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

Republic of Latvia

Cabinet

Regulation No. 157

Adopted 23 March 2004

## **Procedures for Carrying Out a Strategic Environmental Impact Assessment**

*Issued pursuant to  
Section 23.<sup>1</sup>, Paragraphs two and three, Section 23.<sup>3</sup>, Clause 3, Section 23.<sup>4</sup>, Paragraph two,  
Section 23.<sup>5</sup>, Paragraphs three, six, seven and eight of the law On Environmental Impact  
Assessment*

### **I. General Provisions**

1. This Regulation prescribes the procedures by which a strategic environmental impact assessment shall be carried out (hereinafter – the strategic assessment). The strategic assessment shall include:

- 1.1. such types of planning documents that require the strategic assessment;
- 1.2. procedures by which a submission regarding commencement of the development of a planning document (hereinafter – the submission) is to be handed in and the content of the submission, as well as the bodies with which the developer of the planning document (hereinafter – the developer) consults prior to handing in the submission;
- 1.3. procedures by which the Environment State Bureau (hereinafter – the Bureau) shall inform the public of the fact why the strategic assessment has or has not been applied to a particular planning document;
- 1.4. the information necessary to be included in the environmental review;
- 1.5. procedures by which the developer shall publish a notice regarding the opportunity for the public to become acquainted with the environmental review and draft planning document and to take part in a public discussion;
- 1.6. the time period within which the Bureau shall provide an opinion regarding the environmental review;
- 1.7. the bodies to which the submitter shall forward the draft planning document and the environmental review in order to receive comments and proposals;
- 1.8. procedures for the informing of the public as well as discussion of the environmental review, including in the case of transboundary impact;
- 1.9. rules and procedures for informing the public after adoption of the planning document;
- 1.10. procedures for informing the relevant states in the case of transboundary impact;

1.11. procedures for monitoring the implementation of the planning document; and

1.12 procedures for informing the European Commission.

*[25 November 2008]*

## **II. Types of Planning Documents Requiring the Strategic Assessment**

2. In accordance with Section 4, Paragraph three of the law On Environmental Impact Assessment, the strategic assessment shall be required for the following types of planning documents:

2.1. national-level development planning documents (hereinafter – the national planning document):

2.1.1. sectoral policy guidelines;

2.1.2. sectoral policy plans if they are elaborated for the introduction of the policy in one or several sectors or instead of guidelines provided that no new development directions are set forth in the medium-term within the relevant sectoral policy;

2.1.3. national-level spatial development planning documents;

2.2. regional- or local-level planning documents (hereinafter – the regional planning document):

2.2.1. spatial plans of republic cities;

2.2.2. regional- or local-level sectoral policy planning documents that refer to the planning of the entire sector.

*[25 November 2008; 10 November 2009; 6 December 2016]*

3. When commencing the development of the planning documents referred to in Paragraph 2 of this Regulation, the developer shall submit to the Bureau a notice regarding the commencement of the development of a planning document. The developer of the planning documents referred to in Paragraph 2 of this Regulation need not hand in the submission.

4. When performing the strategic assessment of planning documents related to co-financing with the European Union, the provisions binding upon Latvia specified by the European Union shall also be applied.

## **III. Consultations Prior to the Commencement of the Development of Planning Documents, the Submission and Decision Regarding Strategic Assessment**

5. Prior to commencing the development of the planning document referred to in Section 23.<sup>1</sup>, Paragraph one of the law On Environmental Impact Assessment and prior to handing in the submission to the Bureau, the developer shall (taking into account the type of the planning document, the field of its implementation and the territory that might be significantly affected by the implementation of the planning document) consult with the relevant regional environmental board of the State Environmental Service (hereinafter – the board) and also with the Nature Conservation Agency and Health Inspectorate regarding the possible impact of implementing the planning document on the environment and human health and also the necessity for the strategic assessment.

*[10 November 2009]*

6. Following the consultations referred to in Paragraph 5 of this Regulation, the developer shall submit in written form to the Bureau the relevant consulting results and the submission. The following shall be indicated in the submission:

6.1. the date and place of drawing up the submission;

6.2. the developer of the planning document, registration number and address thereof, given name, surname, telephone number and electronic mail address of the contact person;

6.3. information regarding the planning document:

6.3.1. the field to which the planning document refers and its relation to the implementation of the activities provided for in Annexes 1 and 2 of the law On Environmental Impact Assessment (hereinafter – the intended activities);

6.3.1.<sup>1</sup> type of the planning document – spatial plan, detailed plan or amendments thereto, enclosing information on the planned changes within the functional zoning and types of use, and also conditions for use and limitations;

6.3.2. pre-conditions and basic requirements included in the planning document for the implementation of the intended activities, taking into account the choice of the place, the type, scope, conditions of the intended activity and the utilisation of resources;

6.3.3. the hierarchic relation of the planning document to other planning documents and the effect thereon;

6.3.4. relation of the planning document to compliance with the requirements prescribed by environmental laws and regulations as well as environmental problems related to the planning document to be developed;

6.3.5. the territory that will be affected by the implementation of the planning document (specifying the probability, duration, frequency and reversibility of the effects of the impact, the cumulative effect of the impact, threat to human health or the environment, risk of accidents, vulnerability and special characteristics of the territory);

6.3.6. the impact of the implementation of the planning document on specially protected nature territories, micro-reserves, the protective coastal zone of the Baltic Sea and the Gulf of Riga, specially protected species, their habitats (separately indicating such information if the implementation of the planning document may affect a protected nature territory of European significance (NATURA 2000));

6.3.7. justification for the necessity of the planning document, if any, prescribed by laws and regulations;

6.3.8. time period for the development of the planning document;

6.3.9. duration of the implementation of the planning document; and

6.3.10. the intended manner of adoption of the planning document (an indication regarding the competent authority that shall take the decision);

6.4. bodies or non-governmental organisations (hereinafter – the organisations) with which consultations have taken place in accordance with Paragraph 5 of this Regulation and information regarding the results of such consultations;

6.5. justification for the necessity of the strategic assessment or a justification as to why the strategic assessment is not required; and

6.6. other information that may be relevant in taking a decision regarding the necessity of the strategic assessment for the planning document.

*[25 November 2008; 6 December 2016]*

6.<sup>1</sup> The developer, upon compiling information on the planning document, shall take into consideration the criteria for the necessity of the strategic assessment laid down in the law On Environmental Impact Assessment.

*[6 December 2016]*

7. If the submission meets the requirements specified in Paragraph 6 of this Regulation, the Bureau shall take a decision and notify the developer in writing of the decision whether the planning document requires or does not require the strategic assessment. The Bureau shall post information regarding the decision taken and substantiation thereof on the website of the

Bureau within a period of seven working days after taking the decision. The Bureau shall forward the decision to the board and bodies with which consultations have taken place, as well as to the local government the territory of which might be affected by implementation of the planning document. The board shall post the information regarding the taking of the decision in the building of the board, local governments – in the building of the relevant local government, as well as, if possible, in other public places.

*[6 December 2016]*

#### **IV. Information to be Included in the Environmental Review**

7.<sup>1</sup> In preparing the draft environmental review for a planning document, the developer shall consult the Bureau and the board and also, if necessary, the Nature Conservation Agency regarding the information to be included in the environmental review and the level of detail thereof. The possible substantial impact on the environment of the planning document and the possible alternatives shall be identified, described and evaluated in the environmental review, taking into account objectives of the planning document and the territory that might be affected.

*[25 November 2008; 10 November 2009]*

8. The environmental review shall contain the following information:

8.1. the main objectives and a brief outline of the content of the planning document, its relationship to other planning documents;

8.2. the preparation procedure of the environmental review and bodies involved, public participation and results;

8.3. a description of the existing state of the environment and also possible development thereof if the planning document would not be implemented;

8.4. the state of the environment in the territories which might be significantly affected by the implementation of the planning document;

8.5. environmental problems related to the planning document, in particular those referring to any territories significant for environmental protection, including specially protected nature territories, wetlands, micro-reserves, specially protected species, their habitats and the protective coastal zone of the Baltic Sea and the Gulf of Riga;

8.6. international and national objectives of environmental protection, in particular those that relate to the assurance of sustainable development and the content of the planning document, and the way in which these objectives or considerations related to the environment are taken into account in developing the planning document;

8.7. assessment of the significant environmental impact from the implementation of the planning document and possible alternatives thereto (includes the mutual and joint effects of direct and indirect, secondary, intended activities and other activities, long-term, medium-term and short-term effects, as well as permanent positive and negative effects), including the effect upon humans, their health, material values, the cultural, architectural and archaeological heritage, diversity in nature and the landscape, soil quality, water quality, air quality, climatic factors, as well as the interrelationship between the referred to fields;

8.8. solutions in order to prevent or reduce the significant environmental impact from the implementation of the planning document and possible alternatives thereto;

8.9. a short substantiation for the choice of the possible alternatives, description of the performance of strategic assessment, including indication of problems in the acquisition of the necessary information (for example, technical imperfections or lack of knowledge);

8.10. possible compensation measures that have been identified through consultation with the Nature Conservation Agency if such are to be established in accordance with the law On Specially Protected Nature Territories;

- 8.11. assessment of the possible significant transboundary impact from the implementation of the planning document;
- 8.12 [25 November 2008];
- 8.13. intended measures for ensuring the monitoring of the implementation of the planning document; and
- 8.14. a summary of the information specified in Sub-paragraphs 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11 and 8.13 of this Regulation (the summary shall not contain specific technical descriptions and terms so that it is easily comprehensible to the public).  
[25 November 2008; 6 December 2016]

## **V. Informing of the Public, Organisations and Bodies during the Preparation Process of the Environmental Review**

9. The developer shall consult the Bureau:

- 9.1. regarding the bodies and organisations to which the draft planning document and environmental review should be forwarded in order to receive comments and proposals;
- 9.2. regarding the possible transboundary impact from the implementation of the planning document;
- 9.3. regarding intended compensation measures if such are to be taken in accordance with the law On Specially Protected Nature Territories – subsequent to co-ordination with the Nature Conservation Agency; and
- 9.4. regarding the necessity of a meeting for public discussion of the draft environmental review (hereinafter –the meeting). In evaluating the necessity of the meeting, the Bureau shall take into account the procedures prescribed by other laws and regulations for public discussion and the duty to organise a public discussion during the development of a planning document, so that the procedures are not duplicated and are co-ordinated.

10. The developer shall post on his or her website a notification regarding the possibility for the public to become acquainted with the draft environmental review and planning document and also transfer it to the Bureau in an electronic form for posting on the website of the Bureau, also providing a link to the website of the developer on which the environmental review is available. The developer shall post on his or her website a summary of the draft environmental review referred to in Sub-paragraph 8.14 of this Regulation and the draft planning document.  
[6 December 2016]

11. The developer shall publish the notification referred to in Paragraph 10 of this Regulation regarding the national planning document in the official gazette *Latvijas Vēstnesis*. The developer shall publish the notification referred to in Paragraph 10 of this Regulation regarding a regional or other type of planning document in at least one local newspaper, as well as send it to the relevant board and local government the territory of which might be significantly affected by the implementation of the planning document. The board shall post the notification in the building of the board, local governments – in the building of the relevant local government, as well as, if possible, in other public places.  
[6 December 2016]

12. The notification referred to in Paragraph 10 of this Regulation shall contain the following information:

- 12.1. the title of the planning document;
- 12.2. the name, address, telephone number and website of the developer;

12.3. the field to which the planning document relates, the time period and duration of the development of the planning document, the territory that will be affected by the implementation of the planning document;

12.4. when and where the public may obtain information and become acquainted with the draft planning document and environmental review; and

12.5. the time period within which the public may submit written proposals and comments regarding the draft planning document and environmental review to the developer. The referred to time period shall be at least 30 days from the publication day of the notification.

*[6 December 2016]*

13. The developer shall forward a draft national planning document and environmental review to the Ministry of Environmental Protection and Regional Development and also to professional associations of the sector and non-governmental environmental organisations, taking into account the type of the planning document, the field and territory that might be significantly affected by the implementation of the planning document.

*[25 November 2008; 6 December 2016]*

14. The developer shall forward a draft regional or other type of planning document and environmental review to the board, the Nature Conservation Agency, local government, professional associations and non-governmental environmental organisations, taking into account the type of the planning document, the field and territory that might be significantly affected by the implementation of the planning document.

*[25 November 2008; 10 November 2009]*

15. The developer shall forward the draft environmental review to the bodies which in accordance with Paragraph 9 of this Regulation have been specified by the Bureau.

16. The developer shall send the documents to be forwarded to the bodies referred to in Paragraphs 13, 14 and 15 of this Regulation electronically or in hard copies.

17. The bodies referred to in Paragraphs 13, 14 and 15 of this Regulation may submit proposals or comments regarding the draft planning document and environmental review within 20 days from the day of receipt thereof.

18. If the developer organises the meeting regarding a draft environmental review, the developer shall post a notification regarding the meeting on his or her website and also transfer it to the Bureau in an electronic form for posting on the website of the Bureau. A notification regarding the meeting on the draft environmental review of the national planning document shall be published by the developer in the official gazette *Latvijas Vēstnesis*. A notification regarding the meeting on the draft environmental review of a regional planning document shall be published by the developer in at least one local newspaper, as well as sent to the board and the local government the territory of which might be significantly affected by the implementation of the planning document. The board shall post the notification in the building of the board, local governments – in the building of the relevant local government, as well as, if possible, in other public places.

*[6 December 2016]*

19. The notification referred to in Paragraph 18 of this Regulation shall contain at least the following information:

19.1. the title of the planning document;

19.2. the address, telephone number and website of the developer;

19.3. the field to which the planning document relates, the time period for the development of the planning document, duration of implementation and the territory that will be affected by the implementation of the planning document;

19.4. the place and time of the meeting; and

19.5. when and where the public may become acquainted with the draft planning document, draft environmental review and the summary of the environmental review and also the addresses of the relevant websites.

*[6 December 2016]*

20. The developer shall ensure that the meeting referred to in Paragraph 18 of this Regulation takes place on premises accessible to the public and not earlier than seven working days after the day of publication of the notification. The developer shall prepare the necessary informative materials and copies of documents, chair the meeting, ensure the taking of minutes and compile the results. Any person is entitled to take part in the meeting and express proposals. A person who has participated in the meeting may become acquainted with the minutes and not later than three working days after the meeting hand in the submission stating his or her individual opinion. The developer shall append the submission to the minutes. The developer shall append the minutes of the meeting and the submissions attached thereto to the planning document.

20.<sup>1</sup> The developer shall ensure that the updated environmental review and draft planning document is available for the public and post them on his or her website. Upon submitting the updated environmental review to the Bureau in conformity with Section 23.<sup>5</sup>, Paragraph five of the law On Environmental Impact Assessment, the developer shall specify the website on which the updated environmental review and draft planning document are available. The Bureau shall post on its website the information submitted by the developer, also providing a link to the website of the developer on which the updated environmental review is available.

*[6 December 2016]*

21. The Bureau shall, within 30 days, provide an opinion regarding the draft environmental review that has been submitted in conformity with Section 23.<sup>5</sup>, Paragraph five of the law On Environmental Impact Assessment and shall post it on the website of the Bureau within three working days after provision of the opinion.

*[25 November 2008; 6 December 2016]*

21.<sup>1</sup> If after receiving the opinion of the Bureau regarding environmental review the developer makes significant changes within the planning document in compliance with the criteria for the necessity of the strategic assessment laid down in the law On Environmental Impact Assessment, it is the duty of the developer to inform the Bureau thereon. Having received the information regarding changes within the planning document, the Bureau shall take a decision regarding updating of the environmental review, repeated informing of the public and also issue of an opinion.

*[6 December 2016]*

## **VI. Procedures for Notification of Other States if Significant Transboundary Impact is Possible**

22. Subsequent to receipt of the draft environmental review the Bureau shall evaluate whether in implementing the planning document a significant transboundary impact is possible. If a significant transboundary impact is possible, the Bureau shall notify the developer, the Ministry of Environmental Protection and Regional Development, the Ministry of the Interior

and the Ministry of Foreign Affairs and also other interested bodies and local governments thereon in writing.

*[6 December 2016]*

23. Subsequent to co-ordination with the Ministry of Environmental Protection and Regional Development and the Ministry of Foreign Affairs, the Bureau, prior to submission of the planning document for adoption, shall forward to the state which might be significantly affected by the implementation of the planning document the following documents (in the language agreed with the affected state):

23.1. a written statement regarding the planning document as a result of the implementation of which a significant transboundary impact is possible; and

23.2. the draft planning document and environmental review.

*[6 December 2016]*

24. The statement referred to in Sub-paragraph 23.1 of this Regulation shall specify:

24.1. information regarding the planning document as a result of implementation of which a significant transboundary impact is possible (title, developer, field to which the planning document relates, time period for development, duration of implementation, territory which might be affected by the implementation of the planning document); and

24.2. information as to when and where the affected state may provide a response regarding its participation in the strategic assessment, as well as submit proposals regarding measures for the reduction of the transboundary impact.

25. If a written request has been received, the Bureau shall forward the documents referred to in Paragraph 23 of this Regulation to the state which has requested the relevant information and which might be significantly affected by the implementation of the planning document.

26. Subsequent to co-ordination with the Ministry of Environmental Protection and Regional Development, the Bureau shall, in co-operation with the competent authority of the state which has decided to participate in the discussion of the planning document, determine the procedures by which the interested bodies and the public of the referred to state may become acquainted with the planning document in the implementation of which substantial impact on the environment is possible and also receive information regarding the measures that are intended for the reduction or prevention of such impact, and shall agree upon an acceptable time schedule for public discussion and also upon an acceptable time period within which proposals and references to the Bureau and the developer shall be submitted.

*[25 November 2008; 6 December 2016]*

## **VII. Informing of the Public After Adoption of the Planning Document**

27. The developer, in preparing a planning document, prior to the adoption thereof shall take into account the environmental review, the provided opinions and also the results of public discussion and shall, within 14 days after adoption of the planning document, prepare and post on his or her website an informative report regarding the adopted planning document. The following shall be briefly specified in the report:

27.1. how environmental considerations have been integrated in the planning document;

27.2. how the environmental review, the opinions expressed, the results of public discussion have been taken into consideration;

27.3. substantiation of why from all of the possible versions of solution the adopted version was chosen; and



27.4 information regarding measures for the performance of implementation monitoring of the planning document, indicating time periods for the submission of the monitoring report.

*[25 November 2008; 6 December 2016]*

28. The developer shall, within five working days after preparation of the informative report, post on his or her website, publish in the official gazette *Latvijas Vēstnesis* and transfer in an electronic form to the Bureau for posting on the website of the Bureau a notification regarding the adoption of the national planning document. The developer shall publish a notification regarding adoption of a regional or other type of planning document in at least one local newspaper, as well as send it to the board, bodies and organisations from which comments and proposals have been received as well as to the local government the territory of which will be affected by the implementation of the planning document. The board shall post the notification in the building of the board, local governments – in the building of the relevant local government, as well as, if possible, in other public places.

*[6 December 2016]*

29. The notification regarding adoption of a planning document shall specify the following information:

29.1. the title and date of the planning document;

29.2. the name, address, telephone number and website of the developer;

29.3. when and where the public may become acquainted with the planning document, environmental review, the informative report referred to in Paragraph 27 of this Regulation, the opinion regarding the environmental review and information regarding time periods for the submission of a monitoring report.

*[6 December 2016]*

### **VIII. Monitoring of the Implementation of a Planning Document**

30. In order to ascertain the direct or indirect environmental impact from the implementation of a planning document, or any environmental impact previously unforeseen in the environmental review, as well as, if necessary, in order to make amendments to the planning document, the developer, taking into account the opinion of the Bureau regarding the environmental review, shall perform monitoring of the implementation of the planning document.

31. In order to monitor the implementation of the planning document, official statistical data, information obtained while performing environmental monitoring, as well as other information available to the developer shall be used.

32. The developer shall draw up a monitoring report and submit it to the Bureau within the time period specified in the opinion regarding the environmental review. The monitoring report shall compile the available information and contain a characterisation of changes in the state of the environment related at least to the implementation of the planning document and trends thereof. The Bureau shall include the received monitoring reports on its website.

*[6 December 2016]*

33. Once every year the Bureau shall compile all submitted monitoring reports and shall submit them to the State limited liability company “Latvian Environment, Geology and Meteorology Centre”.

*[25 November 2008; 10 November 2009]*

## **IX. Procedures for Informing the European Commission**

34. The Bureau shall prepare and submit to the European Commission the necessary information regarding measures for improving the quality of environmental reviews.

35. The Bureau shall submit to the European Commission information regarding compensation measures provided for in accordance with the law On Specially Protected Nature Territories.

## **X. Closing Provisions**

36. The Bureau shall prepare and by 21 July 2004 submit to the European Commission the necessary information regarding those planning documents that require the strategic assessment.

37. This Regulation shall come into force on 1 May 2004.

38. From 1 January 2017 information regarding the application of the strategic assessment of the spatial development planning document, public discussion and implementation shall be inserted in the spatial development planning information system which is publicly available on the unified geospatial information portal (GeoLatvija.lv) in the spatial development planning section.

*[6 December 2016]*

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

*[6 December 2016]*

The Regulation contains legal norms arising from:

1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

2) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

Acting for the Prime Minister, Minister for Finance

O. Spurdziņš

Minister for Environment

R. Vējonis