

The Saeima<sup>1</sup> has adopted and the President has proclaimed the following Law:

## STATE FOREST SERVICE LAW<sup>2</sup>

### CHAPTER I

#### STRUCTURE AND FUNCTIONS OF THE STATE FOREST SERVICE

##### Section 1. State Forest Service

(1) The State Forest Service (hereinafter – Service) is a State civil institution supervised by the Ministry of Agriculture, which Institution is responsible for the implementation of uniform forest policy in all forests of Latvia, monitors compliance with regulatory enactments, and implements support programmes for ensuring sustainable forestry.

(2) The Service consists of the central headquarters of the Service and territorial units – State regional forest offices that perform the functions of the State Forest Service in specific territories, and a unit established for the performance of special assignments.

(3) The unit for performance of special assignments is the Forest Research Station which has been established for scientific research on the management of forests and for ensuring continuity of scientific research.

(4) The territorial units of the Service and the Forest Research Station have the status of a legal person.

##### Section 2. Functions of the Service

(1) The Service shall perform, within the scope of its competence, the following functions:

- 1) monitor, in all the forests of Latvia, compliance with such regulatory enactments as regulate forest management and utilisation;
- 2) evaluate the operation of regulatory enactments with respect to management and utilisation of forests, and submit proposals to the Ministry of Agriculture to increase the effectiveness of such regulatory enactments;
- 3) participate in the preparation of draft regulatory enactments regulating forest management and utilisation;
- 4) issue permits, certificates, licences, confirmations and other documents prescribed by regulatory enactments;
- 5) attest the source of obtaining of forest reproductive material and certify forest reproductive material;
- 6) perform monitoring of forests and forest pathology states;

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

<sup>2</sup> Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. *chairperson*.

- 7) check the quality of forest inventory data;
  - 8) maintain the State Forest Register;
  - 9) examine hunters and issue hunting licences;
  - 10) organise the monitoring of forest fire safety and the containment of fires;
  - 11) administer the implementation of State-funded and internationally funded support programmes regarding forestry;
  - 12) inform the general public regarding the state of forests and hunting resources and utilisation thereof;
  - 13) manage scientific research forests for the purpose of conducting sustainable scientific research in forestry;
  - 14) inform and consult forest owners regarding forestry issues and the requirements of relevant regulatory enactments; and
  - 15) provide paid services.
- (3) In the field of private law, the Service shall have the rights of a legal person.
- (4) In performing the specified functions, the Service shall co-operate with the State Audit Office, the Office of the Prosecutor General, the Ministry of the Interior, the Ministry of Environmental Protection and Regional Development, the National Guard and the Border Guard, and relevant units thereof, local governments and with other interested institutions, as well as with the public. In the field of control of forest management and forest protection, the Service shall co-operate with relevant international and foreign organisations.

## **CHAPTER II OFFICIALS OF THE SERVICE, THEIR DUTIES AND RIGHTS**

### **Section 3. Officials of the Service**

- (1) The Service shall be managed by a Director General, who shall be appointed to and released from office by the Cabinet in conformity with the requirements of Section 7 of the State Civil Service Law.
- (2) The officials of the Service responsible for performance of the functions of the Service shall be the Director General, chief foresters, directors, foresters and forest rangers.
- (3) The Director General shall appoint heads of territorial units of the Service (chief foresters, directors) to office.
- (4) Other officials of territorial units of the Service (foresters, forest rangers) shall be appointed to office by the head of the relevant unit (chief forester or director).

### **Section 4. Duties of Officials of the Service**

Officials of the Service have a duty to ensure monitoring of all forests in conformity with the requirements of forest regulatory enactments, to stop and prevent violations of forest management, and to utilise regulations in order to stop utilisation of forest lands for unforeseen purposes, as well as to stop and prevent any other activity harmful to the forest.

**Section 5. Director General of the Service**

The Director General of the Service shall:

- 1) be responsible for the performance of tasks assigned to the Service;
- 2) manage and supervise the work of the central headquarters and territorial units;
- 3) determine the rights, duties and responsibilities of the officials and employees of the Service;
- 4) approve the structure of the Service and the list of employees of the central headquarters (staff list);
- 5) represent, without special authorisation, the interests of the Service in other institutions, provide direct instructions to each official and employee of the central headquarters, as well as to the heads of territorial units (chief foresters, directors);
- 6) develop and submit to the Ministry of Agriculture, in accordance with specified procedures, draft Service requests regarding the State budget, and administer the budget of the Service;
- 7) examine complaints regarding decisions taken and instructions issued by officials of subordinate units and territorial units, and revoke unjustified decisions taken and instructions issued by the officials referred to, except decisions regarding imposition of administrative sanctions that are subject to appeal in accordance with procedures determined by law;
- 8) examine, within the scope of his or her competence, administrative violation matters and impose administrative sanctions for such violations as are subject, in accordance with law, to the jurisdiction of the Service; and
- 9) specify the territory of operation of territorial units and approve their by-laws.

**Section 6. Head of Territorial Units of the Service (Chief Foresters, Directors)**

Heads of territorial units of the Service (chief foresters, directors) shall:

- 1) manage the work of a territorial unit and be responsible for performance of the tasks assigned to it;
- 2) approve the internal structure of a territorial unit and the list of employees (staff list);
- 3) examine complaints regarding decisions taken and instructions issued by the heads of subordinate units and territorial units, and revoke unjustified decisions taken and instructions issued by the officials referred to, except decisions regarding imposition of administrative sanctions that are subject to appeal in accordance with procedures determined by law;
- 4) examine, within the scope of his or her competence, administrative violation matters and impose administrative sanctions for such violations as are subject, in accordance with law, to the jurisdiction of the Service;
- 5) bring an action in court against persons at fault regarding compensation for civil law losses in accordance with procedures determined by law; and
- 6) represent, without special authorisation, the interests of the territorial unit in other institutions, and provide direct instructions to each official and employee of the territorial unit.

**Section 7. Rights of Officials of the Service**

(1) In monitoring the observance of regulatory enactments that regulate forest management and utilisation, officials of the Service within the scope of their competence, have the right:

- 1) to check on site, without hindrance, whether the requirements of regulatory enactments are observed in forest management;

- 2) to suspend or prohibit the activity of those legal persons and natural persons who violate regulatory enactments, as well as stop any other activity harmful to the forest and environment that is specified in regulatory enactments;
- 3) to check the personal identity documents of violators, convey violators to the premises of the police or of local government institutions, as well as to transfer materials regarding forest offences to law enforcement institutions in order to hold the guilty persons liable in accordance with procedures determined by law;
- 4) to check, in accordance with procedures prescribed in regulatory enactments, the personal property of violators, their means of transport, locations of acquisition, storage, processing and sale of illegally acquired products, tools for the acquisition of such products and other evidence, to remove illegally acquired forest resources, hunting products and tools for committing of such violations;
- 5) to take decisions, provide opinions and issue orders and instructions, prepare reports (statements), examine materials regarding violation of regulatory enactments within the competence of the Service and, if necessary, hold the persons at fault administratively liable and perform other activities provided for by regulatory enactments.
- 6) to request and receive, free of charge, written and oral information from legal persons and natural persons, as well as to become acquainted with relevant documents and the situation on site;
- 7) to cancel illegally obtained or utilised permits, certificates, licences and confirmations; and
- 8) to check transportation records of timber, to suspend or prohibit the activities of those legal persons and natural persons who violate the requirements of regulatory enactments related to the transportation of timber.

#### **Section 8. Legal Protection of Officials of the Service**

(1) For preventing officials of the Service from exercising their lawful rights, for infringement of their honour, for threats or violence directed towards officials, as well as for endangering the life of officials in the course of their official duties, persons at fault shall be held liable as determined by law.

(2) Officials of the Service have the right to purchase, store, carry and use service weapons or other special means of self-defence.

### **CHAPTER III COMPLIANCE WITH DECISIONS TAKEN BY OFFICIALS OF THE SERVICE AND APPEAL PROCEDURES THEREOF**

#### **Section 9. Compliance with the Requirements of Officials of the Service**

Decisions taken and directions given by officials of the Service within the scope of competence specified by law shall be mandatory for legal persons and natural persons subject to the control and supervision of the Service, which persons are engaged in forest management, logging, timber transportation and the conduct of recreational events in forests.

#### **Section 10. Appeal Procedures Regarding Decisions and Instructions of Officials of the Service**

Decisions taken (except decisions on the imposition of administrative sanctions that are subject to appeal in accordance with procedures determined by law) and instructions issued by officials of the Service may be appealed in writing within 30 calendar days of the receipt of such decisions or instructions, in accordance with the following procedures:

- 1) decisions taken and instructions issued by officials of territorial organisational units of the Service shall be appealed to the head of the relevant territorial organisational unit (chief forester, director);



- 2) decisions taken and instructions issued by the heads of relevant territorial units (chief foresters, directors) shall be appealed to the Director General; and
- 3) decisions taken and instructions issued by the Director General shall be appealed to the court.

#### **CHAPTER IV SERVICE PROVISIONS**

##### **Section 11. Social Benefits for Officials (Employees) of the Service**

- (1) In addition to the base salaries of officials (employees) of the Service supplements shall be determined for qualifications and length of service in accordance with procedures prescribed by the Cabinet.
- (2) Life and health of officials of the Service may be insured from the State budget resources up to the amount of 24 months base salary of the relevant official, in accordance with procedures prescribed by the Cabinet.

##### **Section 12. Financial Provision of the Service**

- (1) The financial resources of the Service shall comprise:
  - 1) a grant from the general revenue of the State budget; and
  - 2) income for paid services provided by the Service.
- (2) For performance of its tasks, the Service shall be provided with the necessary technical means (transport, communications), and officials of the Service shall be provided with service firearms.
- (3) The Service shall be exempted from the payment of court expenses regarding claims for compensation for such losses as have occurred through violation of regulatory enactments that regulate forest management and utilisation if such losses are recovered to the benefit of the State.

##### **Section 13. Identification Documents and Identifying Insignia of Officials of the Service**

- (1) Officials and employees of the Service shall have a service identification document.
- (2) For the performance of their duties, officials of the Service shall be provided, free of charge, with a service uniform that shall be worn when performing their official duties. A sample of the uniform shall be approved by the Service.

#### **TRANSITIONAL PROVISIONS**

1. By 1 February 2000, the Cabinet shall adopt regulations with respect to the implementation of this Law.
2. With the coming into force of this Law, the State Forest Service shall be successor in interest of such duties and obligations of the State Forest Service as the State Forest Service had up to the day of coming into force of this Law, except:
  - 1) duties with respect to State forest management, sale of forest resources in State forests and forest regeneration in State forests;
  - 2) obligations arising from logging contracts entered into up to 28 May 1998 in accordance with Cabinet Regulation No. 335 of 7 November 1995, Regulations on Procedures for Entering into Long-term Logging Contracts;
  - 3) obligations arising from purchase contracts entered into in accordance with Cabinet Regulation No. 319 of 25 August 1998, Regulations on Tendering Procedures Regarding Felling Areas and Individual Trees;

4) obligations arising from forest regeneration work secured with security deposit in accordance with Cabinet Regulation No. 25 of 24 January 1995, Regulations on Forest Regeneration; and

5) obligations arising from lease contracts of hunting areas, entered into in accordance with Cabinet Regulation No. 251 of 6 August 1995, Regulations on Hunting.

3. The obligations determined in Section 2 of Transitional Provisions, which regulations are not taken over by the State Forest Service, shall be taken over by the State Stock Company "Latvijas valsts meži" [Latvian State Forests] in accordance with the procedures set out in regulatory enactments.

This Law comes into force on 1 January, 2000.

This Law has been adopted by the Saeima on 26 November 1999.

President

V.Viļçe-Freiberga

Riga, 15 December 1999