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**ECONOMIC COMMISSION FOR EUROPE**

MEETING OF THE PARTIES TO THE CONVENTION ON  
ACCESS TO INFORMATION, PUBLIC PARTICIPATION  
IN DECISION-MAKING AND ACCESS TO JUSTICE  
IN ENVIRONMENTAL MATTERS

Third meeting  
Riga, 11–13 June 2008  
Item 6 (a) of the provisional agenda  
Procedures and mechanisms facilitating  
the implementation of the Convention:  
Reports on implementation

**IMPLEMENTATION REPORT SUBMITTED BY LATVIA<sup>1</sup>**

*Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.*

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<sup>1</sup> The present document was submitted on the above date due to resources constraints.

## **I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED**

1. This document is based on first unabridged version of first Latvian report. In September 2007 respective Aarhus Convention<sup>2</sup> (the Convention) articles, reporting issues and excerpt from the first report were combined in the table. On 4 October 2007 a letter was sent to all responsible ministries and Environmental Consulting Council (ECC), inviting to update the report. Draft document was prepared on 21 November 2007, which was sent to ministries and ECC and open to public discussion up to 6 December 2007. A meeting to publicly discuss the draft report was held on 28 November 2007.

## **II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT**

2. The Convention is ratified by the Law on the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, passed by the Parliament on 18 April 2002. The Convention's requirements are integrated in various legislative acts, the most important being the Environmental Protection Law (EPL) (29 November 2006), the Law on Environmental Impact Assessment (EIAL), the Law on Pollution, the Administrative Process Law (APL), the Territorial Planning Law and the Construction Law. At the same time, individuals can refer in court to the Convention as an international legal act, since Latvia has ratified it and it has become effective. All these laws are available online at: [www.likumi.lv](http://www.likumi.lv).

3. This national report shows the situation as of 1 December 2007.

## **III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3**

### **Article 3, paragraph 2**

4. Section 8 of the Constitution regulates human rights, i.e. rights to equality, justice and freedom of speech (including the rights to freely obtain, hold and distribute information and to express opinions), rights to participate in public activities (hereinafter, public authorities means also municipalities), and rights to apply in public authorities with submissions and to receive responses.

5. According to Article 115 of the Constitution, the State protects everyone's rights to live in beneficial environment, to reporting on environmental conditions and to care for their maintenance and improvement. This law obliges the State to ensure an efficient environmental protection system, but individuals are entitled to environmental information and to participate in environmental decision-making.

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<sup>2</sup> Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

6. According to the EPL (art. 10, para. 3, subpara. 3), the authorities appoint an officer responsible for the provision of assistance required by information searcher, and if necessary, for formulating the request.
7. The Information Transparency Law (ITL) describes the conditions for provision of information.
8. Availability of information in public authorities is regulated also by the APL, which governs the public legal relationship between the State and private individuals (legally private individual means natural person, legal person according to private law or association of such persons). The APL (Art.54, para. 1) provides that if a request is received from a private person regarding administrative process, the authority is obliged to provide the respective information held by them (an exception is if the information is legally classified as restricted information). The APL (Art. 56, para. 5 and Art. 98) also provides for the authority's obligation to provide an applicant with the required information or other assistance for a successful resolution of the issue.
9. The development of municipalities' territorial plans is regulated by the Cabinet of Ministers (CM) Regulation No.883 "Municipality Territorial Planning Regulations" of 19 October 2004, whose Section III obliges municipality to organize territorial planning development and public consultations.
10. Administrative acts (including those passed by environmental authorities) can be appealed in accordance with the APL. An appeal procedure is indicated in each administrative act issued.
11. A draft concept has been developed on "Unified Geo-Spatial Information Portal Development", and to promote and facilitate public access to information, a national programme has been implemented: "Development and Improvement of the E-Government Infrastructure Basis". The first stage of the Latvian State Web portal ([www.latvija.lv](http://www.latvija.lv)) has been created and is publicly available.
12. Public authorities' homepages provide the opportunity to ask questions that have to be answered in legally set deadlines. The homepage of the Ministry of Environment (MOE) allows for the submission of questions, which are answered within a time frame set by law.
13. The State Chancellery has prepared and distributed (electronically via [www.mk.gov.lv](http://www.mk.gov.lv)) manuals to officials: e.g. *Management of Public Authorities*", *Public Involvement. Consulting Methods, Key Points of Government Policy Communication and Information of Public and Communication as a Tool of Strategic Policy. Manual to Communication Specialists of Public Authorities*; a programme for communication with public on European Union (EU) issues for the years 2007–2011 is being developed.

### **Article 3, paragraph 3**

14. The Latvian Environmental Protection Fund (LEPF) also provides financing for the environmental education and information projects. The LEPF, which manages income from the

natural resources tax, allocates financing through tenders, including to projects submitted by non governmental organizations (NGOs) to promote environmental protection.

15. Financing allocated under the LEPF guideline, “Environmental Education and Training”:

- (a) For 2006 – 106 projects (LVL 360,720 / EUR 513,258);
- (b) For nine months of 2007 – 98 projects (LVL 852,590 / EUR 1,213,126)

16. Financing allocated under the LEPF guideline, “Activities of the Mass Media and Publishing in the Field of Environmental Education and Training”:

- (a) For 2006 – 20 projects (LVL 375.375 / EUR 534.110);
- (b) For nine months of 2007 – 17 projects (LVL 412.133 / EUR 586.412).

17. Promotion of environmental education and environmental awareness is also done through:

- (a) Informative (including electronic) publishing, conferences, lectures in schools and practical training at the Natural History Museum of Latvia and in specially protected nature territories, e.g. open day in the specially protected military territory in Adazi;
- (b) Regular public joint work, involving children, youth, celebrities and soldiers of National Armed Forces and Civil Guards;
- (c) Public activities, e.g. the annual campaign “Alive Water” to protect spawning fishes;
- (d) The programme of Blue Flags as well as Green Flags, otherwise called eco-schooling (this involves 51 educational institutions, and 20 schools have received Green Flags in 2007);
- (e) Programme for young environmental reporters;
- (f) Competition for the best environmental journalist and best-kept parish;
- (g) Activities of Environmental Education and Science Council (established by the EPL);
- (h) Operation of the Latvian Environmental Interpretation Service;
- (i) Annual days devoted to environmental issues, e.g., Climate Change and Environmental Days;
- (j) Increase of support for study places and financing; development of new professions promoting environmental protection (e.g. specialists in ecotourism, environmental technologies, climate and renewable energy, hydro-energy and meteorologists).

18. In cooperation with the Environmental Educators Association, polling of best sustainable development environmental education practice has been done, with examples being published online (<http://www.unece.org/env/esd/GoodPractices/index.html>).

19. Legislative acts are explained in the mass media.

20. A cooperation protocol on education for sustainable development was signed by the Ministry of Education and Science (MOES) and the UNESCO<sup>3</sup> Latvian National Commission.
21. An upgrading of the education system is ongoing, and includes improvement of secondary education teachers' professional qualifications and of education programmes as well as the system for lifelong education and educational environment.
22. Although not mentioned in other legislative acts, the EPL provides that "environmental education" must cover issues of environmental and sustainable development education. This subject will be included in the compulsory part of upper school and college curricula, and the subject of sustainable development will also be included in of the curricula for all upper school and college teachers.

#### **Article 3, paragraph 4**

23. The segment of the public that promotes environmental protection has been allocated wide rights to access to environmental information, involvement and legal protection, without any criteria being set for NGOs. Regarding this, there is no separate NGO recognition procedure introduced in the country, and there is no need for it.
24. LEPF is a main environmental protection mechanism for the financing and support of the local population, including NGOs. In 2006, 137 NGO projects were financed (LVL 951.325 / EUR 1.353.613), and in nine months of 2007, 114 NGOs projects (LVL 941.551 / EUR 1.339.706) received funding. To ensure transparency of LEPF activities, the Consulting Council of the LEPF was established.
25. The MOE participates in and supports an annual forum of Latvian environmental NGOs and professional associations.
26. To promote cooperation between public authorities and public, the ECC was established, which is comprised of representatives of 20 NGOs; NGOs are also represented, e.g. in the Councils of Specially Protected Nature Territories, Agricultural and Environmental Protection, Forest Consulting, River Basin Management and Radiation Safety, as well as in the Biologic Safety Coordination Centre.

According to paragraph 6 of the State Governmental System Law (SGSL), public authorities have the right to transfer certain tasks, along with allocated financing, to NGOs upon a separate specific agreement. Thus, activities of these organizations are also stipulated, e.g. Engure Lake nature park is managed by an NGO. A grant programme is planned for NGOs, private companies, municipalities and other applicants' projects in Latvian development cooperation countries.

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<sup>3</sup> United Nations Educational, Scientific and Cultural Organization.

**Article 3, paragraph 7**

27. Latvia is following the activities of the Convention's Expert Group for Public Participation in International Forums

28. Respective specialists have been informed about the Almaty Guidelines and have been invited to apply the principles of access to information, participation and justice in their implementation of other international conventions.

29. At the Sixth Ministerial Conference "Environment for Europe" (Belgrade, 2007), the Minister of Environment chaired a session on experience and challenges in implementing the Convention, which fostered implementation of the Convention's principles in international events, including, discussions on other United Nation conventions.

**Article 3, paragraph 8**

30. The principle that no legal activity can be punished is enforced in Article 1 of the Constitution. The rights covered by the Convention are enforced in State legislative acts, including Articles 92 and 115 of the Constitution.

31. Along with the EPL entering into force and the APL being amended, it is directly stated that no civil claims for damages can be raised against a person who has exercised his or her rights by applying in administrative court (EPL, Article 9, para. 5, and APL, Article 4, para. 4).

**IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3**

32. "The Access Initiative", a project implemented by the Regional Environmental Center for Central and Eastern Europe (CEE), was concluded in 2007. The project's conclusions concerning Latvia indicate that legislative regulation in the country is relatively good; access of emergency information lacks strength, monitoring and state-of-the-environment reports are quite good, the public involvement process lacks adequate discussions with interested persons and improvement for public performance is insufficient, thus discouraging use of legislative regulation.

**V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3**

33. According to the Law on the Latvian Republic's International Agreements, the CM is responsible for execution of international agreement obligations. Should an international agreement approved by the Parliament contain other provisions than in Latvian legislative acts, the conditions of the international agreement(s) apply. All international agreements and their Latvian translations are published in official government versions.

34. During implementation of various projects, research and publications on the public's rights and the improvement of judicial system, as well as on the information society, were prepared.

## **VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3**

35. [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.mk.gov.lv](http://www.mk.gov.lv), [www.zinisavastiesibas.lv](http://www.zinisavastiesibas.lv), [www.vitila.gov.lv](http://www.vitila.gov.lv), [www.lvaf.gov.lv](http://www.lvaf.gov.lv), [www.tm.gov.lv](http://www.tm.gov.lv), [www.reclatvija.lv](http://www.reclatvija.lv), [www.dap.gov.lv](http://www.dap.gov.lv), [www.lhei.lv](http://www.lhei.lv), [www.latvija.lv](http://www.latvija.lv), [www.eps.gov.lv](http://www.eps.gov.lv), [www.adazinatura.lv](http://www.adazinatura.lv), [www.aiva.gov.lv](http://www.aiva.gov.lv), [www.mod.gov.lv](http://www.mod.gov.lv), [www.apa.lv](http://www.apa.lv), [www.muzizglitibavisiem.lv](http://www.muzizglitibavisiem.lv).

## **VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4**

### **Relevant definitions**

36. Environmental information is defined in paragraph 19 of Article 1 of the EPL. Article 1 of VPS defines a “public authority”, but Article 10 of the EPL states that authorities are bound by the requirement of providing environmental information. EPL Article 6 explains the meaning of “public”. This explanation has no discriminatory restrictions (see also comments to Article 5).

37. In the ITL, paragraph 1 of Article 10 provides that generally available information is provided to anyone willing to receive it, by considering the equality of persons.

38. Paragraph 19 of the Municipality Territorial Planning Regulations; Articles 21 and 82<sup>1</sup> of the Law on Municipalities.

### **Article 4, paragraph 1**

39. Conditions and procedure for issue and denial of information are set by the ITL.

40. Paragraph 1 of Article 10, of the ITL and the third part of the Article 7 of the EPL provide that the person requesting information needs no justification for the need for requested information.

41. Paragraph 6 of Article 11 of the EPL stipulates that information has to be provided in the requested manner or format, except in cases where the requested information is already in another manner or format and is available to person requesting information or when reasonable grounds exist for providing the information in another manner or format, and of informing person on these grounds.

### **Article 4, paragraph 2**

42. General deadlines for processing of applications, complaints or recommendations are set by the Law of Applications (effective as of 1 January 2008). With respect to environmental information, a deadline for provision of information cannot be longer than two months in accordance with paragraph 1 of Article 11 of the EPL. It also provides that the response to the request must be issued as soon as possible.

**Article 4, paragraphs 3 and 4**

43. Cases where an information request can be denied are listed in the paragraphs 4 and 5 of Article 11 of the EPL, including the definition that information about emissions into the environment cannot be of limited access.

44. Article 19 of the State Statistics Law provides that requirements on non-disclosure of individual statistical data are not applicable to information about emissions into environment, environmental quality, environmental protection measures and use of natural resources.

45. The following legislative acts define particular cases where information can be rejected: – Article 7 of the Law of Applications; paragraph 4 of Article 5 and paragraph 3 of Article 12 of the ITL; paragraph 4 of Article 11 of the EPL, with respect to nature protection; Articles 3 and 4 of the Law on State Secrets; Articles 18 and 19 of the State Statistics Law, with respect to individual statistical data; and the Law on Protection of Individual's Data with respect to protection of individual's data.

46. EPL Paragraph 5 of Article 11 states that restriction on access to environmental information in every case can be outweighed by public interests in information transparency.

**Article 4, paragraph 5**

47. Paragraph 2 of Article 12 of the ITL; Article 4 of the Applications Law; Paragraph 2 of Article 56 of the APL.

48. According to these legislative acts, public authorities not possessing the required information indicate to the requestor where it can be found, or transfer the request to authority holding the information, duly informing the demander of this information.

**Article 4, paragraph 6**

49. Legislative acts prescribe an obligation to issue the part of information that is not classified as restricted information (Art. 10, para. 4, of the ITL; Art. 11, para. 3 of the EPL; Art. 54, para. 2, of the APL).

**Article 4, paragraph 7**

50. Articles 12 and 15 (Appeal procedure) of the ITL; Article 7 of the Applications Law; paragraph 1 Articles 11 and 9 list legislative acts that contain reasons and deadlines for rejection, indicating appeal rights. According to Article 67 of the APL, denial has to be in writing.

**Article 4, paragraph 8**

51. Conditions for application of the fee for provision of information are stated in: Article 12 of the ITL; Article 11, paragraph 2, of the EPL; and CM Instruction No.4 “Procedure for provision of paid services by State budget-financed authorities”, dated 6 May 1997.

52. According to the conditions of paragraph 2 of Article 11 of the EPL, environmental information collected and aggregated from State financing and environmental information included in public databases is free of charge. Should additional processing or preparation be required for provision of the information, a fee can be set. If the fee is set, the requestor is informed of its size, and indication should also be given in cases where this fee can be waived.

**VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4**

53. Provision of information free of charge is interpreted in various ways, i.e. which information has to be free and on which charge can be applied. This regards especially the authorities working with environmental information and, inter alia, providing paid services. Although legislative acts regulate application of fees for services, actual implementation is not always clear.

**IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4**

54. Requests for information in public authorities are registered in accordance with the requirements of CM Regulation No.99 “Regulations on Registration of Applications, Complaints and Recommendations in state and municipal institutions” dated 18 April 1995.

55. Statistics of application numbers are available from the Latvian Environment, Geology and Meteorology Agency (LEGMA).

56. Information requests on public authorities’ homepages can be sent electronically, such requests respectively being registered and processed in accordance with requirements of the Electric Documents Law.

**X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4**

57. [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.lvgma.gov.lv](http://www.lvgma.gov.lv), [www.sva.gov.lv](http://www.sva.gov.lv), [www.pvd.gov.lv](http://www.pvd.gov.lv), [www.lhei.lv](http://www.lhei.lv).

**XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5**

58. The obligation to collect and update environmental information is set out in the SGSL, the EPL, and in the Law on Pollution.

59. Environmental information is defined in the paragraph 19 of Article 1 of the EPL.

60. "Public authority" is defined in Article 1 of the SGSL; paragraphs 1 and 2 of Article 10 of the EPL stipulate which public authorities are bound by the requirement to provide environmental information access.

61. "Public" is defined in Article 6 of the EPL. Non-discrimination restrictions are included in this definition.

**Article 5, paragraph 1**

62. Legislative acts list the competent authorities responsible for collection and distribution of environmental information.

63. The MOES website was improved in 2007.

64. A large part of the environmental information is available in LEGMA. To companies whose production amounts and environmental emissions exceed certain criteria, Regional Environmental Boards (REB), upon issuing permissions for polluting activities, also set an obligation to report to LEGMA on an annual basis on created and conducted pollution (air, water and waste reports). LEGMA maintains registers of polluted and potentially polluted areas (pollution of territories, soil and groundwaters), carbon dioxide emissions and emission quota trading.

*Article 5, paragraph 1 (a)*

65. Article 10 of EPL provides that public authorities according to their areas of responsibility must gather, update and distribute environmental information, also using publicly available databases and websites; Article 16 lists information to be included in these.

66. According to Article 22 of the Law on Specially Protected Nature Territories (entered into force 7 April 1993), environmental authorities and the respective municipalities must ensure free access to the information at their disposal about protected territories.

*Article 5, paragraph 1 (b)*

67. Article 6 of the EPL stipulates that the public can provide public authorities with information on activities influencing environmental quality, as well as information on changes observed in nature as a result of such activities or measures.

68. Public authorities ensure the mutual exchange of necessary information in accordance with legislative requirements, including those of authorities' statutes and information exchange agreements.

69. The Law on Pollution and the CM Regulation No. 162 on "State Monitoring and Register of Polluting Substances", dated 8 April 2003, include requirements for operators for performing environmental monitoring and providing public authorities and public with the results.

*Article 5, paragraph 1 (c)*

70. Provision and distribution of environmental information is done in accordance with the Civil Defense Law, the Civil Defense Plan and CM Regulation No. 530 "Procedure for Creation, Use and Financing of Civil Alarm and Notification System", dated 7 August 2007.

71. The Civil Defense Plan includes the obligation to provide respective information and also identifies the institution responsible for providing emergency information, which in turn receives the information from the public authorities responsible for particular areas.

72. If pollution has developed that endangers human life, health or the environment, or there is reasonable threat of above, the operator must notify respective REB, according to paragraph 5 of Article 6 of the Law on Pollution.

73. According to the Civil Defense Law (Art. 7, para. 12, section 1), one of the State Fire and Rescue Service's obligations in civil defense is to inform the public in the event of a catastrophe, including of its threats and suggested actions. Paragraph 3 of Article 15 of this Law provides that the mass media must broadcast such information free of charge.

**Article 5, paragraph 2**

74. Article 9 of the ITL provides that every authority must compile information, indicating the information group, name, source and details.

75. CM Instruction No. 7 "Procedure for Publishing Internet Information by Public Authorities" sets out the public authority's obligation vis-à-vis its Internet homepage to provide information on services and ways of those receiving it, on, its functions and tasks, as well as to have search option by keywords.

76. Paragraph 1 of Article 10 of the EPL sets out the obligation for information holders to provide public access to the environmental information they hold, including on activities under authorities' control regarding environmental protection, on permits issued and contents of these permits, and on information on safety measures.

**Article 5, paragraph 3**

77. Article 10, paragraph 3, and Article 16 of EPL provides that public authorities in accordance with their responsibilities create and update publicly accessible free databases,

registers and Internet homepages, and publish there reports on environmental issues and environmental policy legislative acts.

78. According to CM Regulation No. 171 “Procedure for Authorities on Publishing Information over the Internet”, dated 6 March 2007, all ministries and environmental institutions must have publicly accessible Internet homepages.

#### **Article 5, paragraph 4**

79. Article 10, paragraph 3, of the EPL provides that public authorities, in accordance with their responsibilities, prepare and publish reports on environmental conditions. Paragraph 6 of Article 10 of the EPL provides that reports of environmental conditions be included in publicly accessible databases.

80. LEGMA publishes, over the Internet, annual and 4four-year period reports on environmental quality as well as environmental loads, as well as Latvia’s sustainable development indicators’ reports.

#### **Article 5, paragraph 5**

81. All legislative acts and policy planning documents drafts are publicly available on the CM website, along with their status reports and database of approved policy planning documents. All developed legislative drafts and status reports are available on the website of the Parliament.

82. Article 16, paragraph 1, of the EPL states that publicly available databases cover environmental legislative acts, international agreements and EU legislative acts, environmental policy documents and their implementation reports.

#### **Article 5, paragraph 6**

83. Articles 38 and 39 of the EPL set out for voluntary environmental management activities: implementation of eco-labeling and of an environmental management and audit system, and also provision of better information to the public on operator’s activities, as well as product information. Information on European eco-labeling and its implementation in Latvia is available on the LEGMA website (<http://www.meteo.lv/public/ekomarkejums.html>).

84. Article 6, paragraph 3, of the Law on Pollution stipulates operators’ obligation to provide environmental protection institutions and the public with information on the results of monitoring defined by the permit and the impact of polluting activities on human health and environment (<http://www.meteo.lv/public/28012.html>).

#### **Article 5, paragraph 7**

85. In their annual public reports, public authorities must provide information on cooperation with the public in solving various environmental issues, as well as on public education and information measures taken. Public reports are published and posted on the websites of the respective authorities.

86. The Latvian Rural Consultation and Education Centre provides consulting in all regions of the country on environmentally friendly agriculture issues.
87. The Ministry of Agriculture publishes materials on genetically modified food and has created a system for circulation of this information.
88. State Forest Service employees provide regular consulting to owners of forests, and publish information materials.

**Article 5, paragraph 8**

89. Choice of environmentally friendly products is encouraged by: EUEU eco-labeling; Environmental Management and Audit Systems (EMAS) have been implemented in several municipalities; also applicable are quality and management systems (ISO 9001 and ISO 14001), pure technologies, and various product labeling.
90. “Green Liberty” has done research on environmental influence of various products and human activities and environmentally friendly choices (see [www.zb-zeme.lv](http://www.zb-zeme.lv)).
91. The website of the Food and Veterinary Service provides information about food products, new food and food additives.
92. Information about the labeling of chemical substances and products is publicly available. These are regulated by requirements of CM Regulation No. 107 “Procedure for Classification, Labeling and Packaging of Chemical Substances and Products”, dated 12 March 2002. Labels must contain all basic substance or product information, including environmental danger information.

**Article 5, paragraph 9**

93. Draft legislation for ratification of Protocol on Pollutant Release and Transfer Registers (PRTRs) has been approved by Government and is currently under review by the Parliament. A polluting substances and waste transfer register is available in the LEGMA website; a PRTR Protocol-compliant version is being prepared (to be available at the end of 2007, see <http://www.meteo.lv/public/28012.html>). Registry data is being acquired from reports provided to LEGMA by operators, as well as from monitoring data from operators supplied to State Environmental Service REB.

**XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5**

94. Obstacles encountered include an insufficient number of analytical publications giving better insights into environmental problems and the mutual relationship of environmental, economic and public issues. Accessibility to contemporary information technologies is insufficient in rural areas.

95. Explanations to the public of most complicated environmental terms, parameters and indicators are not clear and simple enough. This encumbers publications on environmental issues in the mass media.

96. Data in databases often is raw and therefore difficult to understand. Environmental information must be prepared and provided in a simpler form.

97. Not all problems concerning environmental information access and exchange have yet been solved. Remaining obstacles include:

(a) Insufficient finance, technical and intellectual resources for development of environmental information system;

(b) Insufficient and inefficient information exchange between public authorities, which also encumbers local level accessibility through electronic media.

98. Public debates show the opinion that acts regulating the competence of public authorities do not provide or are unclear as to what environmental information should be actively distributed by a given authority.

### **XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5**

99. Considerable financial aid in preparation of environmental information and informing the public is provided by LEPPF, supporting many environmental education projects.

100. University and scientific libraries play an important role in information preparation, storage and distribution. Information technologies, i.e. computer networks, are developing rapidly, providing access to environmental information.

101. Stable cooperation exists between the State TV Educational Programmes Department and the Environmental Films Studio.

102. Along with the regular press and TV, the Latvian people also have access to specialized environmental media and TV programmes, e.g., the magazine "Environmental News" and Environmental Films Studio's TV programmes.

103. Five investment projects have been prepared for further development by the National Environmental Information System to attract State and EU financing in 2005–2009.

104. According to the requirements of national legislative acts, information gathered over the last two to three years is available in public authorities' websites, e.g. LEGMA provides public access to State financed environmental information (information on meteorological, aerial quality and hydrology observations, water use and emissions into water, water use permissions, lake passports, surface and groundwater quality monitoring, specially protected nature territories, specially protected trees, emissions into the air, emissions of greenhouse gases, waste, the Nature Resources Tax, the Cadastre of Latvian Mineral Deposits).

105. A polluting activities (categories A and B) permissions register is available on the Environmental State Bureau (ESB) website (<http://www.vidm.gov.lv/ivnbe>).

106. The creation of unified environmental information system is included in MOES workplans. Some municipalities, e.g. the Riga Council and the Liepaja City Council, have one-stop agency-type information centres.

#### **XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**

107. [www.mk.gov.lv](http://www.mk.gov.lv), [www.saeima.lv](http://www.saeima.lv), [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.lvgma.gov.lv](http://www.lvgma.gov.lv), [www.lvgm.gov.lv](http://www.lvgm.gov.lv), [www.drvp.gov.lv](http://www.drvp.gov.lv), [www.jervp.gov.lv](http://www.jervp.gov.lv), [www.lielrigasrvp.gov.lv](http://www.lielrigasrvp.gov.lv), [www.lrvp.gov.lv](http://www.lrvp.gov.lv), [www.madonasrvp.gov.lv](http://www.madonasrvp.gov.lv), [www.rezeknesrvp.gov.lv](http://www.rezeknesrvp.gov.lv), [www.valmierasrvp.gov.lv](http://www.valmierasrvp.gov.lv), [www.vrvp.gov.lv](http://www.vrvp.gov.lv), [www.jvp.gov.lv](http://www.jvp.gov.lv), [www.slitere.gov.lv](http://www.slitere.gov.lv), [www.teici.gov.lv](http://www.teici.gov.lv), [www.kemeri.gov.lv](http://www.kemeri.gov.lv), [www.dap.gov.lv](http://www.dap.gov.lv), [www.vgd.gov.lv](http://www.vgd.gov.lv), [www.biosfera.gov.lv](http://www.biosfera.gov.lv), [www.raznasnpa.gov.lv](http://www.raznasnpa.gov.lv), <http://www.vidm.gov.lv/ivnbe/>, [www.gnp.gov.lv](http://www.gnp.gov.lv), <http://www.rdc.gov.lv>, [www.vvd.gov.lv](http://www.vvd.gov.lv), <http://www.dabasmuzejs.gov.lv>, <http://www.videsprojekti.lv>, <http://www.lvif.gov.lv>, <http://www.rapa.lv>, <http://www.getlini.lv>, [www.zb-zeme.lv](http://www.zb-zeme.lv), [www.pvd.gov.lv](http://www.pvd.gov.lv), [www.lhei.lv](http://www.lhei.lv), <http://www.nbd.gov.lv/>, [www.sva.gov.lv](http://www.sva.gov.lv), [www.isec.gov.lv](http://www.isec.gov.lv), [www.muzizglitibavisiem.lv](http://www.muzizglitibavisiem.lv), [www.lanet.lv/links/lschools.html](http://www.lanet.lv/links/lschools.html).

#### **XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6**

108. Public involvement is prescribed by the EPL, the Law on Pollution, the EIAL, CM Regulation No. 157 "Procedure for Strategic Assessment of Environmental Impact" of 23 March 2004, CM Regulation No. 87 "Procedure for Assessment of Environmental Impact of Proposed Activity" of 17 February 2004, CM Regulation No. 91 "Procedure for Issue of Proposed Activity's Technical Regulations by Regional Environmental Board When No Environmental Assessment Is Required" of 17 February 2004, CM Regulation No. 294 "Application Procedure for A, B and C Category Polluting Activities and Issue of A and B Category Polluting Activities Permits" of 09 July 2002, CM Regulation No. 455 "Assessment Procedure of Impact on European Specially Protected Nature Territories (NATURA 2000)" of 06 June 2006, CM Regulation No. 686 "Regulations on Contents and Preparation Process of Specially Protected Nature Territories' Nature Protection Plan" of 9 October 2007, CM Regulation No. 883 "Municipality Territorial Planning Regulations" of 19 October 2004, the Territorial Planning Law, CM Regulation No.394 "Railway Construction Regulations" of 2 December 1997, CM Regulation No. 331 "Proposed Construction Public Discussions Procedure" of 22 May 2007 (see below, as well as the above-mentioned acts referred to with respective number). National legislative acts also regulate cases, when proposed activities have a potential transboundary impact.

### **Article 6, paragraph 1**

109. Articles 8 and 12 of the EPL stipulate that the public authorities take the measures required to timely provide the public willing to participate in decision-making with necessary information.

#### *Article 6, paragraph 1 (a)*

110. The requirements of the Convention's Article 6 in Latvia are covered by two mutually connected procedures concerning decision-making on activities listed in the Convention's annex I:

- (a) The EIAL lists activities to be performed by the environmental impact assessment (EIA) process and details thereof, as does CM Regulation No. 87 on public involvement process;
- (b) The Law on Pollution and CM Regulation No. 294 set out the issuing procedure of polluting activities permits, including for public involvement in activities listed in the Convention's annex I.

#### *Article 6, paragraph 1 (b)*

111. Article 4 of the EIAL provides that EIA is also required, if international agreements or responsible authority requires so: , (a) according to initial assessment results; (b) if one or more proposed activities influence one territory, considering aggregate and mutual impact; and (c) if the proposed activity could have considerable impact on European protected nature territory.

112. According to Article 27 of Law on Pollution, in cases listed by CM B category permit application (for waste incineration equipment and in cases when REBs conclude that the activity could have considerable negative environmental impact) is also publicly available for opinion on the issue of the permit.

113. Public involvement is provided for also in decision-making on construction, if the latter has considerable environmental impact (Art. 12, paras. 1 and 2, of the Construction Law). The procedure for organizing public discussions on construction is set in CM Regulation No. 331.

### **Article 6, paragraph 2**

114. Anyone is entitled to join public consultation and express his/her opinion. The project developer has to evaluate public opinion on planned construction. According to EIAL and CM Regulation No. 87, prior to the project approval procedure, the public receives information on:

- (a) Initial EIA results;
- (b) The EIA procedure application for the project;
- (c) The EIA working report and availability of it for proposals and public discussions;
- (d) The EIA report, when it is submitted to ESB and public decides to meet and comment (the report is made available online).

115. Information is published in the official newspaper and in at least one local newspaper, as well as on ESB website and the website of the project developer, if such exists. In addition, owners of adjacent lands get special notification twice. ESB has created a list of NGOs that have expressed interest in information on new proposals.

116. Procedure for issue of polluting activities permit contains similar regulations with respect to public information and involvement issues covered by the Law "On Pollution" and CM Regulations No.294. Information about A category or, in certain cases – B category, permit applications must be communicated:

- (a) Publicly – by providing information in place of planned activities, operator's office and municipality;
- (b) Individually – by notifying owners (holders) of properties adjacent to proposed polluting activity site or those located in directly influenced area;
- (c) In the official newspaper and in at least one local newspaper;
- (d) On the Internet – on the operator's or website of the respective REB website;
- (e) On new polluting activities – also in Latvian official or local radio;
- (f) The activity developer is obliged to organize a public discussion on the issue of the permit.

117. CM Regulation No. 83, Article 10, provides that public discussion of municipality territorial planning is organized in at least two stages: the first upon launch, the second after the drafting of the first project.

### **Article 6, paragraph 3**

118. Respective legislative acts provide for certain deadlines for public involvement in the processes of EIA and permit issuing.

119. During EIA, there are three notifications and every time there is a 20-day period for recommendations. This deadline can be prolonged for 40 days during the review period of the working report. Public information should appear not later than seven days prior to the public discussion.

120. During discussion of permit conditions, the public has 40 days from the notification of the publication day to submit written suggestions or opinions to the REB on the issuance of the permit or conditions thereof.

121. Paragraph 1 of CM Regulation No. 883 lists the sections of territorial planning as well as the procedures for drafting, public discussion, becoming effective, amendments, termination, legality test and observance supervision at the local government level. Article 33 stipulates that the municipality announces the first part of public discussion, lasting for at least four weeks, in a local and in the official Latvian newspaper.

**Article 6, paragraph 4**

122. According to legislative requirements, during the EIA the public has the right to receive information and express its opinions during the initial, working report and final report public discussion stages. The public also has the right to express opinions during the public discussion of construction and polluting activities' permit.

123. Interested NGOs that have applied to the ESB are informed as soon as the EIA procedure is started. Adjacent land owners are notified and invited to individually express their opinions on proposed activities.

124. The EIA evaluates alternatives and chooses the best option. Cases are known, when an alternative has been rejected due to active public involvement.

**Article 6, paragraph 5**

125. The developer is responsible for public information provision as well as discussions during the EIA and permit application assessment processes.

126. According to CM Regulation No. 91, public NGOs interested in planned activities in certain territories can apply in the RVP to receive updated information.

**Article 6, paragraph 6**

127. Respectively, the information supplied to the public authority is made publicly available in accordance with the ITL, the EPL, the Law on Pollution and the EIAL.

128. No cases are reported, when EIA documentation would be classified as trade secret or intellectual property.

129. Access to this information is ensured by: (a) the EIAL requirement to provide respective information to public and particularly interested persons; (b) the Law on Pollution, which provides that the application submitted and documents thereof are made publicly available (Art. 27); and (c) CM Regulation No. 294, which states in addition what information has to be made public, including information acquired after public information (para. 33).

**Article 6, paragraph 7**

130. Both the EIA and the permit issuing procedures foresee the public's right to submit recommendations or opinions within the deadlines provided or during public discussions without any restrictions (Law on Pollution, Arts. 27 and 28; CM Regulation No. 294; EIAL; CM Regulation No. 87).

131. Every participant in the public discussion is entitled to submit his/her written opinion within seven days following the meeting, which is attached to public discussion report.

132. Eight regional and about 100 local public meetings were held during the creation of EU-protected nature territories network in Latvia, facilitating practical nature protection implementation.

133. The responsible authority has the right to return the EIA report and the obligation to demand public information and discussion if this hasn't been done.

#### **Article 6, paragraph 8**

134. According to legislative requirements, public opinions have to be evaluated in the EIA report.

135. The EPL (Art. 12, paras. 6 and 7) stipulates that public authorities in decision-making processes evaluate public opinion and countermeasure individual rights and interests to public gains and losses, observing sustainable development principles.

136. Article 3 of the EIAL provides that decisions have to be taken considering proposals received during public discussions. Article 22 of the Law reinforces this.

137. According to the paragraph 6 of Article 28 of the Law on Pollution, prior to issuing of a permit, the REB has to evaluate the recommendations received during public discussion.

138. CM Regulation No.87 (subpara.26.10) provides that during public discussion, written proposals and the initial public discussion results have to be gathered and evaluated.

139. During EIA and the permission-issuing process the proposer has to prepare and submit to responsible authority a report on the public discussion and its results, attaching the written proposals received.

140. Authority can obligate a proposer to amend proposed activities considering public opinion expression during discussions.

141. According to paragraph 35 of CM Regulation No. 294, should the public recommend a denial of the permit for polluting activities, the REB issues permit or pass motivated decision on denial to issue permit only after the operator will have at least 14 days to provide written explanation.

#### **Article 6, paragraph 9**

142. Article 20 of the EIAL provides that the responsible authority publishes notification in at least one local newspaper and official newspaper notifying that the decision on the EIA final report has been issued, informing about opportunities for familiarization with both documents (available also at ESB website). Article 23, paragraph 2, obliges the responsible authority to post the passed decision in the authority's headquarters and other public places, as well as to publish it in at least one local newspaper and on its website, indicating the authority where interested persons can familiarize themselves with the decision's contents in not later than within two weeks.

143. Section V of CM Regulation No. 294 provides that in cases of public discussion, operator has eight days from the day when the REB has issued or prolonged the permit, or amended the permit conditions to inform public of the polluting activity, by placing notifications at the site of planned polluting activity and at the respective municipality and by individually notifying the owners of adjacent properties and those directly affected.

#### **Article 6, paragraph 10**

144. The Law on Pollution and CM Regulation No. 294 prescribe public involvement options and procedure also in cases when the permit is prolonged or reviewed. The EIAL and CM Regulation No. 887 also provide for public involvement in cases where amendments are planned in activities listed in annex I (i.e. activities requiring EIA), should these amendments comply with certain milestones.

#### **Article 6, paragraph 11**

145. Distribution of genetically modified organisms is regulated by CM Regulation No.333 “Regulations on Restricted Use and Conscious Distribution in Environment and Market of Genetically Modified Organisms, and Monitoring Procedure”, dated 20 April 2004, defining responsible authorities and decision-making procedures. The Food and Veterinary Service has created a New Food Register on its website ([www.pvd.gov.lv](http://www.pvd.gov.lv)).

146. The general obligation to involve the public in decision-making on genetically-modified organisms stems from Article 48 of the State Government Law, which obliges public authorities to involve the public in decision-making on publicly important issues. Articles 8 and 12 of the EPL provide that when taking environmental decisions public authorities must account for public opinion, allowing the public time expressing opinions and recommendations.

147. The Law on Genetically Modified Organisms was passed in December 2007. It stipulates the need to update information submission and public involvement procedures in this area.

### **XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6**

148. On the one hand, the public authorities must still learn to effectively listen to public opinion; on the other hand, the level of public environmental awareness needs to be raised, and does the interest in public involvement in decision-making process.

149. Although Latvian legislation provides for a public involvement option in decision-making on environmental issues, people are not always are aware of their rights and options.

150. In some cases, developers have insufficient information about their obligations regarding public involvement.

**XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6**

151. In developing the State programme “Strengthening of the Civic Public, 2005–2009”, public involvement in decision-making was analysed.

152. ESB cooperation with NGOs, in particular their informing the latter of applications received, can be mentioned as a good example. Similar cooperation has been created between REBs and NGOs active in the region.

**XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6**

153. [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.vidm.gov.lv/ivnvb](http://www.vidm.gov.lv/ivnvb), [www.pvd.gov.lv](http://www.pvd.gov.lv), [www.em.gov.lv](http://www.em.gov.lv), [www.lvgma.gov.lv](http://www.lvgma.gov.lv).

**XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7**

154. Legislation has been upgraded to ensure obligations and procedures for public involvement in environmental planning and the programme developing process. The following legislative acts were passed and improved: the EPL; the EIAL and CM Regulation No. 157 (passed 23 March 2004) “Procedure for Strategic Environmental Impact Assessment”; section VI of the State Government System Law; CM Regulation No.111 “Rules of Procedure of the Cabinet of Ministers” (paras. 51 and 96); the Territorial Planning Law; and CM Regulation No. 883 (passed 19 October 2004) “Municipality Territorial Planning Regulations”, where the procedure is detailed for public involvement in municipality territory planning. (see below, and also above-mentioned acts referred with respective number.)

155. To practically implement legislative requirements, the ECC has been established, bringing together the representatives of environmentally active organizations and professional associations. Therefore, public authorities have an addressee, and know where to send or present drafts of documents.

156. The annual working plan posted on MOES homepage provides a listing of works planned, including projects for documents, with the deadline and responsible official.

157. Article 4 of the EIAL and paragraph 2 of CM Regulation No.157 (passed 23 March 2004) detail the planning documents requiring strategic EIA. Article 23.5 of the EIAL and CM Regulation No.157 (section V) detail the procedure for public involvement in strategic EIA. To promote introduction of above-mentioned requirements, ESB has distributed explanation of new legislative framework to public authorities, developing planning documents as well as included section on strategic EIA on their website.

158. The Ministry of Transport has developed regulation No.1 (passed 6 January 2005), the “Regulation on Procedure for Environmental Impact Strategic Assessment of Planning Documents Drafted by the Ministry of Transport”. This provides for the procedure for public information on the drafting and passage of a proposed planning document and public involvement measures. In drafting the “Transport Development Guidelines for 2000-2013”, a strategic EIA was performed, including information to public on development and assessment of guidelines.

159. The responsible authorities organize regular public activities, i.e. they explain public involvement procedures vis-à-vis the development of planning documents.

160. According to legislation, planning has to be done on three levels: national, regional and local. At the moment, public rights are described in more detail at the local planning level, providing for two public consultations (without any criteria for a person’s eligibility to participate).

## **XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7**

161. The general attitude towards public involvement in environmental policy development is described by Article 8 of the EPL.

162. CM Regulation No.111 of 12 March 2002 contains some provisions (paras. 7-11) on NGO involvement in the development process of policy documents and legislative acts as well as the need for public discussion (para. 65), and authorizes NGO representatives to participate in meetings of the State Secretaries, where legislative acts and policy documents of all ministries are discussed.

163. The public is invited to express its opinions on any reviewed policy document available on CM homepage after a hearing at the State Secretaries’ Meeting. Public authorities are obliged to inform interested parties and to organize consultations on publicly sensitive issues according to the SGSL, Article 48.

## **XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7**

164. Public representatives indicate that public opinion is not always evaluated or reflected, e.g., in developing nature protection plans.

## **XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7**

165. The strategic EIA procedure is the main implementation instrument of the Convention’s article 7, practical implementation of which is incumbent upon the public authorities.

166. The Ministry of Regional Development and Local Government, considering its authority and the fact that public opinion has not been duly evaluated and considered, withdrew the respective Jurmala City Development Planning Parts, which were found to be deficient.

167. Public environment authorities include colleagues from NGOs in their legislative acts development work groups.

168. MOES has started development of environmental policy guidelines for 2009–2015, planning also for public involvement.

### **XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7**

169. [www.mk.gov.lv](http://www.mk.gov.lv), [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.vidm.gov.lv/ivnvb](http://www.vidm.gov.lv/ivnvb), [www.integracija.gov.lv](http://www.integracija.gov.lv).

### **XXIV. EFFORTS MADE TO PROMOTE EFFECTIVE PUBLIC PARTICIPATION DURING THE PREPARATION BY PUBLIC AUTHORITIES OF EXECUTIVE REGULATIONS AND OTHER GENERALLY APPLICABLE LEGALLY BINDING RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8**

170. Article 13 of the EPL describes the early involvement of public or its representatives in the preparation and discussion of environmental legislative acts.

171. CM Regulation No.111 “Rules of Procedure of the Cabinet of Ministers”, dated 12 March 2002, contains provisions for NGO involvement in the development of policy documents or legislative acts. The requirement for inclusion of annotation with legislative drafts is included here; this also should cover potential environmental impact, as well as information on public involvement and opinion.

172. Representatives of NGOs are included in draft legislation work groups.

173. Drafts legislation prior to its approval is freely accessible on the websites of the ministries and the CM.

### **XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8**

174. Legislative acts sometimes have to be developed in a short time, therefore encumbering possibilities for public involvement. To solve this problem, the MOES workplan is published on the Ministry’s website.

175. Twin obstacles are insufficient public knowledge of draft legislation and the approval procedure on one hand and passive application of the Convention principles by public officials on other. One solution would be the organization of common trainings.

176. Public authorities often do not evaluate the potential environmental impact of a given legislative act unless it is direct. A need has been established for additional training of public officials on environmental issues. Environmental training is planned within the State Administration School Programme.

## **XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8**

177. The creation of ECC, involved by the MOES in discussions on various drafts legislation, can be mentioned as one example. The establishment of the ECC is provided for by Article 14 of the EPL. MOES regularly cooperates with particular professional associations and NGOs, especially in the areas of waste management, packaging use and the turnover of chemicals. Professional associations are involved not only in discussion of legislative acts, but also in their preparation.

178. Two additional working groups were organized during the drafting of the CM Regulation on “Public Environmental Inspectors” to evaluate public proposals for improvement of the regulation covered by the project. Following the consultations, the project will be amended taking into account public opinion.

179. The obligation mentioned earlier in response to Article 8, to annotate every legislative draft, secures practical implementation of Article 8.

180. Explanatory seminars are organized on significant legislative initiatives, e.g., seminars have been organized by the Baltic Environmental Forum on legislative regulation and the development of chemical substances and products, including EU initiatives such as REACH<sup>4</sup>.

## **XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8**

181. [www.vidm.gov.lv](http://www.vidm.gov.lv), [www.mk.gov.lv](http://www.mk.gov.lv), [www.saeima.lv](http://www.saeima.lv), [www.bef.lv](http://www.bef.lv), [www.dap.gov.lv](http://www.dap.gov.lv), [www.vas.lv](http://www.vas.lv).

## **XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9**

182. In Latvia, the meaning of “public authority” as defined in article 2 of the Convention covers the public authorities (institutions, structural units, officials) carrying out governmental functions, as well as other institutions(including private) to whom public government authority has been transferred according to the APL ,Article 1, and section V of the SGSL.

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<sup>4</sup> The Regulation on Registration, Evaluation, Authorization and Restriction of Chemicals.

183. The meaning of “public” is explained in EPL, Article 6, EIAL, Article 3, and APL, Article 1.

184. Prohibition of discrimination is included in Article 91 of the Constitution. Article 101 of the Constitution sets out every citizen’s rights to involvement in government activities which can include decision-making. APL, Article 6, provides for the introduction of the equality principle, i.e. at equal actual and legal circumstances, the authorities and courts pass equal decisions.

185. In hearing cases on environmental issues, the courts apply the Convention directly. In 25 May 2007, the Constitutional Court decided to initiate the case on Riga Territorial Planning for 2006–2018, with respect to Riga Free Port Territory’s conformity with Article 115 of the Constitution.

186. The decision was based on the Convention, incl. Paragraph 5 Article 2 and Paragraph 3 Article 9. Case is not yet decided, it could be over by January 2008.

187. Interpreting Article 115 of the Constitution, the Constitutional Court decided that subjective environmental rights of the public are detailed by the Convention, as well as by national legislation, and that territorial planning is also an environmental area where Article 115 allocates wide rights (see Constitutional Court decision in case No. 2006-09-03 on “Conformity of Part of Garkalne Territorial Planning with respect to Construction on Baltezers Lake Overflowing Territory with Constitution Articles 1 and 15”, sect. 11, of 8 February 2007).

188. Such interpretation of Constitution Article 115 opens wide public opportunities to appeal in the Constitutional Court municipalities’ territorial planning decisions, where territorial development solutions are not compatible with environmental requirements or where considerable breaches were made during drafting. Since June 2006, when the case of Conformity of Garkalne Parish Territorial Planning with Constitution Article 115 was initiated in the Constitutional Court, three more cases have started in the Constitutional Court, where the public is debating the conformity of territorial plans with Article 115 of the Constitution.

189. The public’s right to protect environmental rights as well as to oppose public authority actions or inactivity contradicting with legislative acts is stated in EPL, Article 9, with information pertaining to procedure stipulated in the APL (Art. 105, para. 1, and Art. 302. Paragraph 1 stipulates that the case in first-level court and the appeal in second-level court is heard on its merits. Administrative process participants can appeal the second-level court decision in cassation procedure

190. The authority’s administrative process is regulated by APL, Section B, but the administrative process in court is regulated by APL, Section C.

191. APL, Article 77, provides that the appeal submission for an administrative act has to be written or oral to the authority issuing administrative act. If the submission is oral, the authority transcribes it and applicant signs it. This submission is sent to a higher authority within seven days’ time.

192. Article 83 of the Constitution defines the principle of court independence, according to which judges are independent and bound only by the law. According to the “Judiciary” Law, Article 10, paragraphs 1 and 2, along with lawmaking and executive powers, Latvia has an independent judiciary, operating in accordance with the “rule of law” principle. Article 10 of this Law stresses that, in decision-making, judges and juries are independent and bound only by the law, and that the State guarantees the court independence.

### **Article 9, paragraph 1**

193. As regards environmental information, Article 9 of the EPL states that any person believing that an information request has been ignored, unlawfully rejected or not duly answered, or otherwise has been restricted in his/her rights to environmental information, is entitled to appeal and question the respective action or omission as prescribed by the APL, which covers the administrative and court procedure.

194. Denial of an information request by an authority must be in writing (ITL, Art. 12). Administrative acts are written, except in cases listed in law, when a written format is not adequate (APL, Arts. 67 and 69). However, a person can demand that this be done in writing.

195. To ensure a faster and cheaper pre-court appeal procedure, the applicant for information is entitled to appeal respective decisions or omissions to a higher authority (unless special legislation indicates another authority) according to the APL. Regarding environmental issues (EIA and polluting activities permits), it is stated that the ESB has a competence to review decisions or omissions of environmental authorities. Appeal to this authority is free of charge.

196. Citizens’ right to rely on the binding nature of final decision is protected by the legal confidence principle in the Constitution and in APL, Article 10. According to the APL and SGSL, a decision of higher authority is binding for lower authority.

197. According to the APL, Article 81, paragraph 5, an appealed administrative act becomes final in the form that is included in the decision on an appealed administrative act. It is to be executed and appealed in this form. A court decision has legal force. The legal force of the court decision assures its binding effect for the authority.

### **Article 9, paragraph 2**

198. Article 9, paragraph 2, of the Convention, according to Latvian legislation, primarily concerns decision-making on the assessment and permission of planned activity, namely EIA and process of issuing polluting activity’s permits. The main legislative acts regulating these two processes are the EIAL and the Law on Pollution; these also cover the public’s right to a participation appeal procedure for a decision taken during the respective process.

### **Article 9, paragraph 3**

199. APL regulation concerns every public authority’s decision or omission that violates not only environmental legislation. According to the APL, a private person can appeal to the court

an administrative act issued by an authority or its actual activity. To ensure a review procedure, administrative courts have been in operation from 1 February 2004.

200. As far as environmental legislation breaches are concerned, additional regulation is included in EPL, Article 9, and the Law on Compensation of Losses Created by State Authorities. EPL, Article 6, provides that every private person and groups of persons, organizations are entitled, inter alia:

(a) To demand the public authority, official or private enterprise to stop the activity or omission degrading environmental quality or harmful to human health or life, legal interests or property;

(b) To support environmental protection measures and cooperate with the public authorities to prohibit activities and decisions that can harm environmental quality or that contradict to legislative requirements;

(c) To provide public authorities with information on activities influencing environmental quality, as well as information on negative environmental changes resulting from such activities.

201. According to the APL, the authority receiving such an application is obliged to review it and respond within the set deadlines, as well as to ensure a solution of the indicated situation.

202. In 1995, the State Human Rights Office was created as an independent human rights protection authority, and was replaced by Ombudsman in 2007. It is entitled, inter alia, to assess public authorities' decisions or omissions, consult the public, review complaints and promote mutual agreement between parties.

203. EPL, Article 23, defines the public environmental inspector, entitling public representatives (persons authorized by the State Environmental Service) to oppose private activities in breach of environmental legislation.

#### **Article 9, paragraph 4**

204. Appeal options and rights of public authority's decision or activity defined by the APL are considered to be adequate and efficient means, providing:

(a) Pre-court review in higher authority;

(b) Assessment of the authority's decision or activity in an independent, legally established court, i.e. Administrative Court.

205. If the authority is not issuing required information, such action can be appealed and questioned as the authority's activity. Private persons can appeal and question an authority's activities just like they can any administrative act.

206. The APL provides for a person's right to compensation, if the authority's administrative act or activity has resulted in damages. APL, Article 93, provides that indemnification of losses can be claimed simultaneously with an appeal of administrative act to a higher authority or, if this is not possible, simultaneously with an appeal of an administrative act in court.

Indemnification can also be claimed simultaneously with an appeal of an authority's action. The APL provides private persons with a simplified and efficient compensation claims procedure.

207. According to Latvian Administrative Violations Code Article 201<sup>3</sup>, the State or NGO officials refusing to publish information in the mass media are punished by a fine up to hundred LVL (€142); for provision of incorrect information, up to 250 LVL (€56).

208. LAPK, Article 84, defines the fine for concealing or misrepresenting environmental information (e.g., in the EIA process), which is from 50 to 400 LVL (€7–571).

209. The administrative process in authorities is free of charge, but the administrative process in court is available upon payment of a required fee (10 LVL, or €4).

210. Considering the relatively small number of cases, no judges specialize in environmental rights.

211. Court decision collections are published regularly and decisions are available from the court authorities. An electronic database of court decisions is available for a fee ([www.lursoft.lv/lbdb](http://www.lursoft.lv/lbdb)). Constitutional Court decisions are available online free of charge at: [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv). Administrative courts decisions are available online free of charge at: [www.tiesas.lv](http://www.tiesas.lv).

212. Decisions of other authorities are available in accordance with the ITL.

213. APL, section 22, provides for interim regulations that can be applied at every stage of the case.

214. APL, Article 258, provides that a court decision be announced to administrative process participants immediately after its passing, by issuing the decision's transcript and ensuring availability of the court decision to any person, as prescribed by law.

#### **Article 9, paragraph 5,**

215. The legislation database of the official *Latvia Journal* is available online free of charge ([www.likumi.lv](http://www.likumi.lv)). A fee-based database is also available (NAIS).

216. The Latvian courts website ([www.tiesas.lv](http://www.tiesas.lv)) indicates options for court submissions.

217. APL, Article 67, paragraph 2, section 9, and paragraph 7, provide that decisions must contain an indication of the right to appeal this decision. If an administrative act contains no indication of deadlines and a place for appeal, the appeal period is one year instead of one month.

218. Informative publications are being prepared, e.g. "How to submit a claim in court", "Public rights to participate in development planning of the city or parish", "Your rights in administrative process".

## **XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9**

219. One of the obstacles to the timely hearing of cases is that of overloaded courts. If the process is relatively fast in the authority (depending on the nature of case, two weeks to one month), the court process can be considerably longer.
220. Public discussion has identified the concern that lengthy court hearings, especially in environmental cases, endanger the efficiency of the results.
221. Currently there are no judges specializing in environmental cases – which would be advisable, considering the upgrading of legislative framework.
222. It is difficult to prove losses resulting from a decision, activity or omission, e.g. establishing a causal link if necessary.

## **XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9**

223. General statistics of court activities are available on the Ministry of Justice website ([www.tm.gov.lv](http://www.tm.gov.lv)). More detailed statistics are gathered by the Court Administration ([www.ta.gov.lv](http://www.ta.gov.lv)).
224. The State Environmental Service gathers information on cases of administrative violations in the environmental area and uses the Penal Register, where all violations, punished persons and applied penalties are listed.
225. The State Provided Legal Aid Law entered into force on 1 June 2005. This Law aims to promote individual's rights to a just trial, by providing State financial support for legal aid.
226. In administrative cases which are too complicated for a party, upon the authority's or court's decision, considering the financial state of the individual, his/her representative gets paid from the State budget in the amount and procedure established by the CM.
227. Administrative process in court is available for just the State fee (10 LVL, or €14). According to APL, Article 128, paragraph 3, a court, considering person's financial state, can fully or partially release a person from the duty to pay the State fee. Low-income persons can apply for free lawyers' services, as well as in court through the "Legal Aid Administration".
228. The additional principle of a court's impartial view decreases the claimant's need for collecting evidence on his/her own expenses, as the court is obliged to perform "impartial investigation".
229. If an application is addressed to the wrong authority, the latter can reject it. The submitter gets a written notification stating the right authority for the case. The authority which the submitter addressed can accept the application and deliver it to the authority responsible for it.

The responsible authority has to accept the person's application in the event that it considers the application to be of the wrong format or without sufficient grounds.

**XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9**

230. <http://www.saeima.lv/>, [www.likumi.lv](http://www.likumi.lv), [www.tm.gov.lv](http://www.tm.gov.lv), [www.ta.gov.lv](http://www.ta.gov.lv), [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv), [www.tiesas.lv](http://www.tiesas.lv), [www.reclatvija.lv](http://www.reclatvija.lv), <http://home.nais.lv>, [www.lursoft.lv/lpdb](http://www.lursoft.lv/lpdb), [www.latlex.lv](http://www.latlex.lv).

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION TO THE PROTECTION OF THE RIGHT OF EVERY PERSON OF PRESENT AND FUTURE GENERATIONS TO LIVE IN AN ENVIRONMENT ADEQUATE TO HIS OR HER HEALTH AND WELL-BEING**

231. The Convention promotes public understanding of the human impact on the environment. This understanding together with widely available information can help to raise public consciousness and can help encourage environmentally friendly action. With the better quality information now available, there is more reason for public involvement in decision-making and is more difficult to pass decisions with a negative impact on environmental and public living conditions. Overall, improved of public understanding and involvement in decision-making is fostering public development, where public, incl. coming generation's interests to live in beneficial environment are considered.

232. Latvia is preparing to host the third meeting of the Parties to the Convention, in Riga, in June 2008.

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