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17 March 2009 (No. 243).

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. 312**

Adopted 28 April 2008

## **By-law of the Advisory Council of Climate Change Financial Instrument**

*Issued pursuant to Section 13 of  
the State Administration Structure Law*

### **I. General Provisions**

1. These Regulations prescribe:

1.1. the functions, tasks and rights of the Advisory Council of Climate Change Financial Instrument (hereinafter - Council); and

1.2. the procedures for operation of the Council.

### **II. Functions, Tasks and Rights of the Council**

2. The Council shall have the following functions:

2.1. to promote the economic efficiency of utilisation of the resources of the climate change financial instrument and the efficiency of environmental protection; and

2.2. to promote co-operation and the exchange of information among State administrative institutions, individuals and the public at large on issues related to implementation of the climate change financial instrument.

3. In addition to the tasks specified in Section 12, Paragraphs two and three of the Law On Participation of the

Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol, the Council shall submit proposals to the Ministry of Environment regarding the reallocation of such resources according to priorities, which have been obtained from selling the greenhouse gas emission units belonging to the State.

4. The Council has the following rights:

4.1. to get acquainted with the draft legal acts and policy planning documents prepared by the Ministry of Environment and other State institutions that are related to the climate change financial instrument;

4.2. in accordance with its competence to request and receive from State administrative institutions information necessary for the fulfilment of Council tasks;

4.3. to invite officials of the Ministry of Environment and sectoral experts to the Council meetings;

4.4. to submit recommendations regarding the necessary amendments to legislative acts related to the climate change financial instrument;

4.5. to inform society regarding current events in relation to the implementation of the climate change financial instrument; and

4.6. to propose measures for achievement of the objectives of projects financed by the climate change financial instrument.

## **II<sup>1</sup>. Procedures by Which Associations and Foundations Shall Delegate Representatives in the Council**

4.<sup>1</sup> Associations and foundations specified in Section 12, Paragraph five, Clause 2 of the Law on Participation of the Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol operating in the field of agriculture, transport, energy, forestry, waste management, manufacturing and other fields of national economy (hereinafter - associations (foundations)) shall delegate the representatives in accordance with the following procedures:

4.<sup>11</sup>. the Ministry of Environment shall, each year up to January 10 by placing an invitation on the Internet home page of the Ministry of Environment and publishing the invitation in the newspaper *Latvijas Vēstnesis* [the official Gazette of the government of Latvia], invite associations (foundations) within a time period specified by the Ministry of Environment (it shall not be shorter than one month from the day of publication of the invitation) to delegate representatives thereof for the participation in the Council;

4.<sup>12</sup>. in order to delegate a representative for the participation in the Council, the association (foundation) shall submit a submission to the Ministry of Environment regarding the delegation of participant indicating the contact details of the representative (name, surname, address, phone number and e-mail address of the representative). The following documents shall be attached to the submission:

4.<sup>12.1</sup>. an approved extract from the minutes (decision) of the meeting (sitting) of the Board of association (foundation), with which a representative is delegated; and

4.<sup>12.2</sup>. an authenticated copy of registration certificate and statutes of the association (foundation);

4.<sup>13</sup>. the Ministry of Environment shall evaluate the compliance of the relevant association (foundation) with the fields of national economy referred to in Section 8, Paragraph one of the Law on Participation of the Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol. If the association (foundation) complies with the fields of national economy referred to in Section 8, Paragraph one of the Law on Participation of the Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol, the Ministry of Environment shall accept the submission referred to in Sub-paragraph 4.<sup>12</sup> of the relevant association (foundation) regarding delegating of the representative. If the association (foundation) does not comply with the fields of national economy referred to in Section 8, Paragraph one of the Law on Participation of the Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol, the Ministry of Environment shall prepare and send to the relevant association (foundation) a reasoned refusal to accept the submission referred to in Sub-paragraph 4.<sup>12</sup> regarding delegating of the representative;

4.<sup>14</sup>. if the Ministry of Environment has received one or none submission regarding delegating of the representative, the Ministry of Environment shall invite repeatedly the associations (foundations) to delegate representatives for the participation in the Council, until at least two submissions regarding delegating of a representative have been received. If the Ministry of Environment after the first invitation has received one submission regarding delegating of the representative, it shall be examined together with the submission regarding delegating of the representative submitted after the repeated invitation;

4.<sup>15</sup>. if the Ministry of Environment has received two submissions regarding delegating of the representative from associations (foundations), which comply with the requirements referred to in Sub-paragraph 4.<sup>13</sup> of these Regulations, these representatives shall be included in the composition of the Council. If one or both associations (foundations) which have delegated these representatives do not comply with the requirements referred to in Sub-paragraph 4.<sup>13</sup> of these Regulations or one or both delegated representatives refuse to participate in the Council, the Ministry of Environment shall act in accordance with Sub-paragraph 4.<sup>14</sup> of these Regulations;

4.<sup>16</sup>. if the Ministry of Environment has received three or more submissions regarding delegating of the representative, it shall evaluate the compliance of the relevant associations (foundations) with the requirements referred to in Sub-paragraph 4.<sup>13</sup> of these Regulations. If three or more than three submissions regarding delegating of the representative comply with the requirements referred to in Sub-paragraph 4.<sup>13</sup> of these Regulations, the Ministry of Environment shall organise voting regarding the representatives delegated by the associations (foundations) (hereinafter - voting) within 10 working days after the end of the time period indicated in the invitation referred to in Sub-paragraph 4.<sup>11</sup> of these Regulations. The place and time of voting shall be notified in writing and electronically to the associations (foundations) from which the submissions regarding delegating of the representatives have been accepted. The Ministry of Environment shall establish the voting Commission (hereinafter - Commission) composed of three officials of the Ministry of Environment;

4.<sup>17</sup>. the voting shall take place in accordance with the following procedures:

4.<sup>17.1</sup>. the Commission shall prepare voting cards. Voting cards shall contain the given name and surname of delegated representatives, as well as the name of associations (foundations) delegating them;

4.<sup>17.2</sup>. the voting shall be opened and it shall be chaired by the chairperson of the Commission or a representative appointed by him or her. One representative from each association (foundation), from which the submissions regarding delegating of the representative have been received, shall participate in the voting with the right to vote. The authorised representative shall mark two delegated representatives on the voting card the participation of which he or she supports (except the representative delegated by the association (foundations) which has authorised him or her). If the authorised representative has marked the representative delegated by the association (foundations) which has authorised him or her or just one or more than two representatives, or has marked no representatives, the voting card shall be considered void;

4.<sup>17.3</sup>. the Commission shall count the votes and rank the delegated representatives in descending order in accordance with the voting results. Two delegated representatives receiving most votes shall be nominated for inclusion in the Council;

4.<sup>17.4</sup>. if more than two delegated representatives have obtained the same number of votes necessary for inclusion in the Council, the Ministry of Environment shall organise a repeated voting in accordance with the procedures specified in Sub-paragraph 4.<sup>17</sup> of these Regulations. Only the information regarding these delegated representatives shall be included in the voting card. The voting shall be repeated until only two delegated representatives have the greatest number of votes.

4.<sup>17.5</sup>. the Ministry of Environment shall prepare the minutes of voting results and, within two working days, place the voting results on the Internet home page of the Ministry of Environment. The delegated representatives nominated by associations (foundations) in accordance with Sub-paragraph 4.<sup>17.3</sup> of these Regulations shall be included in the composition of the Council in accordance with the procedures specified in Section 12, Paragraph eight of the Law On Participation of the Republic of Latvia in the Flexible Mechanisms of the Kyoto Protocol;

4.<sup>18</sup>. if the delegated representative nominated in accordance with Sub-paragraph 4.<sup>17.3</sup> of these Regulations refuses participation in the Council, the delegated representative with the next highest number of votes shall be approved in his or her place;

4.<sup>19</sup>. in each next year, two delegated representatives with the next highest number of votes after delegated representatives included in the composition of the Council in the previous year shall be included in the composition of the Council by rotation. If it is not possible to include the next two representatives or there are no such representatives, the Ministry of Environment shall act in accordance with the procedures specified in Sub-paragraph 4.<sup>11</sup> of these Regulations.

*[17 March 2009]*

### **III. Operation of the Council**

5. The Minister for Environment shall be the Chair of the Council. During the absence of the Chair of the Council his

or her appointed representative of the Ministry of Environment in the Council shall fulfil the duties of the Chair of the Council.

6. The Ministry of Environment shall ensure the functions of the Council Secretariat. The Secretary of the Council shall not be a member of the Council.

7. The Council meetings shall take place not less than once every three months. The Chair of the Council shall take a decision regarding the convening of a Council meeting.

8. The Secretary of the Council shall inform members of the Council regarding the place and time of a Council meeting not later than 10 working days before the ordinary meeting and concurrently send them the agenda of the Council meeting electronically and by mail.

9. Members of the Council shall send proposals regarding issues to be examined at a Council meeting and the documents or draft documents to be examined to the Secretariat electronically and by mail not later than six working days before the Council meeting.

10. The Secretary of the Council shall send the agenda of a Council meeting, which has been specified pursuant to the proposals referred to in Paragraph 9 of these Regulations, and materials related to the issues to be examined at the Council meeting to members of the Council electronically not later than five working days before the Council meeting.

11. Special meetings of the Council shall be convened by the Chair of the Council upon his or her initiative or upon the initiative of members of the Council if not less than one third of the members of the Council have requested it by submitting a written submission to the Chair of the Council.

12. The Secretary of the Council shall inform members of the Council regarding the place and time of a special meeting of the Council not later than five working days before the special meeting of the Council and concurrently send them the agenda of the special meeting of the Council electronically and by mail.

13. Members of the Council shall send proposals regarding issues to be examined at a special meeting of the Council and the documents or draft documents to be examined to the secretariat electronically and by mail not later than three working days before the Council meeting.

14. The Secretary of the Council shall send the agenda of a Council meeting, which has been adjusted pursuant to the proposals referred to in Paragraph 13 of these Regulations, and materials related to the issues to be examined at the Council meeting to members of the Council electronically not later than two working days before the Council meeting.

15. The meetings of the Council shall be open to the public.

16. The Council shall have a quorum if more than one half of the Council members are present at a Council meeting.

17. The Council shall take decisions with a simple majority vote of the Council members present. Each member of the Council shall have one vote. In the event of a tied vote, the vote of the Chair of the Council shall be the decisive vote.

18. Decisions of the Council shall be of a recommendatory nature.

19. Minutes shall be taken at Council meetings. Decisions of the Council shall be written in the minutes.

20. The Secretary of the Council shall electronically send draft minutes of the Council meeting to members of the Council for co-ordination within five working days. Members of the Council shall co-ordinate electronically the draft minutes of the meeting or make corresponding adjustments thereto within three working days. The minutes shall be signed by the Chair and Secretary of the Council meeting.

21. The Secretary of the Council shall provide information, upon request, regarding the decisions taken during the Council meeting.

#### **IV. Closing Provisions**

*[17 March 2009]*

21.<sup>1</sup> The Ministry of Environment shall, by 15 April 2009, publish the invitation for associations (foundations) to delegate representatives for the participation in the Council.

*[17 March 2009]*

22. These Regulations shall come into force on 1 May 2008.

Prime Minister I. Godmanis

Minister for the Environment R. Vējonis

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