

Questionnaire for the report of Latvia on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

Information on the focal point for the Convention

1. Sandija Balka

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

Information on the point of contact for the Convention

2. 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: Latvia

4. Surname: Balka

5. Forename: Sandija

6. Institution: Ministry of Environmental Protection and Regional Development

7. Postal address: LV-1494

8. E-mail address: Sandija.Balka@varam.gov.lv

9. Telephone number: +37167026916

10. Fax number: +37167820442

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

Necessity of EIA for current activities have been defined in EIA Law:

Necessity of EIA;

For changes in the current activities

- a) if changes conform to the border values referred to in Annex 1 of EIA Law,**
- b) if as a result of changes the border values referred to in Annex 1 EIA Law are reached or exceeded,**
- c) if changes are intended in the object referred to in Annex 1 EIA Law, for which an impact assessment has not been performed hitherto, and the extent of changes is 50 per cent of the border value referred to in Annex 1 EIA Law.**

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments: **The public is notified within a period of 14 days after the information has been received from the Party of Origin. According to EIA Law if the activity is planned to be implemented outside the territory of Latvia, within 14 days after information is received from the Party of origin, this notification has been placed in the internet and at least one local newspaper and also the State Environment Bureau (competent authority). Bureau may sent this notification to those institutions and organisations with which it is necessary to consult. In the notice has been given all information, where public and interested institutions may acquire information regarding the activity, as well as information regarding time period up to when written proposals may be submitted to the Bureau. The Bureau shall compile the proposals submitted by the public and interested institution and send them to the competent authority of the relevant State.**

Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA:
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name): **13.01.2015. Cabinet of Ministers Regulations on Procedures for EIA and acceptance by the proposed activity**
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) **There is no difference, all activities are transposed in the national legislation as is**
- (b) It differs slightly (please specify):

Your comments: **In the EIA Law Appendix I there are many thresholds according to the EIA Directive and national regulation, which are sometimes stricter than in Espoo Convention Appendix I.**

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities: **Environmental State Bureau**

(d) There is no single authority responsible for the entire EIA procedure:

Your comments

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes (please specify): **Environmental State Bureau**

Your comments:

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain): **Public - every natural person and legal person, as well as association, organisations and groups (hereinafter – the public). That is also the definition of "Public" in accordance with the Aarhus Convention. And the only legal possibility to ensure equivalent opportunities for public is to achieve better results in ratifying and also implementing provisions of the Aarhus Convention**

Article 3 Notification

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) **During scoping**
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

I.11. Please define the format of notification:

- (a) **It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)**
- (b) The country has its own format (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) **The information required by article 3, paragraph 2**
- (b) **The information required by article 3, paragraph 5**
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame):
- (c) **It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations** (please indicate the average length in weeks): **30 days**

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: **Time frame is defined in the national legislation - min term is 30 days from sending notification to the affected party. Not complying with the time frame or asking extension would then be discussed on bilateral bases with the Affected party.**

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) **By informing the point of contact to the Convention listed on the Convention website**¹

(b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) **Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin**

(b) Based on the opinions of the competent authorities of the affected Party

(c) **Based on the opinions of the competent authorities and that of the public of the affected Party**

(d) Other (please specify):

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) **Following the rules and procedures of the affected Party**

(c) Other (please specify):

Your comments:

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As a Party of origin

(a) **By sending comments to the competent authority/focal point**

(b) **By taking part in a public hearing**

(c) Other (please specify):

As an affected Party

(d) **By sending comments to the competent authority/focal point**

(e) **By taking part in a public hearing**

(f) Other (please specify):

Your comments:

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

(a) Yes

(b) No

Your comments:

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

(a) Yes

(b) No

Your comments: **At the request of the affected Party, competent authority shall forward the EIA documentation to the affected party and determine the time frame for providing comments. The procedure and the time frame of the consultations, public hearing and publication of the EIA documentation shall be agreed on between the party of origin and the affected party.**

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

(a) **The competent authority checks the information provided and ensures it includes all information required under appendix II 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):

Your comments:

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) **By using appendix II**

(b) **By using the comments received from the authorities concerned during the scoping phase, if applicable**

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) **As determined by the proponent based on its own expertise**

(e) By using other means (please specify):

Your comments:

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) Other (please specify):

Your comments: **Developer is responsible for determining reasonable alternatives. According to the national legislation developer shall indicate at least two different solution for the activity regarding the location or the types of technologies. If the intended activity may have a substantial impact upon areas of natural sensitivity of European significance (NATURA 2000), the initiator shall indicate in the proposal all the possible solutions in relation to the location of the planned activity and the types of technologies to be used.**

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

(a) Yes, it is obligatory

(b) No, it does not have any provision on that

(c) It is optional (please specify):

Your comments: **The necessary procedure and the actual time schedule of the consultations shall be agreed on between party of origin and the affected state. According to the EIA Law: The Competent Authority shall consult with the Competent Authority of the Affected party regarding the possible transboundary impact of an activity, regarding the activities for preventing or reducing the negative impact, as well as regarding the time period necessary for consultation.**

Article 6

Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

(a) Conclusions of the EIA documentation

(b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2

(c) Outcome of the consultations as referred to in article 5

(d) Outcomes of the transboundary consultations

(e) Comments received from the affected Party

(f) Mitigation measures

(g) Other (please specify):

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

(a) Yes

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No

(b) Yes (please specify):

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes

(b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the "final decision" to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments: **"Final decision" - acceptance of the Proposed Activity (lv - "Paredzētās darbības akcpets") shall mean the passing of a decision by the relevant State or municipal institution or Cabinet of Ministers as provided by the EIA Law and other legislative acts, consenting to commence the Proposed Activity**

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes Please specify with which countries: **Government of the Republic of Latvia on EIA in a transboundary context (entry into force: 14 March 1997).**

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

<http://likumi.lv/ta/en/starptautiskie-ligumi/id/137-agreement-between-the-government-of-the-republic-of-latvia-and-the-government-of-the-republic-of-estonia-on-environmental-impact-assessment>

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements**
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities**
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies**
- (h) Other, please specify:

Your comments:

(b) Procedural steps required by national legislation

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments: **According of the EIA Law - State Environment Bureau (Bureau) in cooperation with the Competent Authority of the State that has intended to participate in the EIA (affected party) ensure that those authorities and public concerned are given an opportunity to review the information and submit proposals to the Competent Authority before it submits Evaluation Report of the Final EIA.**

If the planned activity is in territory in Latvia, according to the EIA Law – If a decision of the competent authority has been received that an impact assessment of an intended activity is to be performed, the developer shall publish an announcement regarding the intended activity and the possibility of the public to submit written proposals regarding the possible impact of such activity on the environment in at least one newspaper, as well as shall inform individually the owners (possessors) of immovable properties which are located next to the territory of the intended activity. The initiator shall submit the referred to announcement in the electronic form for the placement on the Internet homepage to the Bureau and local government in the administrative territory of which the intended activity is planned. Upon a written request of the Bureau or the local government in the administrative territory of which the intended activity is planned, a developer shall ensure an initial public discussion of the impact assessment of the intended

activity. The developer may organise the initial public discussion upon his or her own initiative. Any person is entitled to participate in such discussion and to make his or her proposals.

Developer shall publish the relevant notification in at least one local newspaper not later than then days prior to the planned initial public discussion and shall submit such notification for posting on the Internet home page of the Bureau, local governments as well as shall send individual notices to the owners (possessors) of immovable property, whose property is next to the potential locations of the intended activities. The notification shall specify at least the following information:

- 1. the name of the intended activity, locations (addresses) and the date when the Bureau has taken a decision regarding the necessity of an environmental impact assessment;**
- 2. the initiator (given name, surname or name);**
- 3. the location and time of the initial public discussion;**
- 4. the time and location where the public may obtain information regarding the intended activity and become acquainted with the prepared documents; and**
- 5. the office address, telephone number, Internet home page address.**

Developer shall prepare the visual materials and copies of the documents necessary for a discussion.

According to EIA Law if the activity is planned to be implemented outside the territory of Latvia, within 14 days after information is received from the Party of origin, this notification has been placed in the internet and at least one local newspaper. In the notice has been given all information, where public and interested institution may acquire information regarding the activity, as well as information regarding time period up to when written proposals may be submitted to the Bureau. The Bureau shall compile the proposals submitted by the public and interested institution and send them to the competent authority of the relevant State.

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

- (a) No
- (b) Yes (please specify):
- (i) Special provisions:
- (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

- (a) No
- (b) Yes (please specify):
- (i) Special provisions:
- (ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate “yes” if you object):

(a) Yes

(b) No

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As a Party of origin

	Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
					Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
I.	Construction of European gauge public railway line “Rail Baltica 2” in	05.02.2015.	Lithuania, Estonia		23.12.2015	09.01.2016. (Panevezas, Lithuania)	13.02.-15.03.2016 (initial public hearing) 11.11.- 11.12.2015. (public hearing)	03.05.2016 (given by Competent Authority – Environmental State Bureau 24.08.2016. – acceptance by Cabinet of Minister of the Republic of Latvia

	Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
					Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
	<i>structure</i>							
2.								
3.								
4.								
...								

Your comments:

Table II.2 (a)

Transboundary EIA procedures: As an affected party

	Project name	Starting date (date notification sent)	Party/ Parties of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
					Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	

1	Construction and operation of the first Nuclear Power Plant in Poland with a capacity of up to 3,750 MWe in the area of municipalities:	02.12.2015.	PL					
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	Choczewo or Gniewino and Krokowa in Pomorskie Voivodeship						
2.	<i>Peat Extraction in Juodimas</i>	14.04.2015	LT		01.03.2016 18.07.2016		
3.	<i>European Gauge Railway line between Kaunas and Latvia – Lithuanian border</i>	25.06.2015	LT		04.10.2016.	27.10.2016. (meeting in Latvia, Bauska)	
4.	<i>Installation for two intensive rearing of poultry</i>	20.06.2018.	LT				
5.	<i>Nord Stream Extension</i>	08.04.2013	DE,SE,DK,RU,FI)			06.06.2017 (meeting in Riga)	
6.	<i>Proposed wind farm</i>	09.05.2018	LT				

Please share with other Parties your country's experience of using the Convention in practice. 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.

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? **Translation was provided by developer**

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? **No difficulties**

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin: **Developer of the party of origin**

(ii) As an affected Party:

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin: **Min EIA summary**

(ii) As an affected Party: **Min EIA summary**

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) **English**

(ii) The affected Party's language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) **English**

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information. **No difficulties**

(i) As a Party of origin:

Experience with public participation
Experience with consultations under article 5

(ii) As an affected Party:

Experience with public participation

Experience with consultations under article 5

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin:
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:

Other, please specify **As a party of origin we are asking to developer to provide EIA documentation to the affected party in their official language (at the minimum EIA summary for the public) or in english. If the public consultation has been organized in the territory of affected**

party we are asking to developer to provide translation in the public meetings. Notification stage and scoping is in English.

As an affected party, we always are asking to provide EIA documentation in our language (at the minimum EIA summary in latvian for the public). If the public consultation has been organized in the territory of Latvia we are asking to a Party of Origin to provide translation in the public meetings.

(vi)

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: **No difficulties**

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

(a) No

(b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period **2013–2015**:

(a) No

(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes (please provide details): **for the Notification stage**

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.