

Republic of Latvia

Cabinet

Regulation No 267

Adopted 16 March 2010

Procedures for Certification of Experts in the Field of Conservation of Species and Biotopes and Supervision of the Activities Thereof

*Issued pursuant to Section 4,
Clause 17 of the Law on the Conservation
of Species and Biotopes*

I. General Provision

1. This Regulation prescribes:

- 1.1. the procedures for certification of experts in the field of conservation of species and biotopes (hereinafter – expert);
- 1.2. the procedures for issuance and registration of a certificate of an expert, for extension of the validity period of the certificate and the annulment thereof; and
- 1.3. the procedures for supervision of the activities of the experts.

II. General Provisions for Certification of the Experts

2. A person who wishes to acquire a certificate (hereinafter – applicant) regarding the right to provide an opinion in which the position or conclusion regarding a certain group of species, species or group of biotopes is provided shall comply with the following conditions:

2.1. has acquired at least Bachelor's degree or the second level vocational higher education in one of the following fields:

- 2.1.1. in the field of biology;
- 2.1.2. in the field of geology;
- 2.1.3. in the field of geography;
- 2.1.4. in the field of forestry research;
- 2.1.5. in the field of environmental science;
- 2.1.6. in the field of chemistry and has passed an exam in limnology in an accredited educational institution. An applicant whose acquired education complies with the conditions specified in this Sub-paragraph, may acquire a certificate regarding the right to provide an opinion in which the position or conclusion is expressed only regarding the group of biotopes - stagnant freshwaters;

2.2. complies with at least one of the following criteria:

- 2.2.1. during the last three years has prepared at least one opinion until the day of coming into force of this Regulation;
- 2.2.2. during the last three years has participated in the inventory or monitoring related to biological diversity evaluation;
- 2.2.3. has participated in preparation of at least three opinions under the control of at least one certified expert;
- 2.2.4. during the last three years has carried out provable scientific work in the field of biology, geology, geography, forestry research or environmental science;

2.3. has not been administratively punished for violations of professional activity; or

2.4. during the last three years has not provided opinions due to which significant damage has occurred to a specially protected species or biotope.

3. A certificate shall be issued in compliance with the professional experience and professional knowledge of a person regarding a certain group of species, species or group of biotopes - mammals, birds, amphibians and reptiles, invertebrates, vascular plants, moss, algae, lichens, mushrooms, fish, forests and heathes, marshes, grasses, stagnant freshwaters, running freshwaters, coastal area, mesohalines, caves, outcrops and dolines (ecology of species and biotopes, requirements for management and protection of species and biotopes, requirements of regulatory enactments regarding nature protection and environmental protection).

4. An expert who in accordance with the Law on the Conservation of Species and Biotopes and this Regulation has received a professional qualification certificate for the provision of opinions regarding a certain group of species, species or group of biotopes shall observe the following requirements:

4.1. activity of the expert shall be lawful, professional and ethical and shall not cause a conflict of interests;

4.2. activity of the expert shall not cause or facilitate significant damage to a specially protected species or biotope;

4.3. an expert shall, when performing his or her professional duties, be responsible for the compliance of the provided opinion with the situation on site during the time period for survey of the territory specified in the opinion;

4.4. an expert shall, once a year until 1 February, submit the information drawn up in the form of a table to the Nature Protection Board in writing or electronically regarding the number of opinions provided during the previous calendar year regarding a certain group of species, species or group of biotopes, specifying the time of provision of the opinion, location of the surveyed territory (address, cadastre number), purpose and proposals for the protection of the species and biotopes;

4.5. an expert shall immediately notify the Nature Protection Board in writing in the following cases:

4.5.1. the contact information has been changed; and

4.5.2. the certificate has been lost, stolen, destroyed or non-renewably damaged.

5. The Nature Protection Board shall grant a certificate (Annex) for a certain group of species, species or group of biotopes to an expert for three years. A certain group of species, species or group of biotopes regarding which the expert is entitled to provide the opinion – mammals, birds, amphibians and reptiles, invertebrates, vascular plants, moss, algae, lichens, mushrooms, fish, forests and heathes, marshes, grasses, stagnant freshwaters, running freshwaters, coastal area, mesohalines, caves, outcrops and dolines, shall be specified in the certificate in compliance with professional knowledge and experience thereof.

6. If the certificate has been lost, stolen, destroyed or non-renewably damaged, the Nature Protection Board shall issue a duplicate of the certificate.

III. Competence of the Nature Protection Board

7. Certification shall be carried out by the Nature Protection Board.

8. The Nature Protection Board:

- 8.1. shall examine and assess the compliance of the submission of the applicant and the documents appended thereto with the specified requirements;
- 8.2. shall, upon consultation with the authorities of the sector, professional associations, societies, foundations, educational or scientific institutions or certified experts, take a decision regarding granting, repeated issuance, annulment of the certificate or refusal to grant a certificate and issue a certificate;
- 8.3. shall examine submissions regarding violations of the activities of the experts and provide an opinion;
- 8.4. shall supervise professional activities of the experts and assess professional activities of the experts;
- 8.5. shall establish and maintain expert register; and
- 8.6. shall assess other issues related to the certification.

IV. Procedures for the Certification of an Expert

9. An applicant shall lodge a submission in writing to the Nature Protection Board regarding issuance of a certificate, as well as certification that he or she agrees to fulfil certification requirements and provide the necessary information, and shall present a passport. The applicant shall specify a certain group of species, species or group of biotopes in a submission regarding which he or she wishes to receive a certificate and:

- 9.1. the given name and surname;
- 9.2. the personal identity number;
- 9.3. the address of the declared place of residence;
- 9.4. the contact information (address of the place of residence, phone number, electronic mail address).

10. The following shall be appended to the submission:

10.1. copies of the documents of education. If a person has acquired education in another country, a statement of the Academic Information Centre regarding recognition in Latvia of the vocational education acquired abroad;

10.2. *Curriculum Vitae* (CV), including the information regarding scientific, research work or work performed within the projects regarding certain groups of species, species or groups of biotopes and appending the copies of the publications or certification of the project manager or managing authority of the project;

10.3. a recommendation of the authority of the sector, professional association, society, foundation, educational or scientific institution or certified expert which includes characterisation of a particular person, as well as assessment of the competence and professional activities;

10.4. copies of the documents (certificates, diplomas) certifying the professional qualification and training; and

10.5. the list of opinions (not more than 10) regarding certain groups of species, species or groups of biotopes prepared during the last three years (if any can be drawn up) until the day of coming into force of this Regulation, specifying the time of provision of the opinion, location of the surveyed territory (address, cadastre number), purpose and proposals for the protection of the species and biotopes.

11. If the submission is lodged electronically, electronic versions of the documents referred to in Paragraph 10 of this Regulation shall be attached thereto which have been certified with a secure electronic signature and time-stamp of the submitter in compliance with the regulatory enactments regarding drawing up of electronic documents.

12. The Nature Protection Board shall, within a month following the day of receipt of the submission, examine the submission of the applicant, verify the compliance of the applicant with the requirements referred to in Paragraph 2 of this Regulation and take a decision regarding issuance of a certificate or refusal to issue a certificate, justifying the reasons of refusal in writing if the applicant fails to comply with the requirements referred to in Paragraph 2 of this Regulation, or he or she has provided false data.

13. When verifying the submission of the applicant and authenticity of the documents attached thereto, the Nature Protection Board has the right to request the information from other State institutions and State registers at the disposal thereof.

14. A decision regarding issuance of a certificate or refusal to issue a certificate shall be issued to the applicant in writing within five working days following the taking of the relevant decision. If the decision regarding issuance of a certificate is taken, the relevant certificate shall also be issued to the applicant within the referred to time period.

15. The Nature Protection Board shall, when taking a decision regarding granting, repeated issuance, annulment of a certificate or refusal to grant a certificate, update the information in the expert register, as well as place the relevant information on the Internet homepage of the Nature Protection Board.

V. Extension of the Validity Period of the Certificate

16. Within two years following the end of the validity period of the certificate (except for the case referred to in Paragraph 17 of this Regulation) the Nature Protection Board has the right to extend the validity period of the certificate if the expert has not violated the regulatory enactments in the field of nature protection and environmental protection and the requirements referred to in Paragraphs 2 and 4 of this Regulation have been observed. In order to extend the validity period of the certificate, the applicant shall lodge a submission in writing and documents certifying retaining of the applicant's professional qualification (for example, participation in the courses, workshops) to the Nature Protection Board if any has been carried out and the applicant complies with at least one of the following criteria:

16.1. scientific activity has been performed or activity in the nature protection project regarding a certain group of species, species or group of biotopes (it is certified by a scientific publication or statement issued by the project manager or managing authority of the project); and

16.2. at least two opinions regarding a certain group of species, species or group of biotopes have been provided during the validity period of the certificate in each calendar year.

17. If an expert is on parental leave or exits outside Latvia in order to study or work in the field of conservation of species and biotopes, he or she shall lodge a submission in writing to the Nature Protection Board with a request not to annul an expert certificate, if during the validity period of the certificate the requirements referred to in Paragraphs 2 and 4 of this Regulation have not been observed. When resuming to perform his or her professional duties, a person shall submit copies of the documents to the Nature Protection Board which attests the presence of the referred to circumstances.

18. In order to extend the validity period of the certificate for a certain group of species, species or group of biotopes, the following information shall be appended to a submission:

18.1. regarding opinions provided during the validity period of the certificate;

18.2. regarding the works performed during the validity period of the certificate in relation to groups of species, species or groups of biotopes in the cases specified in regulatory

enactments (for example, environmental impact assessment, nature protection plan, monitoring); and

18.3. regarding scientific activity or activity in a nature protection project (it shall be attested by a scientific publication or statement issued by the project manager or managing authority of the project).

19. The Nature Protection Board shall examine a submission of the applicant and documents appended thereto and assess:

19.1. the activity of the expert during the previous validity period of the certificate; and

19.2. the compliance of the submitted documents with the relevant requirements.

20. The Nature Protection Board shall, within a month following the receipt of the documents referred to in Paragraphs 16 and 18 of this Regulation, take a relevant decision regarding extension of the validity period of the certificate or refusal to extend it (specify substantiation for refusal) and notify the applicant thereof in writing.

21. The validity period of the certificate shall be extended for five years.

VI. Procedures for Supervision of the Activities of the Experts and Registration of the Certificate

22. The Nature Protection Board shall establish and maintain an expert register (electronic database). The following shall be indicated in the expert register:

22.1. the number of the certificate;

22.2. a certain group of species, species or group of biotopes regarding which the expert is entitled to provide an opinion;

22.3. the given name, surname of the expert;

22.4. the personal identity number of the expert;

22.5. the address of the place of residence or working place, phone number and electronic mail address of the expert;

22.6. the education of the expert;

22.7. the date of issuance of the certificate;

22.8. if the certificate is annulled - the date and reason for annulment of the certificate;

22.9. the number of opinions starting from the day of receipt of the certificate; and

22.10. the validity period of the certificate.

23. The following information shall be placed on the Internet homepage of the Nature Protection Board:

23.1. the given name, surname of the expert;

23.2. the number of the certificate; and

23.3. a certain group of species, species or group of biotopes regarding which the expert is entitled to provide an opinion;

23.4. the validity period of the certificate;

23.5. if the certificate is annulled - the date of annulment of the certificate; and

23.6. phone number, electronic mail address.

24. A certificate shall be valid if the following is included therein:

24.1. the name and address of the certifying authority;

24.2. the given name, surname and personal identity number of the certified person;

24.3. the date of issuance of the certificate;

24.4. the date of signing of the certificate;

- 24.5. the validity period of the certificate;
- 24.6. the registration number of the certificate; and
- 24.7. the signature of the Director-General of the Nature Protection Board.

VII. Procedures for the Annulment of an Expert Certificate

25. If the Nature Protection Board determines that an expert has not observed the requirements referred to in Paragraph 4 (except Sub-paragraph 4.5) of this Regulation for the provision of an opinion regarding a certain group of species, species or group of biotopes, the Nature Protection Board shall take a decision to annul all certificates of a particular expert and notify the relevant expert thereof in writing within 10 days, as well as make the changes in the expert register and in the information published on the Internet homepage of the Nature Protection Board.

26. The Nature Protection Board shall annul a certificate if:

26.1. following the granting of the certificate the information has been received that the documents submitted for certification are forged or they contain information which does not conform to the actual situation, or the applicant has submitted false information or has otherwise misled the authority;

26.2. an expert has been criminally punished following the receipt of the certificate for violations which have occurred as a result of the professional activity;

26.3. an expert has violated regulatory enactments related to nature protection and environmental protection and such violation has been proven;

26.4. activity of the expert has caused or could cause damage to specially protected species and biotopes and it has been proven; and

26.5. an expert has been repeatedly punished administratively during the validity period of the certificate when performing his or her professional activity.

27. It is allowed for an expert whose certificate has been annulled to participate in a repeated certification not earlier than following two years from the day a decision regarding annulment of the certificate has been taken.

VIII. Dispute Procedures

28. A person whose legal interests have been offended by an administrative act or actual action of the Nature Protection Board, may contest the relevant act or actual action to the Environment State Bureau within a month from the day of coming into effect of the decision.

29. A decision of the Environment State Bureau may be appealed to the court in accordance with the procedures specified in the Administrative Procedure Law.

Prime Minister

V. Dombrovskis

Minister for the Environment

R. Vējonis

