their account in the emissions register to the account for cancellation of allowances of the European Union and concurrently ensuring cancelling such allowances in the emissions register.

(2) [9 June 2016]

(3) [9 June 2016]

(3<sup>1</sup>) [9 June 2016]

(4) Four months after commencement of the period referred to in Section 32.<sup>2</sup>, Paragraph 1.<sup>1</sup>, Clause 4 of this Law, the State limited liability company Latvian Environment, Geology and Meteorology Centre shall ensure that such allowances are cancelled which are no longer valid and which have not been surrendered or cancelled in accordance with the conditions of this Law. The State limited liability company Latvian Environment, Geology and Meteorology Centre shall ensure that the allowances cancelled in personal accounts opened in the emissions register are replaced with emission quotas valid in the particular period.

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

(6) Upon request of the owners of allowances, the State limited liability company Latvian Environment, Geology and Meteorology Centre shall revoke the relevant quantity allowances in the emissions register.

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

(8) A person shall secure the allowances issued to him or her, as well as the recording of the activities performed with the allowances in accordance with the laws and regulations governing accounting.

(8<sup>1</sup>) An operator or an aircraft operator who obtains financial resources from transactions with allowances allocated to them free of charge, shall utilise the relevant financial resources so that within the time period referred to in Section 32.<sup>2</sup>, Paragraph 1.<sup>1</sup> of this Law which conforms to the time period when transactions involving allowances are performed, the measures previously performed or planned for reduction of greenhouse gas emissions are compensated, including the following:

1) changing the installations or their parts used in its activities so that it would be possible to use renewable energy resources, electricity or such raw materials in these installations which reduce the quantity of greenhouse gas emissions of the relevant operator;

2) improvement of aircraft used for its activities or exchanging of aircraft with more efficient aircraft, including such in which biofuel may be used;

3) improvement of energy performance of installations or buildings used in its activities;

4) improvement of energy performance of the infrastructure used in its activities and of final consumers.

(8<sup>2</sup>) The Civil Aviation Agency in relation to aircraft operators and the State Environmental Service in relation to operators shall submit the information provided by the operator and aircraft operator to the Ministry of Environmental Protection and Regional Development regarding the utilisation of their financial resources which have been obtained from transactions involving allowances allocated to them free of charge, and the documentation justifying it.

(8<sup>3</sup>) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall provide information to the Ministry of Environmental Protection and Regional Development regarding transactions performed by the operator and aircraft operator involving allowances which is not the surrendering of allowances referred to in Paragraph one of this Section.

(8<sup>4</sup>) The Ministry of Environmental Protection and Regional Development shall, at the end of the periods referred to in Section 32.<sup>2</sup>, Paragraph 1.<sup>1</sup> Clauses 3 and 4 of this Law, taking into account the information provided by the Civil Aviation Agency and the State Environmental Service, check the measures performed by the operator and aircraft operator for reduction of greenhouse gas emissions which have been financed from the financial resources of the operator and aircraft operator obtained from transactions involving the allowances allocated to them free of charge, and the conformity of utilisation of such financial resources with the conditions of this Law.

(8<sup>5</sup>) If the Ministry of Environmental Protection and Regional Development, when performing the check referred to in Paragraph 8.<sup>4</sup> of this Section, establishes that the operator or aircraft operator has infringed the conditions of this Law regarding the use of financial resources, it may take a decision to establish the infringement and to impose a legal duty by determining also the applicable payment in accordance with the laws and regulations regarding administrative infringements.

(9) The Cabinet shall:

1) determine the procedures:

a) for performing activities in the emission register, including activities with accounts, activities with allowances and Kyoto units, as well as for determining an account holder, authorised representative, or additional authorised representative of the account,

b) for the supervision and control of activities in the emission register and access to the emission register, as well as co-operate with other institutions for the ensuring of supervision and control;

c) for providing information to other institutions and the public regarding activities in the emission register, including regarding transfers carried out,

d) for calculating and co-ordinating administrator's service fee for the administration of accounts in the emission register,

e) for performing activities in the emission register with annual allocation units and ensuring conformity of Latvia for meeting the commitments related to the annual quantity of allocation of allowances;

2) approve the price list of paid services of the State administrator.

(10) The Cabinet shall decide on activities with allowance surpluses (the difference between the allowances provided for in the allocation plan for the installations referred to in Section 32.<sup>1</sup>, Paragraph three, Clause 7 of this Law and the allowances allocated to such installations) and regarding activities with allowances which are not allocated according to the reduction of potential greenhouse gas emissions referred to in Section 32.<sup>1</sup>, Paragraph three, Clause 4 of this Law.

*[27 January 2005; 6 April 2006; 10 December 2009; 17 June 2010; 31 January 2013; 6 February 2014; 9 June 2016 / See Paragraph 38 of Transitional Provisions]*

#### **Section 32.<sup>4</sup> Register for Kyoto Units and Allowances**

(1) Activities with allowances shall be performed electronically, using the emission register to be established and maintained by the European Commission. Online access to the emission register shall be ensured to the public.

(2) Allowances and Kyoto units which have been allocated in accordance with the Kyoto Protocol of the Convention shall be accumulated in the emission register, and the allocation, transfer, surrender, replacement, revocation, and deletion procedures of the relevant Kyoto units and allowances shall be performed.

(3) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall be the State administrator of the emission register in accordance with Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (hereinafter – the State administrator). The State administrator shall carry out administration of the State accounts of Latvia, accounts of Latvian operators, accounts of Latvian aircraft operators, and accounts of the emission register under the jurisdiction of Latvia.

(4) The State administrator shall ensure the protection of restricted access information in accordance with the procedures laid down in laws and regulations.

*[14 July 2011; 6 February 2014; 1 February 2018]*

#### **Section 32.<sup>5</sup> Provision of Surrender of Allowances**

(1) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall, each year by 10 May, aggregate information regarding operators and aircraft operators which have not surrendered the allowances referred to in Section 32.<sup>2</sup>, Paragraph one of this Law within the specified time period or have not surrendered them in the specified

quantity. In such cases the operators and aircraft operators are given not less than 15 working days to submit a written explanation.

(2) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall until 1 July after receipt of the explanation referred to in Paragraph one of this Section:

1) inform the State Environmental Service regarding operators or aircraft operators which have not surrendered the allowances within the specified time period or have not surrendered them in the specified quantity, as well as indicate the number of allowances not surrendered by each operator or aircraft operator;

2) publish the list of those operators or aircraft operators on its website which have not surrendered the allowances within the specified time period or have not surrendered them in the specified quantity.

(3) If after receipt of the information referred to in Paragraph one of this Section the State Environmental Service establishes that the operator or aircraft operator has not surrendered the allowances referred to in Section 32.<sup>2</sup>, Paragraph one of this Law within the specified time period or has not surrendered them in the specified quantity, it shall take a decision in which the following duty is determined for the operator or aircraft operator:

1) to surrender such quantity of allowances which covers the quantity of allowances not surrendered;

2) to make a payment for not surrendering the allowances referred to in Section 32.<sup>2</sup>, Paragraph one of this Law within the specified time period or in the specified quantity.

(4) The State Environmental Service shall, each year by 1 April, publish the rate of the payment referred to in Paragraph three, Clause 2 of this Section per emitted tonne of carbon dioxide (CO<sub>2</sub>) equivalent. Upon calculating the abovementioned rate, the following conditions shall be conformed to:

1) the base rate of the payment starting from 1 January 2013 is 100 euro per emitted tonne of carbon dioxide (CO<sub>2</sub>) equivalent for which surrender of allowances has not been performed;

2) the payment rate is increased each year, taking into account the information available on the website of the Statistical Office of the European Union on the European index of consumer prices of the previous calendar year which has been specified in accordance with Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices.

(5) After receipt of the decision of the State Environmental Service the operator and aircraft operator referred to in Paragraph three of this Section shall pay the payment calculated in accordance with the procedures laid down in this Section into the budget account stipulated by the State Environmental Service by 15 September of the relevant year. If payment is not made within this period of time or is not made in full, the State Environmental Service has the right to recover the relevant amount on uncontested basis.

(6) The operator and aircraft operator referred to in Paragraph three of this Section may contest the decision of the State Environmental Service in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

*[9 June 2016; 12 April 2018]*

## **Section 32.<sup>6</sup> Advisory Council of the Auctioning Instrument of Emission Allowances**

(1) The objective of operation of the Advisory Council (hereinafter – the Advisory Council) of the Auctioning Instrument of Emission Allowances (hereinafter – the AIEA) is to promote transparency of the utilisation of the AIEA funds and conformity thereof with the objectives and requirements referred to in Section 32.<sup>2</sup>, Paragraphs 4.<sup>4</sup>, 4.<sup>5</sup>, and 4.<sup>6</sup> of this Law, as well as

to involve the representatives of the public in the supervision of the management and implementation of the AIEA.

(2) In order to improve the efficiency of introduction of the AIEA, the Advisory Council shall examine the financial and work plan of the current year and provide proposals to the Ministry of Environmental Protection and Regional Development.

(3) The Advisory Council shall examine also other issues related to the management or implementation of the AIEA upon its own initiative or that of the Ministry of Environmental Protection and Regional Development.

(4) The Chairperson of the Advisory Council shall be the Minister for Environmental Protection and Regional Development or a representative appointed by the Minister for Environmental Protection and Regional Development. The following persons shall be included in the Advisory Council:

1) one representative from the Ministry of Environmental Protection and Regional Development, the Ministry of Economics, the Ministry of Agriculture, the Ministry of Transport, and the Ministry of Education and Science each;

2) two representatives who are delegated by associations and foundations which are operating in the sectors referred to in Section 32.<sup>2</sup>, Paragraph 4.<sup>4</sup> of this Law for one year according to the rotation procedures;

3) two representatives of such associations or foundations delegated by the Environmental Advisory Council the objective of which is environmental protection according to the articles of association.

(5) Members of the Advisory Council shall not receive remuneration for the work in this Council.

(6) The personnel of the Advisory Council shall be approved by the Minister for Environmental Protection and Regional Development. The Ministry of Environmental Protection and Regional Development shall ensure the functions of the Secretariat of the Advisory Council.

(7) The Cabinet shall approve the by-laws of the Advisory Council.

*[1 February 2018]*

### **Section 32.<sup>7</sup> Informing the Public and Public Participation in the Allocation of Allowances**

(1) The allocation plan, decisions allocate allowances and on installations which have been temporarily released from the requirement to obtain a greenhouse gas emission permit shall be accessible to the public on the website of the State limited liability company Latvian Environment, Geology and Meteorology Centre.

(1<sup>1</sup>) Decisions to allocate emission allowances for aircraft operators shall be published on the Internet website of the State limited liability company Latvian Environment, Geology and Meteorology Centre and the Civil Aviation Agency.

(2) The Ministry of Environmental Protection and Regional Development shall ensure the hearing of the views of the public regarding the prepared draft allocation plan and the draft decision to allocate allowances, and shall provide the possibility of submitting proposals for at least 30 days.

(3) The conditions of greenhouse gas emission permits, as well as information regarding the results of monitoring and inspection shall be available for the public.

*[27 January 2005; 10 December 2009; 16 December 2010; 9 June 2016; 1 February 2018; 12 April 2018]*

## **Section 32.<sup>8</sup> Information to the European Commission**

(1) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall:

1) co-ordinate aggregation of the information necessary for the report on introduction and implementation of the European Union Emissions Trading System, including information regarding the procedures for the allocation of allowances, operation of the emissions register, fulfilment and checking of the monitoring and reporting conditions, accreditation and supervision of verifiers, as well as fulfilment of other conditions in relation to allowances;

2) taking into account the information referred to in Clause 1 of this Paragraph, prepare the report, co-ordinate it with the Ministry of Environmental Protection and Regional Development, and each year by 30 June insert it in the central data depository of the European Environment Agency, as well as publish it on its website.

(2) If an operator performs one or several of the polluting activities referred to in Annex 2, Chapter II of this Law with installations which are not referred to in Annex 2, Chapter I of this Law (hereinafter – the new polluting activities), the operator shall, in writing, submit to the State Environmental Service complete and verified data on the amount of greenhouse gas emission emitted by the installation from polluting activities which are referred to in Annex 2, Chapter II of this Law. The data shall be submitted for each calendar year in the time period from 2005 to 2009 (inclusive), taking into account the period of time when the installation conforms to the conditions referred to in Annex 2, Chapter II of this Law.

(3) The State Environmental Service shall take a decision to approve the data referred to in Paragraph two of this Section. Data shall be verified and approved in conformity with the requirements which have been laid down for the verification and approval of annual emission reports on greenhouse gas emissions in the laws and regulations regarding the procedures for the performance of monitoring of greenhouse gas emissions, as well as the verification and approval of annual emission reports on greenhouse gas emissions.

(4) The State Environmental Service shall aggregate and submit to the Ministry of Environmental Protection and Regional Development the information referred to in Paragraph two of this Section regarding the new polluting activities, and the Ministry of Environmental Protection and Regional Development shall submit this information to the European Commission.

*[27 January 2005; 10 December 2009; 17 June 2010; 16 December 2010; 9 June 2016; 12 April 2018]*

## **Chapter V.<sup>2</sup>**

### **Suspension of Installation Operation**

*[25 October 2007 / Chapter shall come into force on 1 January 2008. See Transitional Provisions]*

## **Section 32.<sup>9</sup> Conditions for the Suspension of Installation Operation**

(1) Operation of an installation shall be suspended if the required permit for Category A or B polluting activity has not been obtained or a submission for the performance of Category C activity has not been submitted or the greenhouse gas emission permit has not been obtained. This shall not be applicable to cases where the Category A or B polluting activities permit or the greenhouse gas emission permit has been revoked within the scope of the dispute procedures.

(2) The operation of an installation shall be suspended if the necessary permit or a submission regarding Category C activity has been received, but:

1) due to the unlawful acts of the operator the installation has caused or may cause environmental pollution which incurs or may incur significant harm to the environment or human health;

2) in operating the installation, repeatedly is violated environmental protection laws and regulations or the administrative acts of environment protection State institutions are not implemented;

(3) It is prohibited to commence the operation of an installation or it may be suspended if the responsible person of the operator has not submitted a safety report or an industrial accident prevention programme within a specified time period.

(4) It is prohibited to commence the operation of an installation or it is suspended if the measures performed by the responsible person of the operator for industrial accident risk and the reduction of the seriousness of the consequences of accidents have significant deficiencies.

(5) If the pollution is caused not by the whole installation, but only one of its parts, only the operation of such part which causes pollution or industrial accident risk shall be suspended.

(5<sup>1</sup>) If violation of the conditions of a permit or requirements of the laws and regulations of environmental protection causes direct threat to human health or may cause irreversible harm to the environment, the board shall suspend the operation on an installation or part thereof until the time when renewal of operation of the installation is permissible in accordance with Section 32.<sup>11</sup> of this Law.

(5<sup>2</sup>) If failing to conform to the requirements of Section 24.<sup>2</sup>, Paragraph three or five of this Law is established in accordance with the procedures of Section 49, Paragraph five of this Law and it causes direct threat to human health or may cause irreversible harm to the environment, the board shall suspend the operation on an installation or a part thereof until the time when renewal of operation of the installation is permissible in accordance with Section 32.<sup>11</sup> of this Law.

(6) The operation of an installation or the parts thereof shall not be suspended if the suspension may cause the environment, human health or animal welfare greater harm than the pollution caused by the installation. After receipt of the opinion of the Health Inspectorate or the Food and Veterinary Service, the State Environmental Service shall take a written decision. The decision shall determine binding restrictive conditions on the operator in relation to the continued operation of the installation.

*[10 December 2009; 31 January 2013; 1 February 2018; 12 April 2018]*

### **Section 32.<sup>10</sup> Procedures for the Suspension of Installation Operation**

(1) Before suspending operation of an installation the general-director of the State Environmental Service shall issue a warning regarding suspending operation of an installation if the violations referred to in the warning are not rectified. The warning is not disputable and cannot be appealed.

(2) The warning shall indicate the violations committed by the operator and other circumstances which may be the basis for the suspension of operation of the installation, and shall determine a time period from three days up to three months for rectification of the violations referred to in the warning. If the operator, within one month, develops and submits for acceptance by the State Environmental Service a plan of measures for rectification of the violations, the official of the State Environmental Service who issued the warning shall extend the time period for rectification of the violations up to nine months if only it is not possible to rectify the violations sooner and the pollution does not cause significant harm or risk to the environment or human health.

(3) If within the time period specified in the warning, the violations are not rectified or the measures specified in the plan of measures are not performed, the general-director of the State Environmental Service shall take a decision to suspend operation of the installation.



(4) If the operator commences or performs operation without the necessary Category A or B polluting activities permit or has not submitted a submission for the performance of Category C activity or commences operation without the greenhouse gas emission permit, the decision to suspend operation of the installation shall be taken without previously warning the operator.

(5) The decision to suspend operation of the installation shall enter into effect and shall be implemented without delay. The decision may be contested in accordance with the procedures specified in Section 50, Paragraph ten of this Law at the State Environmental Monitoring Bureau. A decision of the State Environmental Bureau may be appealed to a court. The appeal of the decision shall not suspend the operation thereof.

(6) The suspension of operation of the installation shall be ensured by the operator of the installation so that its suspension shall cause as little harm to the environment as possible. The general-director of the State Environmental Service has the right to instruct the operator to seal or restrict access to technological devices or premises which lead to the devices for the operation of the installation in order to ensure that the decision to suspend operation of the installation is implemented. Access to the technological devices or the abovementioned premises shall be sealed or access restricted by the operator in the presence of a representative of the environmental protection authority which had expressed the warning regarding the suspension of operation of the installation.

*[12 April 2018]*

### **Section 32.<sup>11</sup> Renewal of Installation Operation**

(1) An operator shall submit to the State Environmental Service a submission indicating that the violations indicated in the decision to suspend operation of the installation have been rectified and the tasks imposed have been fulfilled. Documents which certify the facts referred to therein shall be appended to the submission.

(2) The State Environmental Service shall, within five working days, examine the rectification of the violations indicated in the decision to suspend operation of the installation and the fulfilment of the tasks imposed. The general-director of the State Environmental Service shall take a decision on full or partial renewal of the operation of the installation or a refusal to renew the operation of the installation. The decision of the general-director of the State Environmental Service may be contested in accordance with the procedures specified in Section 50, Paragraph ten of this Law at the State Environmental Monitoring Bureau. A decision of the State Environmental Bureau may be appealed to a court. The appeal of the decision shall not suspend the operation thereof.

## **Chapter VI**

### **Ascertaining and Registration of Polluted and Potentially Polluted Sites**

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

(1) Polluted and potentially polluted sites in the relevant administrative territory shall be ascertained and initially assessed by the local government in co-operation with the State Environmental Service.

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

(3) The methods and procedures for the ascertaining of polluted and potentially polluted sites, as well as the procedures for financing, the conditions for data collection and use shall be governed by the Cabinet.

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

*[12 April 2018]*

### **Section 34. Registration of Polluted and Potentially Polluted Sites and Restrictions on Use of the Territories**

(1) Polluted and potentially polluted sites shall be registered by the State Environmental Service in accordance with the procedures stipulated by the Cabinet. The State Environmental Service shall register militarily polluted territories according to the opinion of the Ministry of Defence.

(2) After registration of a polluted site and receipt of an opinion of the State Environmental Service, the local government shall determine the restrictions on territorial planning, as well as the restrictions in respect of living in such territory and other use of such territory if it is necessary in order to protect human health or the environment. The Health Inspectorate shall determine the restrictions required to ensure human health protection.

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

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

(5) The institution which has determined the restrictions shall revoke them if such restrictions are no longer necessary for the protection of human health or the environment and an opinion from the responsible institution has been received.

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

*[20 June 2002; 18 December 2003; 25 October 2007; 10 December 2009; 12 April 2018]*

### **Section 35. Information Regarding Polluted or Potentially Polluted Sites**

(1) The owner or user of land which contains a polluted site, the operator and other natural persons or legal persons, if they have information at their disposal regarding polluted or potentially polluted sites that have not been ascertained and registered in accordance with the procedures laid down in this Law and other laws and regulations must submit such information to the State Environmental Service or local government.

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

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

(4) The owner or user of land has an obligation to inform the possible successors in interest or obligations regarding the polluted or potentially polluted sites in the relevant property or territory in use, and its vicinity.

(5) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall compile data on polluted and potentially polluted sites in the State.

*[27 January 2005; 10 December 2009; 12 April 2018]*

## **Chapter VII**

### **Investigation of Polluted and Potentially Polluted Sites and Remediation of Polluted Sites**

#### **Section 36. Objective of and Preconditions for an Investigation**

(1) The objective of an investigation is to determine whether environmental quality requirements have been exceeded and whether the pollution endangers or may endanger human health or the environment.

(2) Before the State Environmental Service commences an investigation, it must have information at its disposal that the relevant territory is polluted or potentially polluted.

*[12 April 2018]*

#### **Section 37. Preconditions and Measures for Remediation of Polluted Sites**

(1) Remediation of polluted sites shall be performed if:

- 1) the limit values of the environmental quality requirements have been exceeded;
- 2) the pollution may endanger human health or the environment.

(2) Remediation shall include measures to be performed in order to:

- 1) prevent the spreading of the pollution or its penetration into underground waters;
- 2) restore or improve the environmental quality in a polluted site.

#### **Section 38. Persons who Cover Expenses Related to Investigation and Remediation Measures**

(1) Expenses related to investigation and remediation measures shall be covered by:

1) the operator who has performed a polluting activity due to which a polluted or potentially polluted site has been created;

2) the operator who performs or has intended to perform a polluting activity at a polluted or potentially polluted site;

3) the land owner who has had a decisive influence in an undertaking which has performed a polluting activity due to which a polluted or potentially polluted territory in the land property owned by such owner has been created;

3<sup>1</sup>) the land owner if the land has been acquired in ownership after the registration of the polluted site;

4) the owner or the user of the relevant land or installation who voluntarily undertakes to fully or partially cover such expenses.

(2) A land owner, if the conditions referred to in Paragraph one of this Section do not apply to him or her, shall cover the expenses related to remediation measures, if such measures are performed with his or her consent and the land value after implementation thereof increases and if the persons referred to in Paragraph one of this Section cannot cover the remediation measures in full.

*[18 December 2003; 25 October 2007 / See Transitional Provisions]*

#### **Section 39. Joint-Responsibility of Persons in Covering Expenses Related to Investigation and Remediation**

(1) If expenses related to the investigation or remediation are covered by several of the persons referred to in Section 38, Paragraph one, Clause 1 of this Law, the expenses shall be distributed in proportion to the harm caused to the environment by each person. Expenses shall be distributed, taking into account the quantity and type of emission, as well as the time

when the polluting activity was performed. If it is impossible to distribute expenses, the persons referred to in Section 38, Paragraph one, Clause 1 of this Law shall be jointly and severally liable.

(2) The distribution of expenses shall be assessed by the State Environmental Service.

*[12 April 2018]*

#### **Section 40. Institutions Responsible for Investigation and Remediation**

(1) The State Environmental Service shall supervise and control the investigation and remediation of polluted or potentially polluted sites, except for the polluted and potentially polluted sites in the possession of the Ministry of Defence.

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

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

*[18 December 2003; 12 April 2018]*

#### **Section 41. Decision to Initiate an Investigation**

(1) If information regarding a polluted or potentially polluted site which causes or may cause a threat to human health or the environment is at the disposal of the responsible institution, but there is not sufficient information for the assessment of such a threat, the responsible institution shall take a decision on the necessity of an investigation.

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

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

(4) The Ministry of Environmental Protection and Regional Development or the Ministry of Defence shall consider the possibility of attracting funds from the State budget or other funds for the performance of an investigation.

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

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

*[18 December 2003; 16 December 2010]*

#### **Section 42. Management of Investigation Process**

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

(2) The tasks of the investigation shall indicate the possible investigation methods, parameters to be determined, precautionary measures to be conformed to in conducting the investigation,

the timetable, monitoring, and the procedures by which information regarding the investigation shall be provided.

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

### **Section 43. Decision to Initiate Remediation**

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

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

(3) If it is not possible to specify the persons who shall cover the expenses related to remediation or to obtain the funds required for remediation, the responsible institution shall determine the quantity of funds required and notify the Ministry of Environmental Protection and Regional Development or the Ministry of Defence regarding the territories in their possession.

(4) The Ministry of Environmental Protection and Regional Development or the Ministry of Defence shall consider the possibility of attracting funds from the State budget or other funds for the performance of remediation.

(5) If the funds required for remediation have been provided, the responsible institution shall take a decision to initiate remediation.

*[18 December 2003; 16 December 2010]*

### **Section 44. Management of Remediation Process**

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

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

(3) The responsible institution shall instruct the performer of remediation to develop a remediation programme in which the objective of the remediation, the methods and precautionary measures to be conformed to in performing remediation, the specified time periods in which the performer of remediation shall inform the responsible institution regarding the remediation measures performed are indicated and which includes the intended monitoring after the end of the remediation work. The responsible institution shall approve the remediation programme.

(4) The performer of remediation after performance of the remediation measures shall submit to the responsible institution a report certifying that the remediation measures have been performed in conformity with the remediation tasks and programme.

(5) In order to ensure updating of information in the polluted site register, the responsible institution, on the basis of the report certifying that the remediation measures have been performed in conformity with the remediation tasks and programme, shall inform in writing the holder of the polluted site register specified in laws and regulations regarding the implementation of the remediation measures.

*[25 October 2007]*

**Section 44.<sup>1</sup> Investigation of Territory Potentially Polluted and Polluted with Explosive Articles of Military Nature and with Unexploded Ammunition, as well as Remediation of Polluted Territory**

(1) In order to protect the environment, human life and health, as well as the property of natural persons and legal persons from explosive articles of military nature and unexploded ammunition, the Cabinet shall determine the procedures by which investigation of territory potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition shall be conducted, as well as the remediation of the polluted territory.

(2) Investigation of territory potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and the search, identification, removal, collection, and storage of unexploded ammunition shall be conducted by licensed merchants and certified specialists.

(3) The Ministry of Defence shall certify specialists who conduct the investigation of territories potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and the search, identification, removal, collection, and storage of unexploded ammunition.

(3<sup>1</sup>) A natural person who complies with the requirements of Paragraph five, Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this Section and has passed the qualification examination of a specialist who conducts the investigation of territories potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and the search, identification, removal, collection, and storage of unexploded ammunition is entitled to receive a certificate. The certificate shall be issued for the time period of five years.

(3<sup>2</sup>) The Ministry of Defence shall suspend the operation of the certificate if:

- 1) the person has provided false information for the receipt of the certificate;
- 2) the person does not comply with at least one of the requirements of Paragraph five, Clause 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, or 11 of this Section;
- 3) economic activity of the person has been suspended;
- 4) it is determined by another law or court ruling.

(3<sup>3</sup>) The operation of the certificate shall be cancelled, if a natural person, within four months from the day when the decision to suspend the operation of the certificate was taken, has not rectified the violations referred to in Paragraph 3.<sup>2</sup>, Clauses 1 and 2 of this Section, the restrictions referred to in Paragraph 3.<sup>2</sup>, Clauses 3 and 4 of this Section remain in effect or the violation cannot be rectified.

(3<sup>4</sup>) The Ministry of Defence shall, not less than once in three years, examine the compliance of the certified specialists with the requirements of Paragraph five of this Section.

(3<sup>5</sup>) The Cabinet shall determine the procedures by which:

1) certificates shall be issued to natural persons who conduct the investigation of territories potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and the search, identification, removal, collection, and storage of unexploded ammunition, cancelled or their operation shall be suspended;

2) the qualification examination of a specialist who conducts the investigation of territories potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and the search, identification, removal, collection, and storage of unexploded ammunition shall be taken.

(4) The Ministry of Defence shall issue a licence to merchants for the investigation of territory potentially polluted and polluted with explosive articles of military nature and with unexploded ammunition and for the search, identification, removal, collection, and storage of unexploded ammunition (hereinafter – the licence). The procedures by which the licence shall

be issued, cancelled or its operations shall be suspended, as well as regarding the amount of the State fee for payment for the issue of the licence shall be determined by the Cabinet.

(5) Individual merchants or commercial companies are entitled to receive the licence if State security institutions do not have information at their disposal regarding the fact that the activities of the relevant merchant are directed against the security of the Republic of Latvia or such merchant has violated the restrictions included in international agreements binding upon the Republic of Latvia or specified by international organisations, or violations of economic activity or labour law have been detected in relation to a court ruling in relation to the activities thereof which has entered into effect during the last year, or a decision (opinion) of another competent authority, and if the participants of merchants (natural persons), except for stockholders whose participation in the equity capital of a company is less than 10 per cent of the equity capital of the company, proctors, managers, persons who hold positions in administrative institutions, as well as employees (certified specialists) who are directly related to conducting of the abovementioned activities of such merchant comply with the following requirements:

1) are Latvian citizens or European Union Member State citizens, or citizens of the European Economic Area of at least 21 years of age;

2) have not been punished for the committing of a criminal offence;

3) no mental disturbance has been diagnosed for them;

4) no addition to alcohol, narcotic, psychotropic or toxic substances has been diagnosed for them;

5) within the last five years have not been administratively punished for violations committed under the influence of alcohol, narcotic, psychotropic or toxic substances;

6) the office of the public prosecutor or State security institutions do not have information which attests to their membership of prohibited militarised or armed groups, prohibited public organisations, parties or the unions thereof;

7) are not accused in criminal proceedings;

8) have not been released from criminal liability in accordance with Section 58 of The Criminal Law – not sooner than a year after entering into effect of the relevant decision;

9) have not been conditionally released from criminal liability in accordance with Section 58.<sup>1</sup> of The Criminal Law – sooner than expiration of the probationary period;

10) have not been released from punishment in accordance with Section 59 of the Criminal Law – sooner than a year after entering into effect of a ruling regarding release from punishment;

11) they have not been applied the status of a suspect in criminal proceedings for committing of a serious or especially serious crime;

12) the operation of the certificate has not been suspended.

(6) The licence shall be issued after payment of the State fee for an unspecified period of time. It shall be re-registered with the Ministry of Defence not less than once in three years.

(7) The Ministry of Defence shall suspend the operation of the licence if:

1) the merchant has provided false information for receiving of the licence;

2) the merchant in his or her activities has violated the conditions included in the licence or the requirements of this Law or other laws and regulations governing the activities specified in the licence;

3) the merchant or participants of the merchant (natural persons), except for stockholders whose participation in the equity capital of a company is less than 10 per cent of the equity capital of the company, proctors, managers, persons who hold positions in administrative institutions, as well as employees (certified specialists) who are directly related to the performance of the activities referred to in the licence, no longer conform to the requirements of Paragraph five of this Section;

4) the merchant has been declared insolvent by a court judgment or the economic activity thereof has been suspended;

5) on the basis of a court judgment or a decision (opinion) of another competent authority which has entered into effect, it has been detected that the merchant has violated the laws and regulations governing environmental protection, competition, tax or labour law within the last three years until examination of the relevant decision of the Ministry of Defence;

6) it is determined by another law or court ruling.

(8) The licence shall be cancelled, if the merchant has submitted a relevant submission or, within four months from the day when a decision to suspend the licence was taken, the merchant has not rectified the violations referred to in Paragraph seven of this Section, or if the violation cannot be rectified.

*[25 October 2007; 14 July 2011; 31 January 2013]*

## **Chapter VIII**

### **Monitoring, Supervision and Control**

#### **Section 45. Monitoring Performed by an Operator and Aircraft Operator**

(1) An operator and an aircraft operator have an obligation to control the quantity of emissions on a regular basis, perform monitoring and provide information in accordance with the procedures stipulated by the Cabinet.

(1<sup>1</sup>) The Cabinet shall determine the procedures for filling out, submitting, and inspection of the form of a report of monitoring performed by an operator.

(2) [12 April 2018]

(3) An operator shall carry out monitoring according to the permit which specifies the parameters to be determined, the sites of taking samples, the frequency and methods of measurements, the type of compilation and keeping of data. An operator of Category A polluting activity shall carry out monitoring of groundwater at least once every five years and soil monitoring – at least once every 10 years, unless it has been specified in the permit that, on the basis of a pollution hazard assessment, monitoring should be carried out more frequently.

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

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

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

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

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

(7) The operator who has obtained a greenhouse gas emission permit shall prepare the annual emission report on polluting activities of the European Union Emissions Trading System and greenhouse gas emissions caused thereby, as well as on the measures performed for reduction of greenhouse gas emissions and utilisation of such financial resources which have been obtained from transactions involving allowances allocated thereto free of charge. The report shall be verified and approved in accordance with the procedures stipulated by the Cabinet. The annual emission report shall be accessible to control institutions and the public.

(7<sup>1</sup>) The aircraft operator, starting from 1 January 2011, shall prepare the annual emission report on polluting activities of the European Union Emissions Trading System and greenhouse gas emissions caused thereby, as well as on the measures performed for reduction of greenhouse gas emissions and utilisation of such financial resources which have been obtained from transactions involving allowances allocated thereto free of charge. The report



shall be verified and approved in accordance with the procedures stipulated by the Cabinet. The annual emission report shall be accessible to control institutions and the public.

(8) The operator and aircraft operator the annual emission report of which until 31 March of the relevant year has not been approved or has been recognised as not corresponding, may not perform transactions involving allowances or Kyoto units. It shall be permitted to perform the abovementioned transactions only after approval of the annual emission report.

(9) The annual emission report, the verification report referred to in Article 27 of Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, information regarding the measures performed for reduction of greenhouse gas emissions and utilisation of the financial resources thereof, as well as annexes and documents appended thereto shall be submitted electronically in the EU ETS information exchange system "DECLARE" which is continuously available to the public in online mode.

*[18 December 2003; 27 January 2005; 6 April 2006; 10 December 2009; 14 July 2011; 31 January 2013; 9 June 2016; 1 February 2018; 12 April 2018 / Paragraph nine shall come into force on 1 June 2018. Amendment regarding deletion of Paragraph six shall come into force on 1 January 2020. See Paragraphs 54, 55, and 59 of Transitional Provisions]*

#### **Section 45.<sup>1</sup> Monitoring of Carbon Dioxide Emissions from Maritime Transport**

(1) A shipping company shall, each year, carry out monitoring of carbon dioxide emissions and provide information to the European Commission and the State Environmental Service in accordance with the procedures laid down in Articles 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Regulation No 2015/757 and in this Law.

(2) A shipping company shall, each year, draw up a verified report on carbon dioxide emissions in respect of the ship the flag State of which is Latvia and submit it to the European Commission and the State Environmental Service in the format and in accordance with the procedures laid down in Regulation No 2015/757 by 30 April.

(3) The Cabinet shall determine the procedures for the preparation, verification, and submission of a report on carbon dioxide emissions, for the accreditation of the performer of the verification, as well as for the circulation of information.

*[1 February 2018 / Paragraph two shall come into force on 1 January 2019. See Paragraph 46 of Transitional Provisions]*

#### **Section 46. Register of Polluting Substances**

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

(2) The State limited liability company Latvian Environment, Geology and Meteorology Centre shall ensure the establishment of the register of polluting substances and public access to the information in accordance with the procedures stipulated by the Cabinet.

*[27 January 2005; 10 December 2009]*

#### **Section 47. Supervision**

(1) The Ministry of Environmental Protection and Regional Development, the State Environmental Service, and the State Environmental Monitoring Bureau shall, within the scope of their competence, supervise the fulfilment of the requirements laid down in this Law.

(2) The Ministry of Defence shall supervise the fulfilment of the requirements laid down in this Law in the militarily polluted and potentially polluted territories in its possession.

(3) The Ministry of Environmental Protection and Regional Development and the Civil Aviation Agency, within the scope of the competence thereof, shall supervise the fulfilment of the requirements specified for aircraft operators in this Law and Cabinet regulations issued on the basis of this Law.

(4) The Ministry of Environmental Protection and Regional Development and the State Environmental Service, within the framework of the competence thereof, shall monitor and control the performance of the requirements laid down for the shipping company in Regulation No 2015/757.

(5) The State Environmental Service shall, in co-operation with port authorities within the framework of the competence thereof, monitor the performance of the requirements laid down in Section 24.<sup>2</sup>, Paragraphs three and five of this Law.

*[18 December 2003; 27 January 2005; 10 December 2009; 16 December 2010; 1 February 2018; 12 April 2018]*

#### **Section 48. State Environmental Monitoring Bureau**

The State Environmental Monitoring Bureau shall:

1) examine submissions regarding decisions of the State Environmental Service related to the issuance of permits and permit conditions, the investigation of polluted or potentially polluted sites, and covering or allocation of remediation and investigation or remediation expenditures;

2) in co-ordination with the Ministry of Environmental Protection and Regional Development inform other states regarding submissions for the receipt of permits in cases where a transfer of transboundary pollution is possible;

3) insert and update on the website thereof the guideline documents of the best available techniques published by the European Commission or the information published by international organisations regarding the best available techniques in the relevant area, the conclusions on the best available techniques, inform the State Environmental Service thereof, as well as provide consultations to operators in respect of this issue;

4) create, maintain, and update on the website thereof the information on the permits issued.

*[18 December 2003; 27 January 2005; 10 December 2009; 16 December 2010; 31 January 2013; 12 April 2018]*

#### **Section 49. Control of the Implementation of this Law**

(1) In order to ensure the fulfilment and control of the requirements laid down in this Law, the State Environmental Service shall develop and the Director-general of the State Environmental Service shall approve an environmental inspection plan. Controls according to the environmental inspection plan shall be carried out by State environment inspectors. The State environment inspectors shall verify:

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

2) the conformity of a polluting activity with the requirements laid down in Chapter II of this Law;

3) the conformity with the permit conditions;

4) the conformity with the environmental quality requirements and the Cabinet regulations;

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

(1<sup>1</sup>) The State Environmental Service shall publish the environmental inspection plan on the website thereof. The environmental inspection plan shall be updated not less than once every six months.

(1<sup>2</sup>) The environmental inspection plan shall cover:

1) a general assessment of the significant environmental issues;

2) a reference to the geographical area covered by the plan;

3) a register of installations covered by the plan;

4) the procedures for drawing up programmes for routine environmental inspections which provide for the time period between two inspections of an installation according to the environmental risk created by the installation: for installations posing the highest risks annual inspections shall be carried out, for installations posing the lowest risks inspections shall be carried out not less than once every three years;

5) extraordinary environmental inspection procedures, namely, procedures which are carried out within as short period of time as possible and, where necessary, before issuance, review, or renewal of a permit if complaints on severe non-conformity with the requirements laid down in the laws and regulations of environmental protection have been received or severe accidents, incidents, or other severe non-conformities in the field of environmental protection have been detected;

6) the provisions on the co-operation between different inspection authorities.

(1<sup>3</sup>) The State Environmental Service shall, within four months after carrying out of an inspection, post a report on the inspection results of installations on the website thereof.

(1<sup>4</sup>) Upon developing the environmental inspection plan and selecting installations for which regular inspections should be carried out, the following criteria shall be taken into account:

1) the possible and actual impact of the particular installation on human health and the environment, taking into account the emission caused by installation, the possibility of impact on the local environment, and the possible accident risk;

2) the conformity of the particular installation with the defined permit conditions;

3) participation of the operator in the eco-management and audit scheme (EMAS) of the European Union in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC.

(1<sup>5</sup>) The State Environmental Service shall, after each inspection of a Category A installation, draw up a report on the results of the inspection carried out and send it to the operator within two months after performance of the inspection, as well as post it on the website thereof within four months after performance of the inspection.

(1<sup>6</sup>) If during the inspection it is detected that the operator has failed to comply with the defined permit conditions, the State Environmental Service shall, within six months after performance of the relevant inspection, carry out additional visit on site, assessing whether the deficiencies are duly rectified.

(2) The Health Inspectorate shall control of the conformity with the noise limit values, as well as the relevant local government institutions which have been delegated the abovementioned function by the local government.

(3) The Civil Aviation Agency shall control the fulfilment of the requirements specified for aircraft operators in this Law and Cabinet regulations issued on the basis of this Law.

(4) If an aircraft operator does not fulfil the obligations specified in this Law and other laws and regulations, the Civil Aviation Agency may submit a request to the European Commission to take a decision to impose an operating ban of the relevant aircraft operator. If the European Commission has taken decisions upon request of Latvia or any other European Union Member State, the Civil Aviation Agency shall inform the European Commission regarding all measures performed in order to implement such decisions.

(5) If it is established that the requirements included in the binding regulations of the local government issued in accordance with Section 24.<sup>2</sup>, Paragraph three of this Law, or the requirements included in Section 24.<sup>2</sup>, Paragraph five of this Law are not conformed to, the State Environmental Service shall decide on the restriction of smells caused by the polluting activity.

*[20 June 2002; 27 January 2005; 27 September 2007; 10 December 2009; 31 January 2013; 9 June 2016; 1 February 2018; 12 April 2018]*

#### **Section 49.<sup>1</sup> On Distribution of Competences**

(1) The State Environmental Service shall fulfil the obligations of the competent authority and the contact person referred to in Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (hereinafter – Regulation No 1257/2013).

(2) The Ship Recycling Council is an advisory body which evaluates the conformity of the ship recycling plans and plans of ship recycling facilities referred to in Regulation No 1257/2013 with the requirements of this Regulation and the decisions of which are of recommendatory nature in the field of ship recycling conforming to the abovementioned Regulation. The Cabinet shall determine the institutions represented in the Ship Recycling Council and approve the by-laws of this Council.

(3) The Minister for Environmental Protection and Regional Development shall approve the personnel of the Ship Recycling Council.

*[9 June 2016]*

### **Chapter IX Dispute Procedures**

*[20 June 2002]*

#### **Section 50. Dispute of Decisions**

(1) An operator or natural person or legal person, also public organisation may contest to the State Environmental Monitoring Bureau a decision taken by the State Environmental Service in relation to Category A or B permits for the performance of polluting activities within one month of the day the decision enters into effect.

(2) Any person may apply to the State Environmental Monitoring Bureau with a submission also when the requirements laid down in laws and regulations in relation to the right of public participation and the right to environmental information have not been conformed to. The submission may be submitted during the whole of the decision-making process or within one month from the day the decision of the State Environmental Service enters into effect.

(3) If according to the conditions of the Category A or B permit it is possible to initiate or continue such polluting activity which may have a substantial negative impact on human health or the environment, or the environmental quality objectives specified in accordance with the laws and regulations governing the field of environmental protection, as well as other requirements of laws and regulations, the conditions of the permit may be contested at any time while the relevant permit is in effect. Contesting of the decision shall not suspend the operation of the permit.

(4) If the decision is contested to the State Environmental Monitoring Bureau within the time period specified in Paragraphs one and two of this Section, the operation of the relevant permit may be suspended until examination of the submission. If the suspension of the operation of the permit may cause a substantial negative impact upon the environment, the State Environmental Monitoring Bureau shall take a decision not to suspend the operation of the permit.

(5) If a decision on operation of such already existing installation which requires the revision of the Category A or B permit or another type of permit is needed, is contested, the operation of the permit shall not be suspended. If as a result of revision of the Category A or B permit the operator is allowed to commence new polluting activity and the decision on commencement of such activity is contested in accordance with Paragraph one of this Section, the dispute of the decision shall suspend the permit as regards the part of the new polluting activity.

(6) A natural person or legal person whose health, security, or property may be affected by the decision taken by the State Environmental Service on the necessity for an investigation or remediation of a polluted or potentially polluted site or on covering the expenses of investigation or remediation may, within one month from the day when he or she became aware of taking the decision, contest such decision to the State Environmental Monitoring Bureau.

(7) If, in accordance with Paragraph six of this Section, the decision of the State Environmental Service is contested, its implementation shall be suspended until examination of the submission. If the suspension of the operation of the decision may cause a substantial negative impact upon the environment, the State Environmental Monitoring Bureau shall not suspend the operation of the decision.

(8) A person who can be affected by a decision which is related to the issuing of a greenhouse gas emission permit is entitled to dispute such decision to the State Environmental Monitoring Bureau. Contesting of the decision shall not suspend the operation of the greenhouse gas emission permit.

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

(10) A decision to specify binding restrictive conditions on polluting activity, to suspend the operation of the installation, to partially renew the operation of the installation, or to refuse to renew the operation of the installation may be contested to the State Environmental Monitoring Bureau within one month after entering into effect thereof. Contesting of the decision shall not suspend the operation thereof.

*[18 December 2003; 27 January 2005; 25 October 2007; 10 December 2009; 12 April 2018]*

## **Section 51. Examination of Submissions**

(1) [10 December 2009]

(2) [10 December 2009]

(3) [10 December 2009]

(4) If the State Environmental Monitoring Bureau concludes that according to the Category A or B permit issued it is possible to perform such polluting activity which may have a significant negative impact on human health or the environment, or the requirements laid down in this Law and other laws and regulations have not been taken into account, it shall take a decision to revoke the decision of the State Environmental Service to issue the relevant permit or to revoke part of the conditions of the permit, or instruct the State Environmental Service to change part of the conditions of the permit, to supplement the conditions of the permit or to issue a permit with different content.

(4<sup>1</sup>) In the case of a violation of the right of public participation, the State Environmental Monitoring Bureau shall require that the violation is rectified within the specified time period and until the violation has been rectified shall suspend the decision-making process of the State Environmental Service or, if the decision has already been taken, shall decide on the necessity to revoke the decision or suspend it until the violation is rectified, and shall send its decision to the submitter, operator, and the State Environmental Service.

(5) A decision taken by the State Environmental Monitoring Bureau may be appealed to a court in accordance with the procedures laid down in law. An application to a court shall not suspend the operation of the administrative act.

*[20 June 2002; 18 December 2003; 27 January 2005; 10 December 2009; 12 April 2018]*

## **Chapter X**

### **Conditions in Relation to the Total Greenhouse Gas Emissions of Latvia and Removal of Carbon Dioxide**

*[9 June 2016]*

#### **Section 52. Fulfilment of the Obligations of Reduction of Greenhouse Gas Emissions and Removal of Carbon Dioxide**

(1) The Ministry of Environmental Protection and Regional Development shall, in co-operation with the Ministry of Agriculture, the Ministry of Economics, the Ministry of Transport, and other sectoral ministries, develop the policy for the fulfilment of climate change reduction commitments – greenhouse gas emissions reduction and removal of carbon dioxide – according to the commitment fulfilment periods, and co-ordinate the implementation of the relevant policy.

(2) In order to ensure the development of the policy referred to in Paragraph one of this Section and co-ordinate its implementation, the Ministry of Environmental Protection and Regional Development shall establish an interinstitutional working group. The working group shall include representatives of the Ministry of Agriculture, the Ministry of Economics, the Ministry of Transport, and other sectoral ministries, as well as of the Interdepartmental Co-ordination Centre.

(3) The Ministry of Environmental Protection and Regional Development shall, in co-operation with the Ministry of Agriculture, the Ministry of Economics, the Ministry of Transport and other sectoral ministries, each year after submitting the reports referred to in Articles 7(1) and (2) and 8(1) of Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (hereinafter – Regulation No 525/2013) prepare and submit, by 31 December, an informative report to the Cabinet on fulfilment of the commitments of greenhouse gas emissions reduction and removal of carbon dioxide. The following shall be included in the abovementioned informative report:

1) evaluation of the fulfilment of the commitments related to reduction of greenhouse gas emissions and removal of carbon dioxide;

2) if necessary, proposals regarding additional measures for the fulfilment of the commitments related to reduction of greenhouse gas emissions and removal of carbon dioxide, corresponding to the sectoral policy planning documents for the relevant period which are cost-efficient and have been evaluated from the socio-economic point of view.

#### **Section 53. Monitoring and Control of Greenhouse Gas Emissions and Removal of Carbon Dioxide, as well as Reporting Thereon**

(1) The Ministry of Environmental Protection and Regional Development shall, in accordance with Regulation No 525/2013 and the decisions taken by the Parties to the Convention, the Parties to the Kyoto Protocol and the Paris Agreement, upon co-operation with the relevant sectoral ministries, institutions, and merchants:

1) monitor greenhouse gas emissions and removal of carbon dioxide for the activities referred to in Annexes 2 and 4 to this Law;

- 2) prepare and submit regular reports to the European Commission and the Secretariat of the Convention on greenhouse gas emissions and removal of carbon dioxide;
- 3) prepare and submit other data, information, and reports specified in Regulation No 525/2013 to the European Commission and the Secretariat of the Convention.

(2) The Cabinet shall:

- 1) determine the procedures by which the national system for greenhouse gas inventories and preparation of projections is established and maintained;
- 2) determine the methodology by which a unified estimate of greenhouse gas emissions is to be performed, assessing the impact of measures and projects on climate changes (except for the supervision of greenhouse gas emissions referred to in Section 53, Paragraph one of this Law and for monitoring of the emissions quantity of an operator or aircraft operator referred to in Section 45, Paragraph one of this Law).

#### **Section 54. Annual Emission Allocation and Annual Emission Allocation Units**

- (1) The annual emission allocation to Latvia shall be granted in annual emission allocation units.
- (2) The annual emission allocation units and the Kyoto units granted to Latvia may be used for the fulfilment of the greenhouse gas emissions reduction commitments.
- (3) The annual emission allocation units are the State property the legal possessor of which is the Ministry of Environmental Protection and Regional Development.
- (4) The Ministry of Environmental Protection and Regional Development shall develop and the Cabinet shall approve a long-term strategy for action with annual emission allocation units, as well as, if necessary, amend the long-term strategy.
- (5) The Ministry of Environmental Protection and Regional Development shall, within five months after submitting the approximated greenhouse gas inventories referred to in Article 8 of Regulation No 525/2013, in co-operation with the Ministry of Agriculture, the Ministry of Economics, the Ministry of Transport and other sectoral ministries, prepare information regarding the possibilities of Latvia to carry out transactions with the annual emission allocation units and the Kyoto units owned by the State and submit it to the Cabinet which shall take a decision on actions with the annual emission allocation units and Kyoto units.
- (6) The Ministry of Environmental Protection and Regional Development shall conduct negotiations regarding transactions with the annual emission allocation units and the Kyoto units and prepare a draft contract.
- (7) The financial resources from transactions with annual emission allocation units shall be transferred into the account referred to in Section 32.<sup>2</sup>, Paragraph 3.<sup>1</sup> of this Law and utilised in accordance with the conditions of this Law in relation to the use of revenue from auctions.

### **Chapter XI**

#### **Conditions for a Fuel Supplier in Respect of Reduction of Greenhouse Gas Emissions of Transport Energy** *[1 February 2018]*

#### **Section 55. Reduction of Greenhouse Gas Emissions of Transport Energy and Submission of a Report of a Fuel Supplier**

- (1) A fuel supplier shall, by 31 December 2020, ensure reduction of greenhouse gas emissions of life cycle of transport energy, except for the electricity, per one energy unit at least by six per cent as opposed to greenhouse gas emissions of transport energy life cycle per one energy unit supplied by the same fuel supplier for final consumption in transport in Latvia in 2010.
- (2) For achievement of the reduction of greenhouse gas emissions of transport energy life cycle referred to in Paragraph one of this Section a fuel supplier may include also electricity

which the fuel supplier supplies as transport energy for final consumption in transport in Latvia.

(3) A fuel supplier may establish a group of fuel suppliers by entering into a co-operation agreement with other fuel supplier for the performance of the obligation specified in Paragraph one of this Section.

(4) A fuel supplier or a group of fuel suppliers shall, each year by 15 May, provide a report of a fuel supplier to the State Environmental Service which covers data on the amount of the transport energy supplied during the previous calendar year for final consumption in transport in Latvia and the intensity of greenhouse gas emissions in it.

(5) The State Environmental Service shall, taking into account the report of a fuel supplier referred to in Paragraph four of this Section, draw up and submit the aggregated information to the European Commission regarding the amount of transport energy supplied by fuel suppliers for final consumption in transport in Latvia, the intensity of greenhouse gas emissions of transport energy, and reduction of upstream emissions.

(6) The Cabinet shall determine the following for the implementation of the requirements referred to in Paragraphs one and four of this Section:

1) the procedures for the calculation of the amount of greenhouse gas emissions of the transport energy life cycle and their reduction and reduction of upstream emissions;

2) the methods for the achievement of reduction of upstream emissions;

3) the procedures by which a fuel supplier provides data on the intensity of greenhouse gas emissions of the transport energy life cycle;

4) a sample form of the report of a fuel supplier and the procedures for the inspection of the report, as well as the procedures for the circulation of information.

*[1 February 2018 / Paragraph four shall come into force on 1 June 2018. See Paragraph 56 of Transitional Provisions]*

## **Section 56. Ensuring Reduction of Greenhouse Gas Emissions of Transport Energy**

(1) The Ministry of Economics shall, in co-operation with the State Environmental Service within the framework of its competence, supervise and control the performance of the obligation specified for a fuel supplier in Section 55 of this Law.

(2) If after the receipt of the data referred to in Section 55, Paragraph four of this Law the State Environmental Service establishes that a fuel supplier has failed to fulfil the obligation specified in Section 55, Paragraph one of this Law to ensure reduction of greenhouse gas emissions of the transport energy life cycle, the Ministry of Economics shall take a decision by which it is determined that the fuel supplier must make a payment in the amount of 0.01 per cent of the net turnover of the last financial year of the fuel supplier which applies to fuel circulation, including supply and trade, into the State budget. The payment performed shall not release the fuel supplier from the fulfilment of the obligation specified in Section 55 of this Law.

*[1 February 2018]*

### **Transitional Provisions**

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

1) in respect of the existing Category B activities – according to a timetable stipulated by the Cabinet by 1 January 2007;

2) in respect of new Category B activities – on 1 January 2003.

2. In respect of installations where waste incineration is carried out, such installations for the operation of which the permits prescribed in laws and regulations are obtained by



28 December 2002 and which commence their operation not later than on 28 December 2004 shall be deemed to be existing installations.

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

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

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

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

5. [17 June 2010]

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

*[18 December 2003]*

7. Permits for the existing Category A activities shall be requested according to a timetable stipulated by the Cabinet by 1 October 2007.

8. Section 31, Paragraph one, Clause 3.<sup>1</sup> shall come into force concurrently with the Water Management Law.

*[20 June 2002]*

9. The regulations referred to in Section 11, Paragraph two, Clause 8; Section 18.<sup>1</sup>, Paragraph three, and Section 24.<sup>2</sup>, Paragraph two of this Law shall be issued by the Cabinet by 1 June 2004.

*[18 December 2003]*

10. The strategic noise maps referred to in Section 18.<sup>1</sup>, Paragraphs one and two of this Law which reflect the noise assessments of the previous year in the relevant territories, agglomerations with more than 250 000 inhabitants, roads upon which the traffic intensity is more than six million vehicles per year, railways upon which the traffic intensity is more than 60 000 trains per year, and airports where the traffic intensity is more than 50 000 aircraft per

year shall be developed by 30 March 2007, but action plans for the reduction of noise – by 30 April 2008.

*[18 December 2003; 6 April 2006]*

11. The strategic noise maps referred to in Section 18.<sup>1</sup>, Paragraphs one and two of this Law which reflect the noise assessments of the previous year in the relevant territories, agglomerations with more than 100 000 inhabitants, roads upon which the traffic intensity is more than three million vehicles per year, and railways upon which the traffic intensity is more than 30 000 trains per year shall be developed by 30 June 2012, but action plans for the reduction of noise – by 30 June 2013.

*[18 December 2003; 6 April 2006; 14 July 2011]*

12. The Cabinet shall, by 30 September 2011, approve the list of installations for the time period from 1 January 2013 to 31 December 2020.

*[17 June 2010]*

13. The Ministry of Environmental Protection and Regional Development shall, by 1 December 2004, take a decision to allocate allowances for the period specified in Section 24.<sup>1</sup>, Paragraph five, Clause 1 of this Law.

*[18 December 2003; 6 April 2006; 16 December 2010]*

14. The implementation Section 32.<sup>2</sup>, Paragraphs five and six of this Law shall be commenced by the State limited liability company Latvian Environment, Geology and Meteorology Centre by 1 January 2005.

*[18 December 2003; 27 January 2005; 10 December 2009]*

15. The regulations referred to in Section 24.<sup>1</sup>, Paragraphs three and seven, Section 32.<sup>3</sup>, Paragraph nine, Section 32.<sup>5</sup>, Paragraphs seven, and Section 45, Paragraph seven of this Law shall be issued by the Cabinet by 1 August 2004.

*[18 December 2003]*

16. Section 32.<sup>1</sup>, Paragraph four, Section 32.<sup>5</sup>, Paragraph six, Section 32.<sup>6</sup>, Paragraph two, and Section 32.<sup>8</sup> of this Law shall come into force on 1 May 2004.

*[18 December 2003]*

17. The Cabinet shall by 1 November 2005 issue the regulations referred to in Section 11, Paragraph two, Clause 12 of this Law, but by 1 July 2006 – the regulations referred to in Section 11, Paragraph two, Clauses 9, 10, 11 and 13 of this Law.

*[27 January 2005]*

18. The Cabinet shall by 1 January 2006 issue the regulations referred to in Section 12, Paragraph 2.<sup>1</sup> of this Law.

*[27 January 2005]*

19. The Cabinet shall by 11 August 2006 issue the regulations referred to in Section 11, Paragraph two, Clause 14 of this Law.

*[6 April 2006]*

20. Chapter V.<sup>2</sup> of this Law shall come into force on 1 January 2008.

*[25 October 2007]*

21. Amendments to Section 38 of this Law in relation to the addition of Clause 3.<sup>1</sup> and the deletion of the second sentence of Paragraph two shall come into force on 1 January 2009.  
*[25 October 2007]*

22. The Cabinet shall by 1 June 2008 issue the regulations referred to in Section 44.<sup>1</sup>, Paragraphs one, three, and four of this Law.  
*[25 October 2007]*

23. Section 24.<sup>1</sup>, Paragraph 2.<sup>1</sup> of this Law and amendment to Section 24.<sup>1</sup>, Paragraph four of this Law regarding installations which use renewable energy resources as fuel, but other fuels – exclusively during start-up or shut-down of installations shall come into force on 1 January 2013.  
*[17 June 2010]*

24. Aircraft operators shall commence the fulfilment of the conditions of Section 32.<sup>3</sup>, Paragraph one of this Law from 1 January 2013.  
*[17 June 2010]*

25. The State Environmental Service shall request the data referred to in Section 32.<sup>8</sup>, Paragraph two of this Law in accordance with the legal acts of the European Union in the field of greenhouse gas emission monitoring.  
*[17 June 2010]*

26. The Ministry of Environmental Protection and Regional Development shall submit the information referred to in Section 32.<sup>8</sup>, Paragraph four of this Law to the European Commission by 30 June 2010.  
*[17 June 2010; 16 December 2010]*

27. The Cabinet shall by 1 January 2011 issue regulations regarding the protection of water and soil from the pollution with nitrates as a result of agricultural activities and regarding highly sensitive territories to which higher requirements for the protection from pollution with nitrates apply. Until the date of the coming into force of new Cabinet regulations, but not longer than until 1 January 2011, Cabinet Regulation No. 531 of 18 December 2001, Regulations regarding Protection of Water and Soil from Pollution with Nitrates Caused by Agricultural Sources, shall be in force insofar as they are not in contradiction with this Law.  
*[17 June 2010]*

28. Section 28.<sup>2</sup> of this Law shall come into force on 1 March 2011.  
*[16 December 2010]*

29. The Cabinet shall by 1 March 2011 issue the regulations provided for in Section 28.<sup>2</sup> of this Law.  
*[16 December 2010]*

30. The Cabinet shall by 15 August 2011 take a decision to support the allocation of free-of-charge allowances for the production of electricity or a decision on refusal of such support. If the Cabinet takes a decision to support the allocation of free-of-charge allowances for the production of electricity, it shall issue the regulations referred to in Section 32.<sup>1</sup>, Paragraph seven of this Law.  
*[14 July 2011]*

31. The information referred to in Section 32.<sup>1</sup>, Paragraph eight of this Law shall be provided by:

- 1) the operator – until 15 August 2011;
- 2) the State Environmental Service – until 30 August 2011.

*[14 July 2011; 12 April 2018]*

32. Section 8.<sup>1</sup> of this Law shall be in force until 31 December 2012.

*[14 July 2011]*

33. The Cabinet shall by 31 December 2011 take a decision to sell or cancel allowances of the time period specified in Section 24.<sup>1</sup>, Paragraph five, Clause 2 of this Law not allocated to operators. If a decision to sell allowances is taken, the Cabinet shall determine the procedures for the selling of allowances and the use of the financing.

*[14 July 2011]*

34. Amendments to Section 11, Paragraph two, Clause 1 of this Law regarding rewording thereof, as well as Section 11, Paragraph two, Clauses 19 and 20 and Section 29, Paragraph seven shall come into force on 31 March 2013.

*[31 January 2013]*

35. Section 28, Paragraph 2.<sup>1</sup>, Clause 2, Section 29, Paragraph six, Section 30, Paragraphs five, six and seven of this Law, amendments to Section 31 in relation to the new wording of Paragraph one, Clause 4, Paragraph two, Clause 1, Paragraphs three, four, six, and eight of this Section, as well as the second sentence of Section 45, Paragraph three shall be applicable according to the following procedures:

1) to polluting activities (installations) for the performance of which a permit for Category A polluting activity has been issued or in relation to which a submission for the receipt of a permit for Category A polluting activity has been accepted until the day when the relevant amendments come into force – starting from 7 January 2014;

2) to polluting activities (installations) which are referred to in Section 1, Paragraph 4, Section 5, Paragraphs 1, 2, and 3, Section 5, Paragraphs 3.<sup>1</sup>, 4.<sup>1</sup> and 6, Section 6, Paragraph 1, Sub-paragraph “c”, Section 6, Paragraph 4, Sub-paragraph “b” and Section 6, Paragraphs 10 and 11 of Annex 1 to this Law and for the performance of which a permit for polluting activity has been issued or in relation to which a submission for the receipt of a permit for polluting activity has been accepted until the day when the relevant amendments come into force – starting from 7 January 2015.

*[31 January 2013]*

36. The Cabinet shall by 30 April 2013 issue the regulations provided for in Section 44.<sup>1</sup>, Paragraphs 3.<sup>5</sup> and four of this Law. Until the day when new Cabinet regulations come into force, but not later than until 30 April 2013, Cabinet Regulation No. 671 of 25 August 2008, Procedures for the Certification of Specialists who Conduct the Investigation of Territories Potentially Polluted and Polluted with Explosive Articles of a Military Nature and with Unexploded Ammunition and the Recovery Work, and the Licensing of Merchants, are in force insofar as they are not in contradiction with this Law.

*[31 January 2013]*

37. The Cabinet shall by 30 April 2014 issue the Cabinet regulations referred to in Section 32.<sup>3</sup>, Paragraph nine, Clause 1 of this Law. Until the day when new Cabinet regulations come into force Cabinet Regulation No. 661 of 3 August 2004, Procedures for Performance of Activities with Emission Quotas (allowances) and for Establishment of Installation Pools, are in force insofar as they are not in contradiction with this Law.

*[6 February 2014]*

38. Within the time period – from 1 January 2013 to 31 December 2016 – referred to in Article 1(1) of Regulation (EU) No 421/2014 of the European Parliament and of the Council of 16 April 2014 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (hereinafter – Regulation No 412/2014), the duty laid down in Section 32.<sup>3</sup> Paragraph one of this Law to surrender allowances each year by 30 April, the duty laid down in Section 45, Paragraph one to perform monitoring of emissions and to provide information, and the duty laid down in Section 45, Paragraph seven of this Law to prepare the annual emission report is not applied to aviation activities and greenhouse gas emissions from flights which have been commenced:

1) in an aerodrome in the territory of Latvia and ended in an aerodrome which is situated in states outside the European Economic Area;

2) in an aerodrome which is situated outside the European Economic Area, and ended in an aerodrome in the territory of Latvia;

3) in an aerodrome in the territory of Latvia and ended in an aerodrome which is situated in the outermost regions within the meaning of Article 349 of the Treaty on the Functioning of the European Union;

4) in an aerodrome which is situated in the outermost regions within the meaning of Article 349 of the Treaty on the Functioning of the European Union, and ended an aerodrome in the territory of Latvia;

5) in an aerodrome which is situated in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union, and ended in an aerodrome which is situated in another outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union.

*[9 June 2016]*

39. Within the time period – from 1 January 2013 to 31 December 2016 – referred to in Article 1(1) of Regulation No 421/2014 the duty laid down in Section 45, Paragraph one of this Law to regularly control the quantity of emissions, to perform monitoring and to provide information (to submit monitoring plans) need not be fulfilled by such aircraft operator which only carries out the flights referred to in Paragraph 38 of these Transitional Provisions.

*[9 June 2016]*

40. The Cabinet shall by 31 December 2016 issue the regulations referred to in Section 53, Paragraph two of this Law.

*[9 June 2016]*

41. The Ministry of Environmental Protection and Regional Development shall by 31 December 2016 develop the long-term strategy referred to in Section 54, Paragraph four of this Law. The long-term strategy for each time period referred to in Section 52, Paragraph one of this Law for the performance of the particular commitments shall be developed until the end of the first year of the abovementioned commitment period.

*[9 June 2016; 1 February 2018]*

42. The Cabinet shall by 31 December 2016 issue the By-laws of the Ship Recycling Council referred to in Section 49.<sup>1</sup> Paragraph two of this Law.  
*[9 June 2016]*

43. The Cabinet shall by 31 December 2016 make amendments to the regulations referred to in Section 45, Paragraphs seven and 7.<sup>1</sup> of this Law.  
*[9 June 2016]*

44. The Cabinet shall by 31 December 2016 issue the price list of paid services referred to in Section 11, Paragraph six of this Law.  
*[9 June 2016]*

45. The Cabinet shall by 30 May 2018 issue the regulations referred to in Section 32.<sup>6</sup>, Paragraph seven of this Law.  
*[1 February 2018]*

46. Section 45.<sup>1</sup>, Paragraph two of this Law shall come into force on 1 January 2019.  
*[1 February 2018]*

47. The Cabinet shall by 30 May 2018 issue the regulations referred to in Section 45.<sup>1</sup>, Paragraph three of this Law.  
*[1 February 2018]*

48. The Cabinet shall by 31 May 2018 issue the regulations referred to in Section 55, Paragraph seven of this Law.  
*[1 February 2018]*

49. Section 18.<sup>2</sup> of this Law shall come into force on 1 November 2018. The Cabinet shall by 30 September 2018 issue the regulations referred to in Section 18.<sup>2</sup>, Paragraph two of this Law.  
*[1 February 2018]*

50. In respect of the 10 year period referred to in Section 32.<sup>1</sup>, Paragraph 5.<sup>1</sup> of this Law which starts on 1 January 2021, the Cabinet shall by 31 December 2018 take the decision to support the allocation of free-of-charge allowances for the production of electricity or decision not to support such allocation. If the Cabinet takes a decision to support the allocation of free-of-charge allowances for the production of electricity, it shall by 30 June 2019 issue the regulations referred to in Section 32.<sup>1</sup>, Paragraph seven of this Law by including the by-laws therein where the tender procedure and selection criteria are determined.  
*[1 February 2018]*

51. The information referred to in Section 32.<sup>1</sup>, Paragraph 8.<sup>1</sup> of this Law on the period of the first five years of the first 10 year period referred to in Section 24.<sup>1</sup>, Paragraph five, Clause 4 of this Law which started on 1 January 2021 shall be submitted by:

- 1) the operator – until 15 June 2019;
- 2) the State Environmental Service – until 30 June 2019.

*[1 February 2018; 12 April 2018]*

52. The Ministry of Environmental Protection and Regional Development shall submit the list of installations referred to in Section 32.<sup>1</sup>, Paragraph 5.<sup>1</sup> of this Law, after approval thereof in the Cabinet, to the European Commission once in five years. The list of installations of the

first five year period of 10 year period which starts on 1 January 2021 shall be submitted until 30 September 2019.  
*[1 February 2018]*

53. The obligation specified in Section 32.<sup>3</sup>, Paragraph one to hand over allowances by 30 April each year, the obligation specified in Section 45, Paragraph one to carry out emission monitoring and provide information, and the obligations specified in Section 45, Paragraph seven of this Law to prepare an annual emission report is not applied to aviation activities and greenhouse gas emissions from the flights which are started:

1) in an aerodrome in the territory of Latvia and are ended in an aerodrome which is situated in a state outside the European Economic Area;

2) in an aerodrome situated in a state outside the European Economic Area and ended in an aerodrome in the territory of Latvia;

3) in an aerodrome in the territory of Latvia and ended in an aerodrome situated in the outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union;

4) in an aerodrome situated in the outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union and ended in an aerodrome in the territory of Latvia;

5) in an aerodrome situated in a state outside the European Economic Area and ended in an aerodrome situated outside the European Economic Area;

6) in an aerodrome situated in the outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union and ended in an aerodrome situated in another outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union.

*[1 February 2018]*

54. The obligation specified in Section 45, Paragraph one of this Law to regularly control the quantity of emissions, to perform monitoring, and to provide information (to submit monitoring plans) need not be fulfilled by such aircraft operator which only carries out the flights referred to in Paragraph 53 of these Transitional Provisions.

*[1 February 2018]*

55. Section 28.<sup>1</sup>, Paragraph 3.<sup>1</sup> and Section 45, Paragraph nine of this Law shall come into force on 1 June 2018.

*[1 February 2018]*

56. Section 55, Paragraph four of this Law shall come into force on 1 June 2018.

*[1 February 2018]*

57. The Cabinet shall by 1 September 2018 issue the regulations referred to in Section 11, Paragraph two, Clause 21, Section 16.<sup>1</sup>, Paragraph two, Section 16.<sup>2</sup>, Paragraphs one and two of this Law.

*[12 April 2018]*

58. The Cabinet shall by 1 January 2020 issue the regulations referred to in Section 45, Paragraph 1.<sup>1</sup> of this Law.

*[12 April 2018]*

59. Amendment regarding deletion of Section 45, Paragraph six shall come into force on 1 January 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 January 2020]*

60. Amendment to Section 19 of this Law regarding supplementation thereof with Paragraph 3.<sup>1</sup> shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

61. Amendment to Section 20, Paragraph five, Clause 3 of this Law regarding replacement of the words “the submission form and the permit form” with the words “the information to be included in the submission for obtaining the permit” shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

62. Amendment to Section 22, Paragraph two regarding replacement of the words “the Category B submission form and the permit form” with the words “the information to be included in the submission for obtaining the permit” shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

63. Amendment to Section 23 of this Law regarding supplementation of Paragraph two with the words “and the procedures by which the State Environmental Service registers Category C activities” shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

64. Section 24.<sup>3</sup> of this Law shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

65. Amendment to Section 28.<sup>1</sup>, Paragraph 3.<sup>1</sup> of this Law regarding replacement of the words “on the website of the Unified Environment Information System “TULPE”” with the words “in the information system” shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

66. Amendment to Section 28.<sup>1</sup>, Paragraph 4.<sup>1</sup> of this Law regarding replacement of the words “Category C certification” with the words “registration of Category C activity is performed” shall come into force on 1 April 2020.

*[12 April 2018 / The abovementioned amendment shall be included in the wording of the Law of 1 April 2020]*

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

*[27 January 2005; 6 April 2006; 25 October 2007; 10 December 2009; 17 June 2010; 16 December 2010; 31 January 2013; 1 February 2018; 12 April 2018]*

This Law contains legal norms arising from:

1) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources;



- 2) Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (codified version). (Text with EEA relevance);
- 3) Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise;
- 4) 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;
- 5) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC;
- 6) Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms;
- 7) Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC;
- 8) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC;
- 9) Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005 amending Directive 1999/32/EC;
- 10) Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances;
- 11) Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC;
- 12) [12 April 2018];
- 13) Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community;
- 14) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006. (Text with EEA relevance);
- 15) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance);
- 16) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (recast) (Text with EEA relevance);
- 17) Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC;
- 18) Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC;

19) Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels;

20) Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants;

21) Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC.

This Law shall come into force on 1 July 2001.

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

Acting for the President, Chairperson of the *Saeima*

J. Straume

Rīga, 29 March 2001

## **Polluting Activities (Installations) Requiring a Category A Permit**

*[31 January 2013; 9 June 2016; 12 April 2018]*

(1) In energy industries:

1) combustion installations the nominal thermal input of which is 50 megawatts and more and to which the laws and regulations regarding the procedures for preventing, restricting, and control of emissions of air polluting substances from combustion installation apply;

2) mineral oil and gas treatment and refining installations;

3) coke ovens;

4) gasification and liquefaction installations for fuels, in which the following is used:

a) coal;

b) other fuels if the total rated thermal input of the installation is 20 MW or more.

(2) In production and processing of metals:

1) installations for metal ore, including sulphide ore, roasting and sintering;

2) installations for the primary or secondary fusion of pig iron or steel, including continuous casting, with a capacity exceeding 2.5 tonnes per hour;

3) installations for the processing of ferrous metals:

a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

b) smitheries utilising mechanisms (for example, pneumatic or hydraulic hammers, presses) the energy of which exceeds 50 kilojoules per each mechanism, if the calorific power used exceeds 20 megawatts;

c) installations for the application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour;

4) ferrous metal foundries with a production capacity exceeding 20 tonnes per day;

5) installations:

a) for the production of non-ferrous crude metals from ore, ore concentrates or secondary raw materials (for example, scrap iron) by metallurgical, chemical or electrolytic processes;

b) for the melting, including the alloyage, of non-ferrous metals, including recovered products, with a melting capacity exceeding 4 tonnes per day for melted lead and cadmium or 20 tonnes per day of any other melted metal;

6) installations for surface treatment of metals or plastic materials using an electrolytic or chemical process where the total volume of the electrolytic or chemical treatment vats exceeds 30 cubic metres.

(3) In production of mineral products:

1) installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other type of furnaces with a capacity exceeding 50 tonnes per day or installations for the production of lime in rotary kilns with a production capacity exceeding 50 tonnes per day;

2) installations for the production of asbestos and the manufacture of asbestos-based products;

3) installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day;

4) installations for the melting of non-metallic minerals, including the production of non-metallic mineral fibre, with a melting capacity exceeding 20 tonnes per day;

5) installations for the manufacture of ceramic products by firing, including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kg/m<sup>3</sup>;

6) installations for the manufacture of magnesium oxide in kilns the manufacture capacity of which exceeds 50 tonnes per day.

(4) In chemical industry in conformity with the condition referred to in Section 7 of this Annex:

1) installations for the production of organic chemicals, such as:

a) for the production of simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

b) for the production of oxygen-containing hydrocarbons, such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;

c) for the production of sulphurous hydrocarbons;

d) for the production of nitrogenous hydrocarbons, such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates or isocyanates;

e) for the production of phosphorus-containing hydrocarbons;

f) for the production of halogenic hydrocarbons;

g) for the production of organometallic compounds;

h) for the production of plastic materials – polymers synthetic fibres and cellulose-based fibres;

i) for the production of synthetic rubber or rubber;

j) for the production of dyes and pigments;

k) for the production of surface-active agents;

2) installations for the production of inorganic chemicals, such as:

a) for the production of gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;

b) for the production of acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid;

c) for the production of bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;

d) for the production of salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;

e) for the production of non-metals, metal oxides or other inorganic compounds, such as calcium carbide, silicon, silicon carbide;

3) installations for the production of phosphorous-, nitrogen- or potassium-based simple or compound fertilisers;

4) installations for the production of plant protection products or biocides;

5) installations which produce pharmaceutical products, utilising chemical or biological processes;

6) installations for the production of explosives.

(5) In waste management:

1) installations for the disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:

a) biological treatment;

b) physico-chemical treatment;

c) blending or mixing prior to submission to any of the other activities referred to in Paragraphs 1 and 2 of this Section;

- d) repackaging prior to submission to any of the other activities referred to in Paragraphs 1 and 2 of this Section;
  - e) solvent reclamation and (or) regeneration;
  - f) recycling and (or) reclamation of inorganic materials other than metals or metal compounds;
  - g) regeneration of acids or bases;
  - h) recovery of components used for pollution abatement;
  - i) recovery of components from catalysts;
  - j) oil re-refining or other reuses of oil;
  - k) surface impoundment;
- 2) installations for the incineration or recovery of waste, as well as installations for the co-incineration of waste to which the laws and regulations regarding the requirements for the incineration of waste and operation of the installations for the incineration of waste apply, with the following capacity:
- a) for non-hazardous waste – with a capacity exceeding 3 tonnes per hour;
  - b) for hazardous waste – with a capacity exceeding 10 tonnes per day;
- 3) installations for the disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day (excluding activities covered by the regulation of the laws and regulations regarding emission of polluting substances into water) involving one or more of the following activities:
- a) biological treatment;
  - b) physico-chemical treatment;
  - c) pre-treatment of waste for incineration or co-incineration;
  - d) treatment of slags and ashes;
  - e) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components;
- 3<sup>1</sup>) installations for the recovery of non-hazardous waste, as well as installations for recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (excluding activities covered by the regulation of the laws and regulations regarding emission of polluting substances into water), conforming with the condition referred to in Section 8 of this Annex and involving one or more of the following activities:
- a) biological treatment;
  - b) pre-treatment of waste for incineration or co-incineration;
  - c) treatment of slags and ashes;
  - d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components;
- 4) installations for the landfills in accordance with the Waste Management Law which may accept more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste;
- 4<sup>1</sup>) areas for temporary storage of hazardous waste, which do not conform to the conditions referred to in Paragraph 4 of this Section and in which hazardous waste with the total amount over 50 tonnes is stored, prior carrying out of the activities referred to in Paragraphs 1, 2, 4, and 6 of this Section involving hazardous waste. This activity does not cover temporary storage of hazardous waste at the generation site thereof (prior to collection thereof);
- 5) installations for disposal of hazardous waste if polychlorinated biphenyls, polychlorinated terphenyls or waste or devices containing such substances are disposed of;
- 6) underground storage of hazardous waste with a total capacity exceeding 50 tonnes.
- (6) In other sectors:
- 1) installations:
    - a) for the production of pulp from timber or other fibrous materials,

- b) for the production of paper or card board with a production capacity exceeding 20 tonnes per day;
- c) for the production of orientated strand board, particleboard or fibreboard (types of individual boards, or different types of boards together) with a production capacity exceeding 600 m<sup>3</sup> per day;
- 2) installations for the pre-treatment (operations such as washing, bleaching, mercerisation or dyeing) of textile fibres or textiles where the treatment capacity exceeds 10 tonnes of material per day;
- 3) installations for the treatment of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day;
- 4) installations for the production of food:
  - a) slaughterhouses with a carcass production capacity greater than 50 tonnes per day;
  - b) production facilities for food or feed where the following is treated or processed (other than exclusively packaging):
    - animal raw materials (other than exclusively milk), with a finished product production capacity greater than 75 tonnes per day,
    - vegetable raw materials, with a finished product production capacity greater than 300 tonnes per day or greater than 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;
    - animal and vegetable raw materials, both in combined and separate products (packaging shall not be included in the final weight of the product. These provisions shall not apply to the production where the raw material is milk only), if the finished product production capacity is greater than 75 tonnes per day and the portion of animal material (in per cent of weight) is equal to 10 or more. In all other cases the threshold, taking into account animal raw materials (in per cent of weight) in the finished product, shall be calculated using the following formula:

$$300 - (22,5 \times A), \text{ where}$$

A – the portion of animal material in per cent of weight of the finished product, or accordingly thresholds shall be calculated for the diagram in Annex 3 to this Law,

- c) milk production facilities in which more than 200 tonnes of milk per day may be accepted (if 200 tonnes per day is an average value on an annual basis);
- 5) installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day;
- 6) farms for the intensive rearing of pigs and poultry:
  - a) with more than 40 000 places for poultry;
  - b) with more than 2000 places for production pigs with weight over 30 kg;
  - c) with more than 750 places for sows;
- 7) installations for the surface treatment of substances, objects or products using organic solvents, also for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year;
- 8) installations for the production of carbon or electrographite by means of incineration at high temperatures or graphitising;
- 9) carbon dioxide (CO<sub>2</sub>) stream capture from activities (installations), which have been indicated in this Annex, in relation to the geological storage of carbon dioxide as specified in Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the

geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (Text with EEA relevance);

10) installations for the preservation of wood and wood products with chemicals with a production capacity exceeding 75 m<sup>3</sup> per day, other than exclusively treating against sapstain;

11) installations for the independently operated treatment of waste water which ensure treatment of waste water created by the polluting activities referred to in this Annex, if the installations for treatment of waste water are not covered by the regulation of the laws and regulations regarding emission of polluting substances into water.

(7) The term “production” in relation to the activities referred to in Section 4 of this Annex shall mean industrial production, within the process of which chemical or biological recycling of the substances or groups of substances referred to in Paragraphs 1, 2, 3, 5, and 6 of this Section is carried out.

(8) When the only waste treatment activity referred to in Section 5, Paragraph 3.<sup>1</sup> of this Annex and carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

**Activities to which the European Union Emissions Trading System Applies  
in the Field of Aviation**

[9 June 2016]



## Polluting Activities Included in the European Union Emissions Trading System

[9 June 2016; 1 February 2018]

### I. Polluting Activities Included in the European Union Emissions Trading System for which a Greenhouse Gas Emission Permit is Necessary

No.	Activity for which a greenhouse gas emission permit is necessary	Greenhouse gases
1.	Fuel combustion – oxidation of fuels, regardless of the way in which the heat, electrical or mechanical energy produced by this process is used, and any other directly associated activities, including waste gas scrubbing, in installations with a total rated thermal capacity exceeding 20 megawatts (except for in installations for the incineration of hazardous or municipal waste)	Carbon dioxide
2.	Treatment and refining of mineral oil	Carbon dioxide
3.	Production of coke	Carbon dioxide
4.	Metal ore, including sulphide ore) roasting or sintering, including pelletisation	Carbon dioxide
5.	Primary or secondary fusion of pig iron or steel, including continuous casting, with a capacity exceeding 2.5 tonnes per hour	Carbon dioxide
6.	Production or processing of ferrous metals, including ferro-alloys, where combustion units with a total rated thermal capacity exceeding 20 megawatts are operated. Processing includes, inter alia, rolling mills, re-heaters, annealing furnaces, smitheries, foundries, coating and pickling	Carbon dioxide
7.	Production of primary aluminium	Carbon dioxide perfluoro-carbons
8.	Production of secondary aluminium where combustion units with a total rated thermal capacity exceeding 20 megawatts are operated	Carbon dioxide
9.	Production or processing of non-ferrous metals, including production of alloys, refining, foundry casting, etc. where combustion units with a total rated thermal input, including the rated thermal capacity for fuels used as reducing agents, exceeding 20 megawatts are operated	Carbon dioxide
10.	Production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day	Carbon dioxide
11.	Production of lime or calcinations of dolomite or magnesite in rotary kilns or in other furnaces with a production capacity	Carbon dioxide

	exceeding 50 tonnes per day	
12.	Manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
13.	Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day	Carbon dioxide
14.	Manufacture of mineral wool insulation material using glass, rock or slag with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
15.	Drying or calcination of gypsum or production of plaster boards and other gypsum products where combustion units with a total rated thermal capacity exceeding 20 megawatts are operated	Carbon dioxide
16.	Production of pulp from timber or other fibrous materials	Carbon dioxide
17.	Production of paper or cardboard with a production capacity exceeding 20 tonnes per day	Carbon dioxide
18.	Production of carbon black involving the carbonisation of such materials containing organic substances as oils, tars, cracker and distillation residues where combustion units with a total rated thermal capacity exceeding 20 megawatts are operated	Carbon dioxide
19.	Production of nitric acid	Carbon dioxide nitrogen oxide
20.	Production of adipic acid	Carbon dioxide nitrogen oxide
21.	Production of glyoxal and glyoxylic acid	Carbon dioxide nitrogen oxide
22.	Production of ammonia	Carbon dioxide
23.	Production of bulk organic chemicals by cracking, reforming, partial or full oxidation or by similar processes, with a production capacity exceeding 100 tonnes per day	Carbon dioxide
24.	Production of hydrogen (H <sub>2</sub> ) and synthesis gas by reforming or partial oxidation with a production capacity exceeding 25 tonnes per day	Carbon dioxide
25.	Production of soda ash (Na <sub>2</sub> CO <sub>3</sub> ) and sodium bicarbonate (NaHCO <sub>3</sub> )	Carbon dioxide
26.	Capture of greenhouse gases from installations, in which one or several of the polluting activities referred to in this Annex are performed, for the purpose of transport or geological storage in a storage site where storage is permitted in accordance with the laws and regulations regarding the use of subterranean depths and the performance of polluting activities	Carbon dioxide
27.	Transport of greenhouse gases by pipelines for geological storage in a storage site where storage is permitted in accordance with the laws and regulations regarding the use of subterranean depths and the performance of polluting activities	Carbon dioxide
28.	Geological storage of greenhouse gases in a storage site where storage is permitted in accordance with the laws and regulations regarding the use of subterranean depths and the performance of polluting activities	Carbon dioxide

## II. Aviation Activities Included in the European Union Emissions Trading System

The European Union Emissions Trading System shall include aircraft flights which are performed by an aircraft operator from an aerodrome or to an aerodrome situated in the territory of a European Union Member State, including flights performed only for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers of European Union Member States, except:

1) flights performed only for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a country other than a European Union Member State, where this is substantiated by an appropriate status indicator in the flight plan;

2) military flights performed by military aircraft and customs and police flights;

3) flights related to search, rescue and fire-fighting works or provision of emergency medical aid, as well as flights which are performed for the provision of humanitarian aid and which are authorised by the relevant competent authority;

4) flights performed exclusively under visual flight rules in conformity with Annex 2 to the Convention on International Civil Aviation (Chicago Convention);

5) flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made;

6) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew where the relevant flight is substantiated by an appropriate remark in the flight plan and the flight does not serve for the transport of passengers or cargo, for the positioning or ferrying of the aircraft;

7) flights performed exclusively for the purpose of scientific research or for the purpose of checking, testing or certifying aircraft or equipment whether airborne or ground-based;

8) flights performed by aircraft with a certified maximum take-off mass of less than 5700 kg;

9) flights performed within the framework of public service obligations laid down in accordance with Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes on routes within outermost regions, as laid down in Articles 349 and 355 of the Treaty on the Functioning of the European Union, or on routes where the capacity offered does not exceed 30,000 seats per year;

10) flights which, but for this point, would fall within this activity, performed by a commercial air transport operator operating either:

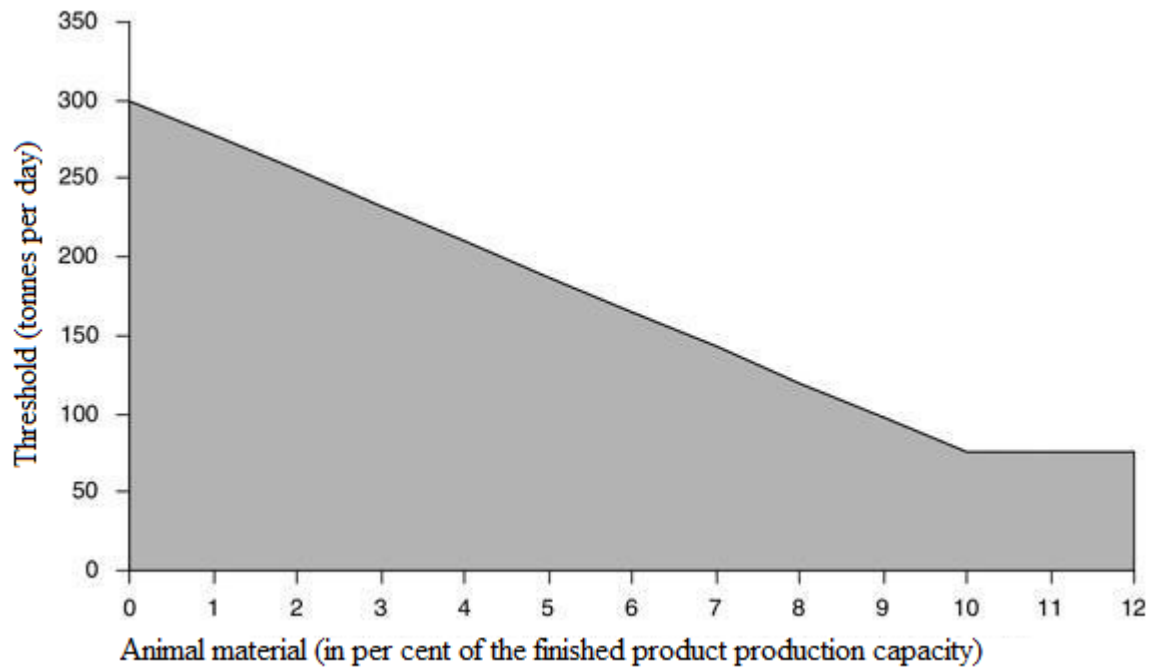
a) fewer than 243 flights per period for three consecutive four-month periods;

b) flights with total annual emissions lower than 10000 tonnes per year;

11) flights which from 1 January 2013 to 31 December 2030 are performed by a non-commercial air transport operator operating flights with total annual emissions lower than 1000 tonnes of CO<sub>2</sub> per year.

**Diagram for the Calculation of the Threshold for Animal Material (in Per cent of Weight of the Finished Product)**

*[31 January 2013]*



## **Conditions in Relation to Activities not Included in the European Union Emissions Trading System**

*[9 June 2016]*

### **I. Other Sources of Greenhouse Gas Emissions**

1. Energy industry:
  - a) fuel combustion in stationary technological installations in which such activities are performed which are not included in the European Union Emissions Trading System and for which a greenhouse gas emission permit is not necessary,
  - b) fuel combustion in mobile sources – road, water, air, railway, as well as off-road vehicles,
  - c) non-combustion activities with fossil liquids and solid fuels from which volatile greenhouse gas emissions emerge.
2. Industrial processes and manufacturing of industrial products in installations which are not included in the European Union Emissions Trading System and for which a greenhouse gas emission permit is not necessary, and in which greenhouse gas emissions emerge from the use of different materials and raw materials (mineral resources) in manufacturing of industrial products, including volatile greenhouse gas emissions.
3. Use of hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride.
4. Use of solvents and different chemical substances.
5. Agricultural activities, including:
  - a) management of the land used in agriculture, including use of different types of fertilisers, liming, urea application, field burning of agricultural residues,
  - b) livestock farming, including management of manure and internal (intestinal) fermentation processes of farm animals,
  - c) manufacturing of agricultural products.
6. Land use, land-use change and forestry activities, including:
  - a) arable land, pasture and meadows, wetland, populated areas and other infrastructure, and other types of land – preservation of land use and changes in the land-use type to another land-use type,
  - b) burning of biomass,
  - c) harvested wood products.
7. Agriculture, forestry and wood processing:
  - a) wastewater management,
  - b) waste management, including disposal and waste incineration, except burning of waste for production of energy,
  - c) composting.
8. Other activities not mentioned previously.

## II. Activities for Removal of Carbon Dioxide

### 1. Land use, land-use change activities, including:

a) management of arable land which is any activity performed according to a complex of measures applicable to land on which agricultural cultures are grown, and to land which has been left in fallow or which is temporarily not used for growing crops,

b) management of pastures and meadows which is any activity performed according to a complex of measures applicable to land used in livestock farming, and the purpose of which is to control or influence the quantity and type of vegetation and farm animals,

c) wetland,

d) populated areas and other infrastructure,

e) other types of land – preservation of land use and change in the land-use type to another land-use type.

### 2. Forestry activities, including:

a) afforestation which within the meaning of the Kyoto Protocol and the legal acts of the European Union is the direct human-induced conversion of land that has not been forest for a period of at least 50 years to forest through planting, seeding and/or the human-induced promotion of natural seed sources, where the conversion has taken place after 31 December 1989,

b) reforestation which within the meaning of the Kyoto Protocol and the legal acts of the European Union is any direct human-induced conversion of land that is not forest to forest through planting, seeding and/or the human-induced promotion of natural seed sources, which is confined to land that was forest but ceased to be forest before 1 January 1990, and which has been reconverted to forest in the period after 31 December 1989,

c) harvested wood products,

d) deforestation which within the meaning of the Kyoto Protocol and the legal acts of the European Union is the direct human-induced conversion of forest to land that is not forest, where the conversion has taken place after 31 December 1989,

e) forest management which within the meaning of the Kyoto Protocol and the legal acts of the European Union is any activity resulting from a system of practices applicable to a forest that influences the ecological, economic or social functions of the forest.