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22 May 1997,

20 June 2000.

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.

The Supreme Council of the
Republic of Latvia has adopted a Law:

On Environmental Protection

Terms Used in this Law

Anthropogenic load – substances, objects and processes that impose loads on natural components or territories and are associated with economic and other types of human activity. The anthropogenic loads may be measured and calculated.

Natural environment – the sum-total of natural factors which directly or indirectly affects human life and economic activity.

Protection of nature – a component part of environmental protection; an aggregate of measures to conserve biological diversity and to ensure sustainable utilisation.

Natural resources – parts of nature, including, soil, subterranean depths, air, water, flora and fauna, which have a real or potential economic, social or cultural value.

Register of State natural resources – systematised information concerning natural resources, their quantity, quality, and also the economic appraisal thereof. The inventory includes cartograms and statistical information. The cadastres are the main prerequisite for the utilisation of natural resources and for the planning and control of their conservation.

Natural gene pool – the sum-total of all species of living organisms and the genetic features thereof.

Natural resource management – rational utilisation, renewal and conservation of natural resources; it consolidates all sectors of the economy of the respective territory and allows a balanced resource utilisation with environmental protection requirements. Special natural resource management is needed in those areas (places) where due to environmental or socio-economic conditions special restrictions and measures, or particular specialisation in economic activity is required.

Ecology – a complex science concerned with mutual relations of living organisms and with the relations of these to their habitat.

Ecological risk factor – a factor, which determines the risk of deterioration in the environmental state and of negative developmental processes. Such a factor can be human activity, economic objects and their operation, technology thereof, and similar.

Ecosystem – living organisms together with the environment of their existence which, while the linkage between causation and interaction exists, form a complete whole.

Cultural environment – an environment which has developed as a result of human economic and life activity and retains vestiges of such activity (material articles, cultural values and spiritual values).

Environment – the sum-total of natural, anthropogenic and social factors.

Environmental protection – the aggregate of measures for the conservation of the environment, and ensuring the sustainable utilisation of natural resources.

Environmental quality rules and standards – rules: regulations adopted by a competent state institution which regulate the limitations on, or the permitted volume of, human economic activity the observance of which is a mandatory prerequisite for natural resource management and environmental protection; standards: a document concerning technical standards approved by a competent State institution which determines the technical characteristics of some production or any other object of standardisation

(norms, provisions, requirements, and similar), and which must be observed in order to maintain environmental quality, human health and the prerequisites for the development of society.

Environmental monitoring – systematic observation, measurement and calculation of the condition of the environment, emission of pollutants, or populations and species, which are necessary for the assessment of the condition of the environment, the development of environment policies, and the planning of environmental protection measures, as well as the control of the effectiveness thereof.

[22 May 1997; 20 June 2000]

Chapter 1 General Provisions

Section 1. Purpose and Functions of this Law

The purpose of this Law is to promote sustainable development in the field of environmental protection, to create and ensure an effective environmental protection system, the functions of which are the following:

- 1) to conserve, protect and improve the quality of the environment;
- 2) to protect human health;
- 3) to ensure environmental protection from the impacts created by anthropogenic loads;
- 4) to conserve biological diversity;
- 5) to promote the sustainable utilisation of natural resources and energy;
- 6) to ensure the inclusion of environmental protection requirements in the regulatory enactments, conceptions, plans and programmes regulating other sectors;
- 7) to ensure public participation in the observation of environmental protection principles and the implementation of environment policies; and
- 8) to ensure that the public has the opportunity to freely receive environmental information.

[22 May 1997; 20 June 2000]

Section 2. Main Functions and Basic Principles of the Law

[20 June 2000]

Section 3. Principles of Environmental Protection

State environmental policy is formed by observing the principle of sustainable development, the “polluter pays” principle, the precautionary principle and the assessment principle. They specify:

1) the **sustainable development principle** – the State and the public shall establish such a system of social and economic conditions, which provides for the sustainable utilisation of natural resources, ensures improvement in the quality of life and the satisfaction of current needs without creating a threat to the satisfaction of the needs of future generations, and ensures the conservation of biological diversity for an unlimited time period;

2) the **“polluter pays” principle** – natural persons and legal persons shall cover all the costs, which are related to the assessment, reduction or rectification of the pollution caused as a result of their activities;

3) the **precautionary principle** – a natural or legal person has a duty to reduce to the extent possible the anthropogenic load, which occurs or may occur as a result of their activities. The initiator of an activity has a duty to ensure that the activity conforms to regulatory enactments regarding environmental protection and the State environmental policy; and

4) the **assessment principle** – any activity or measure, which may impact on the quality of the environment, shall be allowed only in such case, if the positive result achieved by the relevant performer of the activity and the public as a whole exceeds the negative result caused by the activity to the quality of the environment or the harm done as a result of such an activity or measure to the environment and the public.

[22 May 1997; 20 June 2000]

Section 4. Laws and Regulatory Enactments regarding Environmental Protection

The ownership rights to natural resources shall be regulated by laws and other regulatory enactments.

The protection, utilisation, and use of land, subterranean depths, mineral deposits, soil, waters, atmospheric air, flora, fauna, the Continental Shelf, and the economic zone of the Republic of Latvia in the Baltic Sea shall be determined in accordance with laws, regulatory enactments and international agreements.
[22 May 1997]

Section 5. State Provision for Environmental Protection

Environmental protection in the Republic of Latvia shall be ensured by:

- State environmental protection authorities;
- State control of the observance of laws regarding environmental protection;
- a State environmental monitoring system;
- the registration of natural resources, and their socio-economic and ecological assessment and the limitation of use thereof, as well as by the management of the State cadastres of natural resources;
- the forecasting of changes in the state of the environment, the planning of environmental protection measures, and the control of the implementation of the planned measures;
- environmental impact assessments;
- the material and technical basis for environmental protection;
- ecological awareness and education; and
- territorial planning.

[22 May 1997; 20 June 2000]

Section 6. Minimum Ecological Knowledge of Officials and Specialists

[20 June 2000]

Chapter 2

Competence of State Administrative Authorities and Local Government Authorities in Environmental Protection and Utilisation of Natural Resources

Section 7. State Administrative Institutions in Environmental Protection and the Utilisation of Natural Resources

The Ministry of Environmental Protection and Regional Development and other authorities under its control, supervision and oversight shall formulate and, together with other State administrative authorities and local governments, implement a unified policy on environmental protection, conservation and rational utilisation of natural resources in the Republic of Latvia.

[22 May 1997]

Section 8. The Competence of the Ministry of Environmental Protection and Regional Development in Environmental Protection and the Utilisation of Natural Resources

The Ministry of Environmental Protection and Regional Development, in environmental protection and the utilisation of natural resources, shall:

- formulate and, together with other State administrative authorities, implement a unified policy on the development and protection of the environment and the utilisation of natural resources;
- ensure environmental impact assessments;
- conduct State control of environmental protection and the utilisation of natural resources in the territory of the State, on the Continental Shelf, and in the economic zone of the Republic of Latvia in the Baltic Sea;
- ensure the operation of the Latvian Environmental Protection Fund in accordance with the procedures provided for by laws and other regulatory enactments;

- formulate and submit to the Cabinet proposals regarding the establishment of nature reserves of national significance, national parks, biosphere reserves, cultural and historical and other specially protected natural territories and objects;
 - perform other functions provided for in regulatory enactments regarding environmental protection and the utilisation of natural resources;
 - formulate an environmental policy, control its implementation and establish the necessary institutional structure for its implementation; and
 - formulate and, not less than once in five years, renew the State environmental protection programme, within which are contained the national long-term environment quality goals.
- [22 May 1997; 20 June 2000]

Section 9. Competence of the Cabinet in Environmental Protection and the Utilisation of Natural Resources

The Cabinet, in environmental protection and the utilisation of natural resources, shall:

- 1) participate in the implementation of the policy of the Republic of Latvia regarding environmental protection and the utilisation of natural resources in accordance with the programme for environmental protection;
 - 2) [20 June 2000]
 - 3) [20 June 2000]
 - 4) determine the location for waste disposal sites of national significance for the collection, storage, utilisation and burying of industrial and household waste;
 - 5) determine the location for waste disposal sites of national significance for the disposal of radioactive and toxic substances, as well as the procedures for the production, use, transport, storage and burying of the substances referred to;
 - 6) approve the borders of special natural resource management districts, and the regimens for environmental protection and economic activities;
 - 7) perform other functions specified by this Law and other regulatory enactments regarding environmental protection and the utilisation of natural resources;
 - 8) [20 June 2000]; and
 - 9) issue regulations regarding environmental protection regarding hydrocarbon investigation and extraction activities in the sea.
- [22 May 1997; 20 June 2000]

Section 10. Competence of Local Government Authorities in Environmental Protection and the Utilisation of Natural Resources

Local government authorities shall be responsible for environmental protection and the utilisation of natural resources within their own administrative territory. They shall:

- carry out control of environmental protection and the rational utilisation of natural resources;
 - propose, to authorised State authorities that they restrict, suspend or terminate economic activity or the construction, reconstruction and extension of objects in such cases when violations of the legislation regarding environmental protection have been allowed, as well as submit relevant proposals for the prevention of such violations;
 - organise the preparation of district, city, municipal district and parish environmental protection programmes, and the construction, reconstruction and extension of environmental protection objects;
 - within the scope of their competence as specified by law, grant and rescind rights to utilise land or other natural resources, and settle disputes between the users of land and of other natural resources; and
 - perform other functions provided for by regulatory enactments for environmental protection and the utilisation of natural resources.
- [22 May 1997]

Chapter 3

Rights of the Inhabitants of the Republic of Latvia to a Qualitative Life Environment and the Guarantees for Such

Section 11. Rights of Inhabitants of the Republic of Latvia to a Qualitative Life Environment

The inhabitants of the Republic of Latvia have the right to live in a qualitative life environment and to request that competent State authorities, legal persons and their officials, as well as natural persons terminate such actions or inaction as causes this environment to deteriorate, does harm to the health of the inhabitants or endangers their life, interests and property.

Section 12. Rights of Inhabitants of the Republic of Latvia to Receive Information Concerning Environmental Quality

[20 June 2000]

Section 13. Rights of Inhabitants and Public Organisations of the Republic of Latvia to Carry Out Environmental Protection Measures

The inhabitants and public organisations of the Republic of Latvia have the right to:

- perform concrete measures for improvements in environmental quality and environmental protection, previously co-ordinating these with the territorial (regional) environmental protection and local government authorities;
- request from competent State authorities and officials information regarding the environmental impact of the objects to be designed and to be constructed, and to express their objections and proposals;
- request that competent State authorities publish and notify the results obtained from surveys regarding environmental problems;
- in accordance with the procedures provided for by the Constitution and other laws, take part in referendums on laws and draft laws pertaining to environmental protection and the utilisation of natural resources, as well as in the discussions by the people of these laws and draft laws;
- in accordance with the procedures specified by the laws of the Republic of Latvia, organise public protests, meetings and other mass events against the ecologically hazardous effects of economic and any other type of activity on the environment; and
- apply to law enforcement institutions with a request for the revocation or suspension of decisions and orders of State government authorities and their officials, which have been taken, ignoring the rights and lawful interests of inhabitants and public organisations.

[22 May 1997; 20 June 2000]

Section 14. Duty of Local Government and Environmental Protection Authorities to Create Conditions for the Active Participation of Inhabitants and Public Organisations of the Republic of Latvia in Environmental Quality Improvement and Environmental Protection

Local government and environmental protection authorities have a duty to:

- review the complaints and proposals of inhabitants and public organisations regarding environmental protection and the utilisation of natural resources and to inform them of the decisions taken; and
- involve inhabitants and public organisations in the resolution of environmental protection matters and create circumstances whereby the inhabitants and public organisations, by their work or means, participate in the improvement of environmental quality and in environmental protection.

[22 May 1997; 20 June 2000]

Section 15. Compensation for Losses Caused to the Health, Interests and Property of Inhabitants

Inhabitants have the right to receive compensation from natural persons and legal persons for losses they have caused to the health, life, interests or property of the inhabitants by action or inaction harmful to the environment.

Actions for compensation for losses caused shall be considered by a court in accordance with the procedures set out in the Latvian Civil Procedure Code.

The actions referred to are exempted from State fees.

[22 May 1997]

Section 16. Duty of Inhabitants of the Republic of Latvia in respect of Environmental Protection and the Utilisation of Natural Resources

Inhabitants of the Republic of Latvia have a duty to not allow deterioration in the quality of the environment and the irrational utilisation of natural resources, to participate in the improvement of the environment, and to request that other natural and legal persons act in the same way.

[22 May 1997]

Section 17. Rights and Duties of Persons who are not Inhabitants of the Republic of Latvia

Persons who are not inhabitants of the Republic of Latvia shall, in the territory of the Republic of Latvia, on the Continental Shelf, and in the economic zone of the Republic of Latvia in the Baltic Sea, fulfil the duties set forth in this Law, as well as exercise all rights prescribed by this Law for the inhabitants of the Republic of Latvia, with the exclusion of restrictions provided for by separate regulatory enactments.

[22 may 1997]

Chapter 3.1

Right of the Public to Receive Environmental Information and its Participation in the Taking of Decisions Associated with Environmental Protection

[20 June 2000]

Section 17.1. Environmental Information

Environmental information is any generally accessible written, visual, audio, electronic or other form of information regarding:

1) the state of water, air, soil, subterranean depths, flora, fauna, natural territory and countryside, biological diversity, species and biotopes, as well as information regarding the distribution and utilisation of genetically modified organisms;

2) the anthropogenic loads and activities, which negatively impact or may negatively impact the environment; and

3) environmental protection measures, which are directed towards the prevention of negative impacts on the environment, including administrative measures, management plans and programmes.

Natural persons and legal persons, as well as their associations, organisations or groups have a right to receive existing environmental information from all levels of State authorities and local governments, which they possess; also information regarding applications for licences or receipt of permits for activities, which may impact environment quality, in order to express their point of view and to participate in the taking of decisions associated with environmental protection.

State authorities and local governments shall ensure that the public has an opportunity to receive the existing environmental information which they possess, also information regarding State or local government authority controlled environmental protection activities, regarding permits issued to perform polluting activities and the content of such permits, as well as information regarding safety measures and measures to be taken in case of accidents.

An applicant does not have to justify for what purpose this information is necessary.

Restrictions on the receipt of environmental information may only be in those cases, which are specified in regulatory enactments, as well as in relation to information regarding environment objects or species and biotopes the disclosure of which may increase the possibility of causing harm to the environment.

In cases of restrictions, the public part of the information shall be provided, separating it from the rest of the information, which is restricted.

[20 June 2000]

Section 17.2. Co-operation between the Public, State Authorities and Local Governments in the Field of Environmental Protection

The provisions of this Chapter shall apply to any national, regional or other level State administrative or local government authority, which ensures environmental protection or fulfils special duties associated with the environment, conducts activities or provide services or in whose possession is environmental information, but shall not apply to authorities which implement legislation and judicial power.

The public, in supporting environmental protection measures, has a right to co-operate with State authorities and local governments, in order to not allow such action (or inaction), which worsens the quality of the environment or is in contradiction to the requirements of environmental protection regulatory enactments.

The public may submit information to State authorities and local government regarding activities and measures, which impact or may impact the quality of the environment, as well as information regarding changes observed as a result of such activities or measures.

State authorities and local governments shall promote and ensure the participation of the public in the taking of decisions associated with environmental protection, as well as the opportunity to exercise the right to participate in the public discussion of draft laws and other regulatory enactments, to submit to the relevant State authorities and local governments proposals for amendments and additions to regulatory enactments related to environmental protection, as well as to participate in the preparation and discussion of strategies, plans and programmes related to with the environment.

[20 June 2000]

Section 17.3. Duty of State Authorities and Local Governments in Informing the Public regarding Environmental Protection

State authorities and Local Governments, in conformity with their competence and functions, shall compile and renew existing information regarding the environment, which they possess.

State authorities and local governments shall provide to the public environmental information, which they possess, as well as appoint responsible co-ordinators or officials who shall ensure the informing of the public.

Publicly accessible environmental information shall be formed, so as to be comprehensible and understandable.

State authorities and local governments shall, within the scope of their competence:

- 1) inform the public regarding its rights and opportunities to receive environmental information, and to participate in the taking of decisions associated with environmental protection;
- 2) develop and up-date publicly accessible databases, registers and Internet home pages; and
- 3) prepare and publish notices regarding the state of the environment, environmental policy plans and programmes.

[20 June 2000]

Section 17.4. Procedures for the Issuance of Environment Information, and Terms and Fees for its Issuance

Environment information shall be issued according to the procedures and terms specified in regulatory enactments. If it is not necessary to specially process or prepare the information, an answer to a request shall be provided in as short a time as possible.

The duty of the responsible co-ordinator and official of the State authority and local government is to provide the person requesting the information with necessary assistance in order to formulate the request, as well as to explain the necessity to pay a fee in order to receive such information as requires special processing or preparation.

If the requested environmental information requires special processing or preparation, the State authorities and local governments in accordance with the procedures provided for in regulatory enactments, may specify a fee for this service. In such case, the amount of the fee regarding information requiring additional processing shall be made known to the person requesting the information in accordance with the procedures specified in regulatory enactments. In setting the fees for environmental information, the possibility to set a reduced fee shall be provided for, as well as deferred or instalment payment possibilities.

Fees for the processing or preparation of information may not exceed the costs, which have arisen in the process of acquiring, compiling and duplicating the relevant information.

[20 June 2000]

Section 17.5. Participation of the Public in the Taking of Decisions Associated with Environmental Protection

State authorities and local governments shall perform the necessary measures in order that the part of the public, which wishes to participate in the decision-taking process, shall receive the necessary information to take a decision in a timely manner.

State authorities and local governments shall ensure that in the taking of decisions, the viewpoints that are expressed in the process of the participation of the public shall be assessed.

State authorities and local governments shall involve the public in the preparation and discussion of regulatory enactments, strategies, plans and programmes associated with the environment.

State authorities and local governments shall, within the context of the preparation of regulatory enactments, strategies, plans and programmes, develop a time schedule, which shall provide for the possibility of the participation of the public, as well as ensure the accessibility of the drafts to the public.

[20 June 2000]

Section 17.6. Participation of the Public in the Preparation of Regulatory Enactments

State authorities and local governments shall facilitate the participation of the public in the process of the preparation of environmental protection regulatory enactments, providing for the possibility to directly, or with the assistance of a representative of the public, to express comments, viewpoints and objections in respect of draft regulatory enactments.

[20 June 2000]

Chapter 4 Regulation of Environmental Quality Norms

Section 18. Environmental Quality Norms and Standards

The negative effects of economic and other types of activity on the surrounding environment shall be restricted by environmental quality norms and standards.

The national environmental quality norms shall be approved by the Cabinet.

The environmental quality norms and standards shall be mandatory for all users of the environment and natural resources.

[22 May 1997]

Section 19. Norms for and Limits to Anthropogenic Loads

In order to ensure environmental quality, norms and criteria shall be formulated which regulate the maximum permissible load on the surrounding environment, determine the amount of discharge (emissions) of pollutants and the concentration of pollutants therein, as well as the harmful physical effects on the surrounding environment and the radiation level.

The norms for and limits to anthropogenic loads and the methods for their determination and control shall be approved by the Cabinet.
[22 May 1997]

Chapter 5

Regulation of the Utilisation of Natural Resources and the Prevention of Environmental Pollution

Section 20. Limits and Norms for the Utilisation of Natural Resources

The limits and norms for the utilisation of natural resources in the aggregate shall be determined by the Ministry of Environmental Protection and Regional Development in accordance with the procedures specified in laws and other regulatory enactments.
[22 May 1997]

Section 21. State Cadastres of Natural Resources

The task of the State cadastres of land, and its subterranean depths, forests, waters, animals, specially protected natural objects and other natural resources shall be to register and assess natural resources.

The management of the State cadastres of natural resources shall be ensured by the Ministry of Environmental Protection and Regional Development.
[22 May 1997]

Section 22. Payment for the Utilisation of Natural Resources

For the utilisation of natural resources, all natural persons and legal persons, and associations of natural persons and legal persons shall pay the natural resources tax in accordance with the procedures specified by laws and other regulatory enactments.
[22 May 1997]

Section 23. Payments for Environmental Pollution

[22 May 1997]

Section 24. Mandatory Ecological Insurance

[22 May 1997; 20 June 2000]

Section 25. Discharge (Emission) of Pollutants into the Surrounding Environment

Permits for the discharge (emission) of pollutants into the surrounding environment within the limits of the norms specified shall be issued to natural persons and legal persons by the Ministry of Environmental Protection and Regional Development and the authorities under its control and supervision.
[22 May 1997]

Section 26. Production, Transportation, Use, Storage and Burying of Hazardous Chemical Substances

All natural persons and legal persons shall observe the regulations regarding production, transportation, use, storage and burial of hazardous chemical substances (also means of plant protection and mineral fertilisers).

All natural persons and legal persons, taking into account the hazardousness, quantity and the circumstances of use and storage of chemical substances, shall observe such care and precautions and shall take the measures necessary in order to not permit endangerment of human health, as well as harm to human health, or to the environment.

The Cabinet may restrict or prohibit the production, import or use of a chemical substance, if, taking into account the national and international experience or the results of scientific investigation, there is

justified reason to consider that the chemical substance causes harm to human health or to the environment, or endangers human life.

The import, production, use, storage and burial of new hazardous substances in the Republic of Latvia shall only be permitted in accordance with the procedures specified by the Cabinet.
[22 May 1997]

Section 27. Production, Transportation, Use, Storage and Burial of Radioactive Substances
[22 May 1997; 20 June 2000]

Section 28. Reproduction, Use, Transportation, Storage and Liquidation of Micro-organisms, Viruses and their Metabolites
[22 May 1997; 20 June 2000]

Section 29. Collection, Storage, Utilisation and Burial of Industrial and Household Waste

The users of natural resources shall introduce low-waste, waste-free and closed water-supply technologies into production cycles, and shall observe the regulations regarding sorting, storage, utilisation and burial of waste.
[22 May 1997; 20 June 2000]

Section 30. Various Protective Zone Signs
[22 May 1997; 20 June 2000]

Section 31. Ecological Certification
[22 May 1997; 20 June 2000]

Section 32. State Environment Expert-examinations
[22 May 1997; 20 June 2000]

Chapter 6
Protection of Nature

[22 May 1997]

Section 33. Specially Protected Nature Territories
[22 May 1997; 20 June 2000]

Section 34. Protection of Species and Biotopes

All natural species and biotopes shall be conserved, in order to ensure biological diversity and natural phylogenetic processes.

In order to protect human health and safety, to satisfy urgent public interests, also interests of a social and economic character, in order to prevent harm (losses) to the environment, agriculture, fisheries and forestry (forest management), special measures and methods for the management of species and groups of organisms shall be specified.

The State shall, in particular, protect endangered and rare species and biotopes both on a national and an international scale, in order to fulfil obligations under such international agreements of which the Republic of Latvia is a member state.
[22 May 1997]

Section 35. Protective Zones for the Protection of the Environment and Natural Resources
[22 May 1997; 20 June 2000]

Section 36. Protection of Health Resorts and Recreational Areas
[20 June 2000]

Section 37. Regional Nature Protection Complexes (Systems)
[20 June 2000]

Chapter 7
Special Ecological Situations

Section 38. Description of Special Ecological Situations

Special ecological situations shall be determined in such places and areas of Latvia where, as a result of the non-observance of requirements regarding nature protection, of accidents or elemental processes of nature, great or irrevocable damage to nature is possible or have already occurred; depletion of natural resources or deterioration in environmental quality may be observed; high or long-term environmental pollution remains; there is soil erosion; plant pests and diseases become widespread; especially dangerous contagious animal diseases appear; mass quarantine has been determined; an actual threat to human health and life has been created and, therefore, a special complex of environmental protection measures is necessary.

According to the degree of ecological hazard, a distinction shall be made between:

- 1) ecologically potentially hazardous situations;
- 2) ecologically hazardous situations; and
- 3) ecological disaster situations.

The Cabinet and local governments have the right, for the rectification of causes of a special ecological situation and of the consequences thereof, to invite special services, organisations and inhabitants, as well as to take decisions in respect of the evacuation of inhabitants and other exceptional measures.

[22 May 1997; 20 June 2000]

Section 39. Ecologically Potentially Hazardous Situations

Ecologically potentially hazardous situations shall be specified around production objects or other objects of increased hazardousness, along all kinds of major transport thoroughways where accidents can cause increased environmental pollution, damage to natural systems, destruction of plants and animals, and a threat to human health and life.

Persons responsible for objects of increased hazardousness shall acquire the necessary information and shall assess the possible threats to the environment and human health, also the risk of accidents and external factors, and shall perform all necessary measures to reduce these threats and prevent accidents.

[22 May 1997]

Section 40. Ecologically Hazardous Situations

The ecologically hazardous situations shall be specified in such places, as where the norms and criteria which regulate the maximum permitted anthropogenic load on the surrounding environment are regularly exceeded – the amount of discharge (emission) of pollutants and the concentration of pollutants therein, as well as the harmful physical effect on the surrounding environment and the level of radiation; where environmental pollution, damage to natural systems, destruction or disappearance of plants and animals, depletion of natural resources, threats to human health and life are observed; and where the liquidation of these factors is possible by the normalisation of economic activity and the consistent observance of the requirements regarding environmental protection and the utilisation of natural resources.

In wider areas of the State, where increased anthropogenic loads are observed, the Cabinet shall set up districts of special natural resource management, approve the boundaries of these districts and the environmental protection and economic activity regimens.

The districts of special natural resource management shall be established for a period necessary for the normalisation of an ecologically hazardous situation.

[22 May 1997]

Section 41. Ecological Disaster Situations

Ecological disaster situations shall be specified in such places and areas of the State, where the level of anthropogenic loads is particularly high, systematic and long-term environmental pollution is observed, irreversible damage to natural systems is observed, increased morbidity and mortality of inhabitants and the appearance of particularly hazardous contagious animal diseases are observed, and where, for the elimination of these factors, special environmental protection measures are required.

In the places, where an ecological disaster situation has been specified, the Cabinet shall set up districts of special natural resource management, approve their boundaries and the environmental protection and economic activity regimens.

The districts of special natural resource management shall be set up in these places (areas) for the period which is necessary in order to rectify the ecological disaster situation.

[22 may 1997]

Chapter 8

Environmental Protection Control

Section 42. Tasks of Environmental Protection Control

The tasks of environmental protection control shall be as follows:

- to follow environmental quality and the changes caused thereof by economic or other forms of activity;
- to check the observance of the specified environmental quality norms and standards;
- to check the implementation of programmes for environmental recovery; and
- to check the observance of environmental protection legislation.

Section 43. State Office for Monitoring Environment Quality

The State Office for Monitoring Environment Quality shall have the function of observing the pollution level of the ambient air, soil, water and other elements forming the environment and its effect on human health, plants and animals, as well as to ensure that the institutions and organisations concerned have the information and forecasts in respect of changes in the surrounding environment.

Section 44. State Control of Environmental Protection and the Utilisation of Natural Resources

State control of environmental protection and the utilisation of natural resources in accordance with the procedures specified by laws and regulatory enactments shall be carried out by the inspectors of the State Environment Inspection, regional environment administrations, the Marine Environment Administration, State reserves and other specially protected natural territories.

The activities of State environment inspectors of the regional environment administrations, the Marine Environment Administration, State reserves and other specially protected natural territories in respect of ensuring a uniform control of the environmental protection and the rational utilisation of natural resources shall be supervised by the State Environment Inspection.

The by-laws of the State Environment Inspection shall be approved by the Cabinet.

The chief State environmental protection inspector of the Republic of Latvia shall be the head of the State Environment Inspection.

The chief State environmental protection inspectors of regions, reserves and protected natural territories (hereinafter – regions) shall be the directors of the regional environment administrations, the Marine Environment Administration, State reserves and other natural territories of particular protection.

The State environment inspectors shall be the inspectors of the State Environment Inspection, the Marine Environment Administration, State reserves and other natural territories of particular protection, as well as ship captains of the Marine Environment Administration who carry out State control of environmental protection and the utilisation of natural resources.

The chief State environmental protection inspector of the Republic of Latvia may suspend or revoke the decisions of the chief State environmental protection inspectors of regions if these do not comply with the requirements of regulatory enactments.

The chief State environmental protection inspectors of regions may suspend or revoke the decisions of State environment inspectors if these do not comply with the requirements of regulatory enactments.
[22 May 1997]

Section 44.1 Duties of State Environment Inspectors

State environment inspectors shall, in accordance with the procedures specified by regulatory enactments, perform State control over:

1) ensuring that in the territory of the Republic of Latvia, in the Continental Shelf, and in the economic zone of the Baltic Sea of the Republic of Latvia, natural persons and legal persons observe the requirements of regulatory enactments, standards, norms and regulations regarding environmental protection and the utilisation of natural resources, as well as implement national programmes, plans, projects and other measures for environmental protection and the sustainable utilisation of natural resources;

2) the register of natural resources, the management of cadastres and the discharge (emissions) of pollutants into the environment;

3) the observance of the regulations regarding transportation of all kinds of hazardous cargo;

4) the implementation and safety of regulations regarding collection, utilisation, decontamination, storage and burial of all kinds of waste and organic residue;

5) the observance of regulations regarding storage and use of chemical substances;

6) the observance of utilisation conditions and extraction limits (quotas) in respect of all natural resources;

7) the observance of the specific regimen for specially protected natural territories;

8) the observance of the requirements regarding utilisation of flora and fauna norms, time limits, measures for the control of numbers, the introduction, acclimatisation, re-acclimatisation, cross-breeding, trade, formation of collections and other protection; and

9) the observance of requirements of environmental protection regulatory enactments in construction work, in choice of a site for the construction of new objects, as well as in the extension of existing objects, in reconstruction, in the increase of production capacity and in its change of profile.

State environment inspectors also have other duties specified by laws and regulatory enactments.

[22 May 1997]

Section 44.2. Rights of State Environment Inspectors

State environment inspectors have the right to:

1) without interference, control the observance of regulatory enactments regarding environmental protection and the utilisation of natural resources or of the norms of international law, in any object in the entire the territory of the Republic of Latvia, except for objects of regimen and military significance, for the control of which the assent of their commanders (heads) is necessary;

2) arrest, in accordance with specified procedures, violators of environmental protection regulatory enactments and, if necessary (to ascertain their identity), convey them to the service premises of the police, the National Guard or a local government authority;

3) examine and control the personal property and means of transport of the violator of environmental protection regulatory enactments, confiscate illegally acquired natural resources and products, the extraction tools therefor and other material evidence in the places of its extraction, storage, processing and sale;

4) stop or prohibit activities in reserves, national parks and other specially protected nature territories, which are not provided for in protection regimens;

5) suspend the utilisation of and other forms of activity associated with natural resources which is not permitted or which is associated with the non-observance of the utilisation regulations, norms, time limits or other requirements, which is in contradiction to regulatory enactments regarding environmental protection;

6) take decisions, provide opinions and issue orders and instructions, compile reports (documents), examine materials regarding violations of regulatory enactments regarding environmental protection and the utilisation of natural resources, and if necessary, subject persons at fault to administrative liability or carry out other activities provided for in laws and regulatory enactments;

7) in cases when the regulatory enactments regarding environmental protection and the utilisation of natural resources are not observed, stop, suspend or prohibit the activities of natural or legal persons at fault, annul or recommend the annulment of illegally acquired or utilised permits (licences);

8) bring actions against persons at fault regarding losses, which have been done to the environment;

9) in order to carry out their functions, request and receive free of charge from natural persons and legal persons information on issues of environmental protection and the utilisation of natural resources; and

10) in accordance with the procedures specified by law and regulatory enactments obtain, store, carry and use firearms and special equipment.

State environment inspectors also have rights specified by other laws and regulatory enactments.

Means of transport and vessels which, in the performance of State environmental protection controls, are utilised by State environment inspectors, may be, in accordance with the procedures specified in regulatory enactments, equipped with special light and sound signal equipment, colour and design mountings.

[22 May 1997]

Section 45. Local Government Authority Control of Environmental Protection

Local government authorities shall perform control of environmental protection and the rational utilisation of natural resources. Within the scope of their competence, they shall be responsible for environmental protection and the conservation of natural resources within the relevant administrative territory.

The duties and rights of local government institutions with regard to environmental protection and the utilisation of natural resources shall be determined in accordance with the procedures specified in laws.

[22 May 1997]

Section 46. Control by Undertakings, Organisations and Institutions of Environmental Protection

[22 May 1997]

Section 47. Public Control of Environmental Protection

Public control of environmental protection and the utilisation of natural resources shall be performed by public organisations, movements and inhabitants, and its purpose shall be to follow the observance by natural persons and legal persons of the requirements of environmental protection regulatory enactments and the implementation of plans (programmes) in relation to environmental protection and the rational utilisation of natural resources.

[22 May 1997]

Chapter 9

Liability for Violations of Laws on Environmental Protection

Section 48. Types of Liability for Violations of Laws on Environmental Protection

Persons, who have violated requirements specified in laws on environmental protection, shall be subject to administrative liability, criminal liability, disciplinary or other liability in accordance with the laws of the Republic of Latvia.

[22 May 1997]

Section 49. Administrative Liability for Violations of Laws on Environmental Protection

Persons shall be subject to administrative liability for violations of laws on environmental protection in accordance with the Administrative Violations Code if criminal liability has not been prescribed for such violations.

[22 May 1997]

Section 50. Criminal Liability for Violations of Laws on Environmental Protection

Persons may be subject to criminal liability for such violations of laws on environmental protection as, in accordance with the Criminal Code, have the elements of crime.

If an ecological crime has been committed by an official, he or she shall be liable for the violation of laws on environmental protection and, if there are grounds, also for malfeasance.

[22 May 1997]

Section 51. Disciplinary Liability for Violations of Laws on Environmental Protection

[22 May 1997]

Section 52. Liability for Losses Caused by Violation of Laws and Regulatory Enactments on Environmental Protection

The subjection of persons to administrative liability, criminal liability, or disciplinary liability shall not release them from the obligation to compensate losses caused to nature, human health and life, and to the interests and property of natural persons and legal persons.

Compensation for losses caused to natural objects owned by the State and local governments shall be paid into the Latvian Environmental Protection Fund.

[22 May 1997; 20 June 2000]

Section 53. Compensation for Losses Caused as a Result of Harm Done to the Environment

Harm to the environment is the causing of such a change to the environment, as may cause harm to human health and safety, biological diversity, natural resources and natural heritage.

Natural persons and legal persons, who have caused harm to the environment, have the following duties:

1) if possible, to liquidate or reduce the consequences of the harm caused to the environment, in order to rectify the negative impact on the environment and the threat to sustainable development of the environment; and

2) to compensate expenditures which are necessary in order to renew the impacted or to create equivalent environmental values if it is not possible to rectify the harm caused to the environment.

The Cabinet shall determine the procedures, according to which the losses caused as a result of harm to the environment shall be compensated.

[22 May 1997; 20 June 2000]

Section 54. Material Liability of Owners of Sources of Heightened Hazardousness for Harm Caused

[22 May 1997]

Section 55. Material Liability of State Authorities for Violations of Laws on Environmental Protection

[22 May 1997]

Section 56. Actions for Compensation for Losses Caused as a Result of Violation of Laws and Other Regulatory Enactments on Environmental Protection

The following have the right to bring actions for compensation for losses caused as a result of violation of laws and other regulatory enactments on environmental protection:

1) natural persons and legal persons to whose health, life, interests, or property losses have been caused;

2) authorities under the control and supervision of the Ministry of Environmental Protection and Regional Development, and a prosecutor if State or public interests and property in the field of environmental protection have been injured; and

3) public organisations and movements if the action for compensation for losses caused has not been submitted by the authorities under the control and supervision of the Ministry of Environmental Protection and Regional Development, or by a prosecutor.

The procedures for the filing of actions and for the assessment of losses caused shall be determined by the Civil Procedure Code and other regulatory enactments.

Actions for compensation for losses caused to the environment do not have a statute of limitations.
[22 May 1997]

Section 57. Procedures for Settlement of Disputes regarding Issues of Environmental Protection and the Utilisation of Natural Resources

Disputes regarding issues of environmental protection and the utilisation of natural resources shall be settled by the authorities set out in laws and other regulatory enactments, or a court.

Civil disputes in respect of the referred to issues shall be settled by a court.
[22 May 1997]

Section 58. Restriction, Stopping and Suspension of Economic and Other Types of Activity

Economic and other types of activity which result in violations of regulatory enactments on environmental protection and the utilisation of natural resources, in harm being done or the possibility of it being done to the environment, human health and life, and to the interests and property of natural persons and legal persons, may be restricted, stopped or suspended by the Ministry of Environmental Protection and Regional Development or other State authorities authorised therefor in accordance with the procedures specified by laws.

[22 May 1997]

Section 59. Alienation of Products Obtained Illegally from Nature and of Articles Produced Therefrom

Products obtained illegally from nature and articles produced therefrom shall be alienated without compensation in accordance with the procedures specified by the laws of the Republic of Latvia. Income obtained from their sale shall be paid into the Latvian Environmental Protection Fund.

[22 May 1997]

Chapter 10 International Co-operation of the Republic of Latvia in Environmental Protection

Section 60. Legal Basis of International Co-operation of the Republic of Latvia in Environmental Protection

The Republic of Latvia shall implement international co-operation in environmental protection on the basis of generally recognised international principles of environmental protection and the utilisation of natural resources, and by observing international agreements, conventions and other regulatory enactments regarding environmental protection and the utilisation of natural resources.

[22 May 1997]

Section 61. International Agreements on Environmental Protection and the Utilisation of Natural Resources

International agreements on environmental protection and the utilisation of natural resources shall be regulated by international treaties, conventions, protocols and other regulatory enactments.

If the provisions of an international treaty concluded by the Republic of Latvia differ from the laws of the Republic of Latvia regarding environmental protection and the utilisation of natural resources in the territory of the Republic of Latvia, the provisions of the international treaty shall apply.

[22 May 1997]

Section 62. Participation of the Republic of Latvia in the Activities of International Environmental Protection Organisations

The Republic of Latvia shall participate in the activities of international environmental protection organisations, as well as in the fulfilment of regional environmental protection conventions of the Baltic Sea Region, and shall be represented at international ecological organisations.

[22 May 1997]

Section 63. Compensation to Other States of Losses Caused as a Result of Environmental Pollution

The Republic of Latvia shall reimburse losses caused to other states as a result of environmental pollution in accordance with the international agreements to which the Republic of Latvia is a party, as well as in accordance with the procedures for their application.

[22 May 1997]

Section 64. Fulfilment of Obligations of the Republic of Latvia Resulting from International Agreements

The activities of Ministries associated with the fulfilment of international obligations with respect to environmental protection and the utilisation of natural resources and with international co-operation in the resolution of ecological problems shall be co-ordinated by the Ministry of Environmental Protection and Regional Development.

[22 May 1997]

Transitional Provision

Until the issuing of new Cabinet Regulations, but not longer than until 1 July 2001, the 28 July 1998 Cabinet Regulation No. 266, Regulations On the Safe Transportation of Radioactive Substances, and the 3 August 1999 Cabinet Regulation No. 268, Regulations On Operations with Radioactive Waste, which were issued in accordance with Section 27 of the Law On Environmental Protection shall remain in force.

[20 June 2000]

Chairman of the Supreme Council of the
Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council of the
Republic of Latvia

I. Daudišs

Rīga, 6 August 1991

**Transitional Provisions Regarding Amendments
to the Law On Environmental Protection**

Transitional Provisions
(regarding amending Law of 22 May 1997)

1. The 10 October 1990 Decision of the Supreme Council of the Republic of Latvia, On Approval of the By-laws of the State Environmental Protection Inspection (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 45) is repealed from 1 March 1997.

2. With the coming into force of this Law, Cabinet Regulation No. 24, Amendments to the Law On Environmental Protection issued in accordance with Article 81 of the Constitution of the Republic of Latvia (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No. 5) is repealed.