

Questionnaire for the report of Latvia on the implementation of the Protocol on Strategic Assessment in the period 2016–2018
Environmental

Information on the focal point for the Protocol

1. Name and contact information:

Sandija Balka

Ministry of the Environmental Protection and Regional Development of the Republic of Latvia

Information on the point of contact for the Protocol

2. Name and contact information (if different from above):

Sandija Balka

Ministry of the Environmental Protection and Regional Development of the Republic of Latvia

Information on the person responsible for preparing the report

3. Country: Republic of Latvia

4. Surname: Jegere

5. Forename: Iveta

6. Institution: State Environmental Bureau

7. Postal address: 23 Rupniecibas Str., Riga, Latvia, LV-1045.

8. Email address: vpvb@vpvb.gov.lv

9. Telephone number: + 371 67770818

10. Fax number:

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

The provisions of the Protocol are transposed through the Law on Environmental Impact Assessment (hereinafter referred as to - "EIAL") and the 2004 Cabinet of Ministers Regulation No 157 on "*Procedures for Strategic Environmental Impact Assessment*" (hereinafter referred as to - "Regulation No 157"), governing procedures for strategic environmental impact assessment (hereinafter referred as to – SEA) and transboundary SEA.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name): -

(b) SEA provisions are transposed into another law(s) (please specify): **The 1989 Law on Environmental Impact Assessment (hereinafter referred as to - EIAL), governing procedures also for strategic environmental impact assessment (hereinafter referred as – SEA) and transboundary SEA. Year of adoption – 1989, most recent amendments 07/06/2018.**

(c) Regulation (please indicate number/year/name): **2004 Cabinet of Ministers Regulation No 157 on "*Procedures for Strategic Environmental Impact Assessment*" (hereinafter referred as - Regulation No 157). Year of adoption – 2004, most recent amendments 09/12/2016.**

(d) Administrative rule (please indicate number/year/name):

(e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

Article 4, paragraph 3 of EIAL and Article 2 of Regulation No 157 define the types of planning documents of national, regional and local level that always fall under the requirement of mandatory SEA, if they are elaborated in the sector of agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, namely:

- 1. national level planning documents: national level guidelines of sectoral policy; national level plans of sectoral policy; territorial development planning documents of national level;**

2. **planning documents of regional and local level: spatial plans of cities of the Republic significance; regional or local-level sectoral policy planning documents that refer to the planning of the entire sector.**

This requirement applies to all documents that are developed or adopted by the Saeima (National Parliament), the Cabinet of Ministers, a local government, a State local government authority, another derived public person or another entity which is delegated a State administration task or management of the State property, including documents related to the utilisation of European Union co-financing and the amendments thereof.

According to Article 23.¹ and 23.³ of EIAL and Article 7 of Regulation No 157 other planning documents, if they are elaborated in the above mentioned sectors, require a screening decision taken by the competent authority – State Environmental Bureau (hereinafter referred as - SEB). Those can be strategies, development programmes, spatial plans, local urban plans (subtype of local spatial plan for a designated territory), detal plans (subtype of local spatial plan for a designated territory) and other planning documents.

- I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

There is no further interpretation of the term “*set the framework for future development consent of projects*” in EIAL and Regulation No 157, this is evaluated case by case. When a planning document that does not fall under the condition of mandatory SEA is elaborated, it shall be screened by SEB. Prior to that the planner carries out consultations with environmental and health organisations and provides information about the planning document, its objectives and solutions. SEB evaluates the characteristics of the planning document, having regard, in particular - to what degree the planning document might set possible preconditions for future development projects with significant impact on the environment (either with regard to the location, nature, size and operating conditions or by allocating resources (Article 23.² of EIAL).

- I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

There is no further interpretation of the term “*small areas at local level*” in EIAL and Regulation No 157, this is evaluated case by case. When a planning document that does not fall under the condition of mandatory SEA is elaborated, it shall be screened by SEB. Prior to that the planner carries out consultations with environmental and health organisations and provides information about the planning document and the territory it refers to. SEB evaluates the scope of the planning document, the characteristics of the effects and of the area likely to be affected, having regard, in particular, to environmental problems relevant to the planning document, the magnitude and spatial extent of the affected territory as well as of the effects (geographical area and size of the population likely to be affected) (Article 23.² of EIAL).

- I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

There is no further interpretation of the term “*minor modification*” in EIAL and Regulation No 157, this is evaluated case by case. When a planning document that does not fall under the condition of mandatory SEA is elaborated, it shall be screened by SEB. Prior to that the planner carries out consultations with environmental and health organisations and provides information about the characteristics of the modification.

SEB evaluates the scope of the modification, possible environmental problems relevant to the modification and characteristics of the effects, and takes the decision by determining the significance of likely effects (Article 23.² of EIAL).

Article 5

Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) **On a case-by-case basis**
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify): **The screening decision is made publicly available (published) on the web page of SEB.**

Your comments:

Article 6

Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

Annex IV of the protocol, determining what is the relevant information to be included in the environmental report, is incorporated in Article 8 of the Regulation no 157. For the purposes of scoping - consultations during the scoping procedure are ensured according to the Article 23.⁵ of EIAL and Article 7.¹ of the Regulation No 157. The developer consults with SEB regarding the level of detail of an environmental review. In addition the developer consults with regional environmental board of the State Environmental Service, as well as, if necessary, the Nature Protection Agency regarding the information to be included in the environmental report and the level of detail thereof.

Article 7

Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) **On a case-by-case basis**
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify): **According to Article 23.⁵, paragraph 6 and 7 of EIAL - SEB shall provide an opinion on an environmental report, taking into account the conformity of the environmental review to the requirements and the justification of the designated solution. If the designated solution is not sufficiently justified, SEB shall specify in the opinion the objections taken into account in deciding regarding approval of the planning document. If an environmental report does not conform to the requirements or the designated solution has a substantial impact on human health and the environment and is not sufficiently justified, as well as if the informing of the public and a discussion of the environmental review has not been performed in accordance with the procedures or the comments and proposals received have not been evaluated, - SEB shall send the environmental report to the developer for revision, indicating the deficiencies to be eliminated, or shall assign the executor to ensure the informing of the public and a public discussion.**

Your comments:

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) **Through public notices**
- (b) **Through electronic media**
- (c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) **Based on the geographical location of the plans and programmes**
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) **By making the information available to all members of the public and letting them identify themselves as the public concerned**
- (d) By other means (please specify):
Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) **By sending comments to the relevant authority/focal point**
- (b) By providing answers to a questionnaire
- (c) **Orally**
- (d) **By taking part in a public hearing**
- (e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition): **at least 30 days starting from the day of public notification.**
- (d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments: **According to Article 5 of the Regulation No 157 – at the screening phase the developer consults with environmental and public health institutions that are defined by national legislation - respective Regional environmental board of the State Environmental Service, the Nature Protection Agency, Public Health Agency). According to Article 7¹ and 9 of the Regulation No 157 – at the phase of elaboration of the environmental report - environmental and health authorities are identified on a case by case basis. The developer shall consult SEB regarding the bodies and organisations to which the draft planning document and environmental report should be forwarded in order to receive comments and proposals. The exception is with state planning documents of national level – according to Article 13 of the Regulation No 157 – the Ministry of Environment and Regional Development shall be always consulted, but other environmental and health authorities are identified on a case by case basis.**

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments: **the draft planning document and the draft environmental report is sent to the environmental and health authorities.**

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

(a) During scoping

(b) **When the draft plan or programme and the environmental report have been prepared**

(c) At other times (please specify):

Your comments:

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

(a) **The information required by article 10, paragraph 2**

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

(a) **No**

(b) Yes (please indicate how long):

Your comments: **According to Article 26 of The Regulation No 157 the reasonable time frame for public discussion and an acceptable time period within which proposals and references can be submitted by the affected Party is agreed in co-operation with the affected Party on case by case basis.**

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify): **According to Article 26 of The Regulation No 157 detailed arrangements shall be agreed in co-operation with the affected Party on case by case basis.**

Your comments:

Article 11

Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

- (b) Mitigation measures
- (c) Comments received in accordance with articles 8 to 10

Your comments: **According to Article 27 of The Regulation No 157 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.**

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? **According to Article 27 of The Regulation No 157 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: how environmental considerations have been integrated in the planning document; how the environmental review, the opinions expressed, the results of public discussion have been taken into consideration; substantiation of why from all of the possible versions of solution the adopted version was chosen; and information regarding measures for the performance of implementation monitoring of the planning document, indicating time periods for the submission of the monitoring report.**

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

- (a) **By informing the point of contact**
- (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
- (c) By informing all the authorities involved in the assessment and letting them inform their own public
- (d) Other (please specify):

Your comments:

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

According to Articles 28 and 29 of The Regulation no 157 – (citation) “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. 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” (end of citation).

(b) Other (please specify):

Your comments:

Article 12 Monitoring

I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2): **According to Article 8.13 of The Regulation no 157 - intended measures for ensuring the monitoring of the implementation of the planning document shall be incorporated in the environmental report. According to Article 30 - 33 of The Regulation no 157 - 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 report, as well as, if necessary, in order to make amendments to the planning document, the developer, taking into account the opinion of SEB regarding the environmental review, shall perform monitoring of the implementation of the planning document. The developer shall draw up a monitoring report and submit it to SEB within the time period specified in the opinion regarding the environmental report. 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. SEB shall include the received monitoring reports on its website.**

Part two Practical application during the period 2016–2018

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) **No, only when potential transboundary effects are identified**

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period **2013–2015** and list them, grouped by the sectors listed in article 4, paragraph 2: **There have been approximately 6 cases of transboundary SEA during the period 2016–2018, one of them initiated by Latvia as the Party of origin (maritime spatial planning). They can be grouped as follows – 4 maritime spatial planning documents, 2 special land use plans for the transport sector (transboundary railway).**

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) **No**
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples: **Transboundary consultations may require longer time frames in comparison with the national consultation processes, because of the necessity to gather and translate the opinions and respective documents.**

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)? **Yes, for policy planning documents and for territorial development planning documents.**

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

- (i) **No**
- (ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation: **The overall experience and cooperation with other Parties with regards to translation and interpretation has been good.**

(ii) Other issues **There have been several cases when the amount of translated text has been too short or concentrated.**

(b) What does your country usually translate as a Party of origin? **The amount of information to be translated is usually agreed bilaterally on a case by case basis, usually it is the summary of planning document and all relevant information of the environmental report that contains findings with regards to transboundary effects on the territory of the affected Party.**

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how): **by forwarding to the contact point of the affected Party the relevant documents, by agreeing on the procedures and time frames, by asking the contact point of the affected Party to make the information available for the public concerned and to organize the consultations, by asking the contact point of the affected Party to organize a public hearing meeting, if necessary, by participating in such meeting, by providing information and answering questions in such meetings or in writing, etc.**

(d) What has been your country's experience of the effectiveness of public participation? **The overall experience and cooperation with other Parties has been good.**

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe): **For example, Latvian – Lithuanian Cross-border Co-operation Programme 2014-2020; Estonian - Latvian Cross-border Co-operation Programme 2014-2020; Central Baltic Programme 2014-2020; Baltic Sea Region Programme 2014-2020; INTERREG EUROPE Interregional Cooperation Programme 2014-2020.**

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)? **By agreeing bilaterally with the responsible bodies of other Parties. Usually the standard procedure starts with an official notification and an answer to the notification, indicating in these official letters also the contact persons for carrying out specific tasks. After that the communication can gradually become less official, coordinating the processes and agreeing on specific details by e-mail.**

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:
