

AARHUS CONVENTION IMPLEMENTATION REPORT SUBMITTED BY LATVIA

The following report is submitted on behalf of the Republic of Latvia in accordance with decisions I/8, II/10 and IV/4.

Name of officer responsible for submitting the national report:	Artūrs Toms Plešs, Minister of Environmental Protection and Regional Development
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Signature:

Date: 15 April 2021

Implementation report

Please provide the following details on the origin of this report

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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.

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

1. The report is based on the 5th Latvian report. In August 2020 respective Aarhus Convention¹ (thereafter - the Convention) articles, reporting issues and excerpt from the 5th report were combined in a table. On 11th August 2020 a letter was sent to all competent institutions and Environmental Consulting Council (thereafter - ECC), inviting to provide updated information for the 6th report. Draft report was prepared on 1st December 2020, which was sent to institutions, ECC, and open to public participation up to 30th December 2020. The report for public consultation was sent to environmental NGOs on 1st December 2020.

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 (thereafter - EPL) (in force as of 29 November 2006), the Law on Environmental Impact Assessment (thereafter - EIAL), the Law on Pollution, the Law on Administrative Procedure (thereafter - LAP), the Law on Planning of the Spatial Development (thereafter – LPSD) and the Construction Law. At the same time, individuals can refer directly in a court to the Convention as an international legal instrument since Latvia has ratified it and it has become legally binding. Legal instruments mentioned before are available online at: www.likumi.lv.

3. The report illustrates the situation as of 1st February 2021.

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

Section 8 of the Latvijas Republikas Satversme (Constitution of the Republic of Latvia; thereafter – the Constitution) contains not only provisions of human rights and fundamental freedoms, i.e. rights to equality, justice and freedom of speech (including the rights to freely obtain, hold and disseminate information), rights to participate in public fora (hereinafter, public authorities refer also to local governments) but also places a positive obligation on the State via public authorities to make the information requested available to the applicant.

4. According to Article 115 of the Constitution, the State protects everyone's rights to live in a good and healthy environment, to report on environmental matters and to take necessary measures for its maintenance and improvement. Under Article 115 of the Constitution the State is obliged to ensure an efficient environmental protection system and the public are entitled to environmental information and to the participation in environmental decision-making.

¹ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

5. There is a mandatory provision under Article 10 paragraph 3, subparagraph 3 of EPL for the authorities to appoint an officer responsible for assuring availability of environmental information to the public and providing assistance required by formulating and making precisions in the application if necessary.

6. The provisions of Information Transparency Law (thereafter - ITL) state the conditions on how the information shall be provided obligations to provide information.

7. Public access to information submitted to or drawn up by the public authorities is regulated also by the APL, which governs the public legal relationship between the State and individuals. The APL (Art. 54, para. 1) provides that if a submission is received from an individual regarding administrative procedure, the public authority is obliged to provide the respective information held by them (unless it is classified and shall be viewed as classified information). The APL (Art. 56, para. 5 and Art. 98) also places an obligation of the public authority to provide an applicant with the required information or to provide other assistance for an effective resolution of the issue.

7. Administrative acts (including those passed by environmental authorities) may be reviewed in accordance with the APL. Article 67 Section 2 Paragraph 9 of APL stipulates that an administrative act issued in writing shall include an indication as to where and within what term such administrative act may be contested or appealed.

8. Access to geospatial information held by public authorities has been ensured in accordance with the Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).

9. The access to the Unified Portal of State's and Local Governments' Services www.latvija.lv are ensured to the public without restrictions. The portal is established with an overall objective to provide access to the web resources of public authorities and to ensure centralized access to e-services provided by various institutions. There is a steady increase of the numbers of e-services provided via the portal. A special section of the portal is devoted to e-services related to environmental protection.

10. Official websites of public authorities provide an option for the applicant to submit the question via the official websites and to receive a reply within deadlines set in normative acts.

11. Structural units or designated officials within public institutions are responsible for maintaining communications with the public.

12. Article 10 of the State Administration Structure Law (thereafter - SASL) stipulates basic principles promoting procedural rights and their enjoyment by the public, including the principle of good governance.

13. In June 2013 online broadcasting of the meetings by the Cabinet of Ministers (thereafter - CM) were made available thus broadening possibilities for the public to follow the decision-making process.

14. On 1 July 2013 amendments to the CM Regulation No.970 "Procedure for Public Participation in the Development Planning Process" of 25 August 2009 entered into force. With the amendments entering into force the rights to be acquainted with draft regulatory enactments

at an early stage of legal drafting – at least 14 days in advance of their submission to inter-institutional scrutiny.

15. Draft regulatory enactments drafted by the Ministry of Environmental Protection and Regional Development (thereafter - MEPRD) are made available on the website of the MEPRD for public consultation two weeks in advance of their announcement at the meeting of State Secretaries (i.e., start of inter-institutional scrutiny). Information on updates of draft regulatory enactment's content is renewed permanently, therefore the public is encouraged to provide commentaries and to express its opinions during legislative procedures on draft regulatory enactment.

Article 3, paragraph 3

16. Inter-Institutional Coordination Centre on the website <http://www.pkc.gov.lv/> provides information to the public regarding updates on Sustainable Development Goals adopted by the United Nations. The opportunity for the public to be informed on updates on Sustainable Development Goals adopted by the United Nations rises awareness on all-inclusive incentives of the States to strive for sustainable policy-making, sustainable governance and in the meantime educates the public on sustainable development *per se*.

17. The Latvian Environmental Protection Fund (thereafter - LEPF) provides on annual basis funding of environmental education and information projects. The LEPF is financed from the State's budget and indirect income of the State's budget is constituted from natural resources tax and allowances from polluting activities.

LEPF Advisory Council, which is composed of members nominated by NGOs and institutions promoting environmental education and environmental science, participates with an advisory function in decision-making on allocation of funding. Allocation of funding, including projects submitted by NGO's is the subject to public procurement procedure.

Allocated funds in 2011-2019:

(a) for the project guideline "Environmental Education and Training":

in 2011: 5 projects were funded of total amount of EUR 122 680;

in 2012: 3 projects were funded of total amount of EUR 81 504;

(b) for the project guideline "Activities of the Mass Media and Publishing in the Field of Environmental Education and Training":

in 2011: 4 projects were funded of total amount of EUR 78 257;

in 2012: 6 projects were funded of total amount of EUR 78 257;

(c) for the project guideline "Responsible lifestyle":

in 2013: 29 projects were funded of total amount of EUR 172 854.

Allocated funds for the period 2014-2016 for the project guideline "Responsible lifestyle" and "Activities of the Mass Media and Publishing in the Field of Environmental Education and Training" aiming at allocation of funds for the projects promoting public awareness of environmental education are as follows:

✓ in 2014 156 projects were funded of total amount of EUR 1 053 529;

- ✓ in 2015 92 projects were funded of total amount of EUR 270 898;
- ✓ in 2016 44 projects were funded of total amount of EUR 720 763;
- ✓ in 2018 15 projects were funded of total amount of EUR 78111;
- ✓ in 2019 13 projects were funded of total amount of EUR 106675.

18. Allocation of funds for the period 2014-2016 were also provided for the project guideline “Multisectoral Projects” aiming at allocation of financial support for enforcement of the projects of cooperation among NGO’s and public authorities in environmental matters.

19. The most important projects funded by the LEPF and characterized by long-term investment for rising environmental awareness of the public are:

- (a) “Concert Hall of the Nature”, implemented by the United Nations Development Programme;
- (b) “Promotion of Environment- friendly Business in Latvia”, developing and promoting nomination “Environment-friendly Trader”, implemented by the Latvian Chamber of Commerce;
- (c) the annual “Big Clean-Up” campaign over all territory of Latvia.

20. Environmental awareness among the public is being raised also through exemptions from natural resources tax payment system. One of the conditions for exemption from natural resources tax is obligation of industry to implement public involvement and information activities on the necessity of collection, sorting and appropriate recycling of environmentally hazardous goods and used package.

21. Both associations and public environmental inspectors, the latter being persons authorized by the State Environmental Service (thereafter – SES), participate in control of observation of environmental protection requirements.

22. In accordance with the co-participation contract concluded in November 2010 between SES and the Latvian Anglers Association the latter organizes workshops for public environmental inspectors, providing theoretical and practical training in fishing control.

23. The Fund of Forestry Development allocates funding which in principle is provided by the joint stock company “Latvia’s State Forests” (thereafter - LVM) and approved by the Ministry of Finances of the Republic of Latvia on annual basis for specific projects as follows: strengthening professional education in the forestry sector, strengthening highest level of education in the forestry sector, allocation of funding for scientific research in the forestry sector, outreach activities for the public and educational activities and informative sessions for the owners of the forests and educational outreach activities for youth groups.

24. The Natural History Museum of Latvia (thereafter – NHM) is undertaking a wide range of tasks related to environmental education. The public is being informed about the diversity of nature as well as environmental issues raising public awareness and encouraging continuous properly-grounded decision-making. Educational events are organized at NHM aimed to attract multiple attendees such as pupils, students, adults, retired persons, families. Guided visits, lectures, thematic workshops, expositions and thematic events organized on annual basis during a month namely “Month of the Environment” invites the public to interact.

25. The public services and their informative notes provided by the Nature Conservation Agency (thereafter – NCA) are available on the website of NCA, section “Services”: <http://www.daba.gov.lv/public/lat/pakalpojumi/>. Information about NCA provided services are also available in the Unified Portal of State’s and Local Governments’ Services www.latvija.lv.

26. The public may submit questions to NCA via its official website: http://www.daba.gov.lv/public/lat/par_mums/jautajiet_mums1/. The Public Relations and Environmental Education Unit of the NCA is maintaining continuous communication with the public. The NCA is maintaining active communication with the public using such social networking websites as Twitter and Facebook.

27. A cooperation protocol on education for sustainable development was signed by the Ministry of Education and Science of the Republic of Latvia, MEPRD and the UNESCO³ Latvian National Commission.

28. A steady and continuous improvement of the education system is proceeding which is characterized by upgrading professional qualifications of secondary education teachers and by improving education programmes as well as the system for lifelong education and educational environment.

29. The EPL states that “environmental education” must cover issues of environmental and sustainable development education.

30. According to CM Regulation No.468 “Regulations Regarding the State General Secondary Education Standard, Education Subject Standards and Models of Education Programmes” of 12 August 2014 subject-matters relating to the improvement of the state of the environment and sustainable development are included in standards of general primary education, e.g., *Biology, Physics, Chemistry, Natural Sciences, Geography*, etc. National Centre for Education of the Republic of Latvia is organising various events related to the environment, for instance, the event “Notice, Discover, Preserve” and since 2015 with a support of LVM the public might participate in the “Olympics of the Forest”.

31. Subject matters related to the environment and sustainable development are included in pedagogues’ vocational training programmes.

32. Foundation “Latvian Judicial Training Centre” (thereafter – Foundation) provides continuing education for judges and court clerks. It develops education programmes, sets education priorities considering various circumstances, including topicality of the issue, controversial case-

³ United Nations Educational, Scientific and Cultural Organization.

law, etc. The Foundation also provides the necessary training for judges in environmental matters. In the syllabus from 1st of January 2017 till 31st of December 2019 a set of courses for judiciary, namely, "Access to Justice in Environmental Matters", "EU Aarhus Acquis: Access to Justice in Environmental Matters", "EU Environmental Law", "Workshop on the Industrial Emissions Directive", "Industrial Emissions Directive: How to Handle Court Proceedings Invoking Non-compliance with the EU" were included.

33. About 80% of the National Botanic Garden collection is publicly available to visitors, information thereon being available depending on the topicality and season. 1-2 times a month during the growing season there are thematic tours on specific fields of action of the National Botanic Garden, which are not included in the general tour programme.

34. The Natural History Museum of Latvia promotes public education in the field of the environment and deepens public knowledge of and interest in national and global environmental problems. Every year the Natural History Museum of Latvia serves more than 100 000 visitors at the museum and around 1500 visitors have participated in the museum's projects in Latvia's regions. The Natural History Museum of Latvia has information about collections appertaining to natural sciences which is available to any person interested. The database is regularly updated.

35. State limited liability company "Latvian Environment, Geology and Meteorology Centre" (hereafter - LEGMC) organizes seminars, training, as well as excursions, whereby visitors are acquainted with different areas - meteorology, forecasts, geology, testing of environmental samples, monitoring, etc.

36. MEPRD and LEGMC maintain Twitter profiles which enable them to provide information, explanations and replies to questions by the public in a swift manner.

37. Also the State Chancellery in cooperation with other State administration institutions every year organizes an open day. On this day State administration institutions are open to everyone and provide excursions, exhibitions, competitions, seminars, presentations and meeting opportunities with officials and other professionals working in the State administration.

38. Since the beginning of 2013 in the framework of the individual project "Modernization of the Courts in Latvia" under the Latvian-Swiss Cooperation Programme a new Latvian court portal has been developed where it is possible to search anonymous court adjudications on a topic at the searcher's choice. Also the Supreme Court of the Republic of Latvia has contributed by making available at its website under special heading "Environmental Law" court adjudications in the domain of environmental law (<http://www.at.gov.lv/lv/info/archive/departments/peclietukategorijamartezem/24/?print=1>).

39. Also the Forest Development Fund finances activities related to environmental education.

Article 3, paragraph 4

27. 40. The segment of the public that promotes environmental protection has been allocated wide rights to access to environmental information, public participation 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.

28.

29. 41. Activities of NGOs, including registration thereof, in the Republic of Latvia are governed, *inter alia*, by the Associations and Foundations Law.

30.

31. 42. Information regarding associations and foundations is entered into the Register of Associations and Foundations (hereafter - Register). An entry in the Register is made on the basis of an application or the adjudication of a court. Officials of the Register authority take a decision regarding the making of an entry, refusal to make an entry or postponing of the making of an entry in the Register within seven days of the receipt of an application. A Register authority official takes a decision within the same time limit regarding the making of an entry in the Register on the basis of the adjudication of a court.

32.

33. 43. 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.

34.

35. 44. According to Chapter VI of the SASL, public authorities have the right to transfer certain tasks, along with allocated financing, to NGOs. Thus, activities of these organizations are also stimulated e.g. Engure Lake Nature Park is managed by an NGO.

36. 45. NGOs are involved in development of nature and species protection plans (both as plan developers and members of supervisory groups), as well as in working groups for drafting of development planning documents and regulatory enactments.

37.

38. 46. Also the Latvian Institute of Aquatic Ecology cooperates with NGOs in project implementation as a partner, commissioning party or performer of separate tasks.

39. 47. In 1997 the Forest Consultative Council was established as a consultative and coordinating institution the purpose of which is to promote balanced forest sector policy development and implementation in Latvia. Three members of an interest group in environmental and nature protection actively participate in the work of the council. Authorized representatives from the NCA and MEPRD participate with advisory powers.

Article 3, paragraph 7

40. 48. Public participation is ensured in accordance with Paragraph 7 of the CM Regulation No.96 "Procedures, by which the National Position of the Republic of Latvia shall be Developed, Harmonised, Approved and Updated in Matters of the European Union" of 3 February 2009 and Paragraph 12 of the CM Regulation No.707 "Regulations on the Development of Documents for the Purpose of Protection of State Development Goals in International Organizations, the Harmonisation, Approval and Update Procedure thereof" of 3 August 2010. The relevant provisions stipulate that the responsible institution shall ensure the development, update and harmonisation of the State's official position with other responsible authorities, local governments, social partners' organizations, associations and foundations.

41.

42. 49. Although NGO members are seldom included in delegations representing the State in international environmental negotiations, environmental NGOs have the opportunity to comment Latvia's national positions. Representatives of environmental NGOs have been involved, for example, in COP14 and COP15 meetings of the United Nations Framework Convention on Climate Change.

43.

44. 50. ECC is informed on the planned activities during development of the MEPRD annual work plan. ECC has the opportunity to provide comments.

Article 3, paragraph 8

45. 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.

46.

47. 52. It is directly stated that no unfavourable consequences may occur, including 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). Opinions and proposals received by the competent authority as a result of environmental impact assessment public discussion are forwarded to the developer of the proposed activity without indicating information on the authors of the opinions and proposals (personal data, place of residence, etc.).

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

48. 53. In view of the ECC (a) communication strategy at the institutional level, (b) analysis of the good examples and (c) skills of the institutions' personnel shall be improved in order to involve the public more efficiently and for the communication to become mutually useful.

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

49. 54. 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 the Official Journal of the Republic of Latvia.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

www.varam.gov.lv; www.mk.gov.lv; www.pkc.gov.lv; www.
https://www.vraa.gov.lv/lv/latvijas-vides-aizsardzibas-fonds; www.tm.gov.lv; www.daba.gov.lv;
www.lhei.lv; www.latvija.lv; www.mod.gov.lv; www.jaunatneslietas.lv;

www.dabasmuzejs.gov.lv; www.vvd.gov.lv.

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

Relevant definitions

50. Environmental information is defined in paragraph 19 of Article 1 of the EPL. Article 1 of SASL 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).

51. 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. The purpose of this Law is to ensure that the public has access to information, which is at the disposal of institutions or which an institution in conformity with its competence has a duty to create. This Law determines uniform procedures by which private persons are entitled to obtain information from an institution and to utilise it.

52. The purpose of the LEGMC, established in 2009, is, *inter alia*, to ensure collection and dissemination of environmental information to the public and public authorities. MEPRD delegates the respective administrative tasks to LEGMC by annually concluding a Delegation Contract.

Article 4, paragraph 1

53. 58. Conditions and procedure for issue and denial of information are set by the ITL. According to Article 10 of the EPL environmental information that is at the disposal of public authorities shall be provided to the public.

54. 59. Paragraph 2 of Article 11 of the ITL provides that all written requests for information shall be registered. According to general record keeping procedures answers, including refusals, are also registered (Law of Applications, Paragraph 5 of Article 3).

55. 60. On 1 January 2007 the Ombudsman Law entered into force, establishing the ombudsman institution in Latvia. The Ombudsman, *inter alia*, oversees matters of access to information.

56. 61. Personal Data Processing Law (entered into force in 5 July 2018) was adopted in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and its Article 4 Paragraph 1 provide that Data State Inspectorate supervise the conformity of processing of personal data to the requirements of laws and regulations in cases where the controller has been prohibited by law to provide information to a data subject and a relevant submission has been received from the data subject.

57.

58. 62. Paragraph 1 of Article 10 of the ITL and Paragraph 3 of Article 7 of the EPL provide that the person requesting information needs no justification for the need for requested information, and it cannot be denied on the basis that it does not relate to the applicant.

59.

60. 63. 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 requires informing person on these grounds.

Article 4, paragraph 2

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.

61. According to Article 14, Paragraph 1, Clause 1 of the ITL within the period of seven days an institution, which has received a written request for information, has to inform the applicant on refusal to provide information.

Article 4, paragraphs 3 and 4

62. 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.

63. 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.

64. According to Article 56, paragraphs 4 and 5, of the APL an institution that has jurisdiction over the matter shall accept a submission by a person even if it considers that the submission is not drawn up properly or is not well founded. An institution shall, insofar as possible, provide a submitter with the necessary information or other form of assistance for successful resolving of the matter in accordance with the interests of the submitter.

65. 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 Official Secrets”; Articles 18 and 19 of the State Statistics Law, with respect to individual statistical data; and the Personal Data Protection Law.

66. Personal Data Protection Law stipulates that personal data is any information related to an identified or identifiable natural person.

67. Information to which the ITL applies is classified as:

- (a) generally accessible information;
- (b) restricted access information.

The law “On Official Secrets” prescribes procedures for the keeping and use of official secrets and the protection and classification thereof.

68. The status of restricted access information can be also applied to information regarding locations of specially protected species habitats and specially protected biotopes.

69. Paragraphs 1 and 2 of Article 375 of the Criminal Procedure Law stipulate that during criminal proceedings, the materials located in the criminal case shall be a secret of the investigation, and only a closed circle of persons shall be permitted to familiarise themselves with such materials. After the completion of criminal proceedings and the entering into effect of the final adjudication, only persons specified by law shall be permitted to familiarise themselves with the materials of the criminal case. All final adjudications in criminal cases, ensuring protection of the information specified by law, shall be publicly accessible.

70. 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

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

72. According to these legislative acts, public authorities not possessing the required information indicate to the applicant where it can be found, or within seven days transfer the request to authority holding the information, duly informing the applicant thereof.

Article 4, paragraph 6

73. 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).

74. Amendments to the law “On Judicial Power” provide that as of 1 September 2013 a court judgment taken during open court after entering into effect shall be published on the internet homepage, if the law does not provide otherwise. The same applies to publishing a court decision within the limits prescribed by the CM. In publishing court adjudications, the part of information, which discloses the identity of a natural person, shall be hidden.

Article 4, paragraph 7

75. Articles 12 and 15 (Appeal procedure) of the ITL; Article 7 of the Law of Applications; paragraph 1 of Articles 11 and 9 of the EPL - the listed legislative acts 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

76. Conditions for application of the fee for provision of information are stated in: Article 13 of the ITL; Article 11, paragraph 2, of the EPL; CM Regulation No.940 “Regulations regarding Paid Services for the Provision of Information”, dated 21 November 2006.

77. 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 applicant is informed of its size, and indication should also be given in cases where this fee can be waived.

78. The amount of payment for paid services for the provision of information by institutions is prescribed by CM regulations. Paid services are as follows:

- (a) issuing of information from the archive of an institution;
- (b) the preparation and issuing of information from the databases of an institution;
- (c) the preparation and issuing of a copy or duplicate of documented information, if the amount of the relevant information is larger than 20 pages.

For example, the price of a copy of one A4 format page from an institutional inventory document is 0,08 *euro*.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

79. In view of the ECC, information on the implementation of environmental investment projects and on the planned effectiveness of activities is not always available. However, the relevant restrictions often can be explained by protection of commercial secrets and after the adoption of a decision its grounds is available.

80. 84. ECC indicates cases during the reporting period when the public and NGOs considered it difficult to receive understandable information on the proposed or implemented activities having effect on the environment. It is necessary to continue to perform explanatory work and to organize communication on environmental issues also in situations when regulatory enactments do not provide it as a mandatory requirement.

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

81. Information requests can be submitted electronically via public authorities' homepages, such requests respectively being registered and processed in accordance with requirements of the Electronic Documents Law.

82. Free access to increasing amount of information is provided on the internet.

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

83. www.varam.gov.lv, www.vi.gov.lv, www.pvd.gov.lv, www.lhei.lv; www.meteo.lv; <https://videscentrs.lv/gmc.lv> ; www.nbd.gov.lv.

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

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

85. Environmental information is defined in Clause 19 of Article 1 of the EPL.

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

87. “The public” is defined in Article 6 of the EPL. No discriminating restrictions are included in this definition.

Article 5, paragraph 1

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

89. A large part of the environmental information is available in LEGMC. Companies whose production amounts and environmental emissions exceed certain criteria, are required to report to LEGMC on an annual basis on created and conducted pollution (air, water and waste reports). LEGMC maintains registers of polluted and potentially polluted areas (pollution of territories, soil and groundwaters), carbon dioxide emissions and emission quota trading.

90. Companies producing or importing into the territory of Latvia chemical substances or mixtures provide annual reports to LEGMC on the produced and imported amounts of chemical substances and mixtures. The reports are compiled in a database. The information is available to the State Fire and Rescue Service and the State Toxicology Centre for performance of their functions as well as to controlling institutions conducting inspections at companies. The Latvian Institute of Aquatic Ecology maintains database of state-financed marine monitoring.

Article 5, paragraph 1 (a)

91. 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.

92. According to Article 22 of the Law on Specially Protected Nature Territories, environmental authorities and the respective municipalities must ensure free access to the information at their disposal about protected territories.

Article 5, paragraph 1 (b)

93. 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.

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

95. The Law on Pollution and the CM Regulation No. 158 "Regulations Regarding the Requirements with Respect to Environmental Monitoring and the Procedures for Performance Thereof, the Creation of the Register of Polluting Substances and Public Availability of Information", dated 17 February 2009, include requirements for operators for performing environmental monitoring and providing public authorities and public with the results.

96. Measures have been taken to create a unified nature database to enable harmonization of data from the already existent databases. Access will be provided to the involved institutions and, upon request, to other persons.

97. A European Regional Development Fund project "Electronization of Protection and Management Activities of Specially Protected Nature Territories" has been completed and an e-service "[Information on Latvia's Specially Protected Nature Territories, Micro-reserves, Species and Biotopes](#)" has been created. It is based on the nature data management system "Ozols" containing various information relevant in the domain of nature protection.

Article 5, paragraph 1 (c)

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

99. The State 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.

100. If pollution has developed that endangers human life, health or the environment, or there is reasonable threat of above, the operator must notify respective Regional Environmental Bureau (adjoint entity to SES) (thereafter – REB), according to paragraph 5 of Article 6 of the Law on Pollution; Articles 27, 28, 29 of the EPL.

101.

102. 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.

103. The law “On Emergency Situation and State of Exception” lays down the establishment and legal framework for emergency situation. Article 9, paragraph 4 of the law provides that public electronic mass media shall announce the decision on emergency situation free of charge as well as shall provide other information on emergency situation and recommended action for the public, considering conditions by the CM and the responsible authority for the procedure of provision of information and urgency.

104. In the domain of environment cooperation and exchange of information takes place also in accordance with a respective order of the MEPRD.

105. In accordance with the State Civil Defense Plan and Interdepartmental Agreement LEGMC provides to the State Fire and Rescue Service daily weather forecast for Latvia and Riga, forecasting meteorological or hydrological conditions which may cause destruction and emergencies by causing damage to the public, property and the environment. In addition, this information is published on the LEGMC website as well as forwarded to mass media. The relevant information is forwarded also to the EUMETNET (Network of European National Meteorological Services) EMMA (European Multi-services Meteorological Awareness) programme website www.meteoalarm.lv.

Article 5, paragraph 2

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

CM Regulation No.445 “Procedures by which Institutions Place Information on the Internet” (entered into force on 18 July 2020) sets out the public authority’s obligation vis-à-vis its official website to provide information on services and ways of receiving them, on its functions and tasks, as well as to have search option.

107. 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.

108. Nature Conservation Agency maintains a biological diversity information exchange system.

Article 5, paragraph 3

109. 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.

110. According to CM Regulation No. 171 “Procedures by which Institutions Place Information on the Internet”, dated 6 March 2007, all ministries and environmental institutions have publicly accessible Internet homepages.

111. In 2006 State information system “Database of Studies and Publications” (<http://petijumi.mk.gov.lv/ui/>) was established where information on environment studies is also available, including studies conducted by local governments, planning regions.

112. On 1 January 2013 the State Environmental Service information system “TULPE” (www.vvd.gov.lv/e-pakalpojumi/) became operational. It establishes a platform for e-services and contributes to the development of infrastructure for provision of State Environmental Service environmental services supported by information and communication technologies. The system allows submitting applications for certain documents in electronic form and provides also further communication with the client by e-mail.

113. The implementation of the project „Development of Joint Environmental Information System” established a joint environmental information system, in order to facilitate efficiency of the environmental management sector’s operation and monitoring functions as well as fast public access to qualitative industry information in a convenient and acceptable manner.

114. The e-service “Information on Latvia’s Specially Protected Nature Territories, Micro-reserves, Species and Biotopes” has been established in order to enable everyone to access information on specially protected nature values.

115. In order to facilitate public access to information the State Environmental Service has started operating in test mode an online register (www.vvd.gov.lv) of issued permits, licenses and technical regulations. Previously permits for category A and B polluting activities were accessible in electronic form only via the Environmental State Bureau (ESB) website (www.vpvb.gov.lv). The latter site also provides information on the issued confirmations for category C polluting activities.

116. Information on the quality of environment is available electronically also via LEGMC homepage.

Article 5, paragraph 4

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

118. LEGMC publishes, over the Internet, annual reports and four-year period National reports on the state of the environment where information is updated annually. Reports on the state of the environment are available on the LEGMC website.

Article 5, paragraph 5

119. All legislative acts and policy planning document 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.

120. 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.

121. Regulatory enactments are widely, easily and free of charge accessible on the internet at www.likumi.lv. Regulatory enactments in the domain of nature and environment are accessible also at the relevant institutions' websites and elsewhere.

Article 5, paragraph 6

122. 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 ESB website (<http://www.vpvb.gov.lv/lv/ekomarkejums/informacija>).

123. 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.

124. Public reports are available at the LEGMC website www.meteo.lv under the section "Environment".

Article 5, paragraph 7

125. 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.

126. The Latvian Rural Consultation and Education Centre provides consulting in all regions of the country on environmentally friendly agriculture issues.

127. State Forest Service employees provide regular consulting to owners of forests, and publish information materials.

128. Nature Conservation Agency disseminates information on nature education activities, nature protection topicalities, studies and projects, analytical articles on trends in nature protection.

129. LEGMC and the Latvian Institute of Aquatic Ecology publish facts and analyses thereof on their websites.

130. Various institutions provide consultations on issues pertaining to environment-friendly business, for example, on necessary permits and licenses for starting business in the environmental domain. The Latgale Business Centre is one of such examples.

Article 5, paragraph 8

131. Choice of environmentally friendly products is encouraged by: EU eco-labeling; Eco-Management and Audit Scheme (EMAS) has been implemented in several municipalities; also applicable are quality and management systems (ISO 9001 and ISO 14001), pure technologies, and various product labeling.

132. The website of the Food and Veterinary Service provides information about food products, novel food and food additives.

133. Article 26.¹ of the Law on Circulation of Genetically Modified Organisms stipulates that food products containing genetically modified organisms, consisting of them or being produced from them, shall be placed for sale separately from other food products in such a way as to be easily identifiable.

Article 5, paragraph 9

134. Latvia has acceded to the Convention's Protocol on Pollutant Release and Transfer Registers (the Kiev Protocol) by adopting on 21 February 2008 the law "On the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters".

135. The Latvian Polluting Substances Register is available at the LEGMC website (<https://www.meteo.lv/lapas/vide/e-prtr/e-prtr?id=1145&nid=372>). The register contains data and information on pollution released into the environment by major polluters – operators who have been issued permits for A and B category polluting activities.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

136. Environmental institutions not always have sufficient access to the modern information technology.

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

137. Financial aid in preparation of environmental information and informing the public is provided by LEPF, supporting environmental education projects.

138. Libraries of higher educational institutions 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.

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

140. 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.

141. According to the requirements of national legislative acts, information gathered by public authorities is available at their respective websites, e.g. LEGMC provides public access to State financed environmental information.

142. Nature Conservation Agency provides access via its website to databases on micro-reserves for specially protected species and biotopes, fields of protected plant species, specially protected and rare trees, as well as to cadastre data of specially protected nature territories (http://www.daba.gov.lv/public/lat/dati1/datu_bazes/).

143. The Health Inspectorate once in three years prepares a report on the quality and harmlessness of drinking water in order to inform the users. The report is posted on the Health Inspectorate’s website.

144. Information on the quality of bathing water is provided to the public by the Health Inspectorate and owner of the bathing ground.

145. Soldiers of the National Armed Forces continue monitoring of nature values at the Ādaži military training ground which is included in the network of European Specially Protected Nature Territories (NATURA 2000). Relevant information is available at the Environmental Protection section of the Ministry of Defence website www.mod.gov.lv.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

www.mk.gov.lv, www.saeima.lv, www.likumi.lv, www.varam.gov.lv, www.lvgmc.gov.lv, www.lvaf.gov.lv, www.daba.gov.lv, www.vgd.gov.lv, , www.vpvb.gov.lv, www.vvd.gov.lv, www.dabasmuzejs.gov.lv, www.lvif.gov.lv, www.getlini.lv, , www.pvd.gov.lv, www.lhei.lv, www.nbd.gov.lv/, www.vi.gov.lv, www.videscentrs.lvgmc.lv.

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

146. 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. 83 “Procedure for Assessment of Environmental Impact of Proposed Activity” of 25 January 2011, 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. 1082 “Application Procedure for A, B and C Category Polluting Activities and Issue of A and B Category Polluting Activities Permits” of 30 November 2010, CM Regulation No. 532 “Regulations regarding the Procedures for Industrial Accident Risk Assessment and Risk Reduction Measures” of 19 July 2005, CM Regulation No. 300 “Assessment Procedure of Impact on European Specially Protected Nature Territories (NATURA 2000)” of 19 April 2011, 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. 711 “Regulations on Municipality Spatial Development Planning Documents” of 16 October 2012, the Spatial Development Planning Law, CM Regulation No.3 “Railway Construction Regulations” of 2 January 2008, CM Regulation No. 240 “General Regulations for Spatial Development Planning, Land Use and Building” of 30 April 2013, CM Regulation No. 331 “Proposed Construction Public Discussions Procedure” of 22 May 2007 (hereinafter in this section the above-mentioned acts are referred to with respective number).

147. National legislative acts also regulate cases, when proposed activities have a potential transboundary impact.

Article 6, paragraph 1

148. 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)

149. 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 EIA process and details thereof, as does CM Regulation No. 83 on public involvement process;

(b) The Law on Pollution and CM Regulation No. 1082 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)

150. 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.

151. CM Regulation No.300 prescribes special procedure for assessment of activities the implementation of which does not require EIA in accordance with the EIAL.

152. 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.

153. 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 if EIA is not necessary is set in CM Regulation No. 331.

154. According to Article 12 of the Construction Law a local government shall, prior to taking a decision regarding construction, ensure public discussion regarding the intended construction, if the construction:

- (a) substantially impairs living conditions of the population;
- (b) substantially reduces the value of immovable property; or
- (c) substantially affects the environment, but it does not require the EIA in accordance with the EIAL.

155. According to Article 13, paragraph 6 of the Construction Law within three days from receipt of the construction permit the construction client shall inform owners (holders) of the immovable properties bordering on the parcel of land where construction has been allowed about the received permit by sending written announcements via registered mail to their declared residence address or legal address. The construction client shall also place a construction board on the parcel of land.

Article 6, paragraph 2

156. 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. 83, 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 report (available online and in paper form) and availability of it for proposals and public discussions;
- (d) The ESB opinion on the report which is publicly accessible at the ESB website.

157. Information is published on the website of the project developer or its authorized representative and on the website of the municipality as well as in at least one municipality-published newspaper or other local newspaper. Owners (holders) of immovable properties bordering on the territory of the proposed activity are informed individually. ESB has created a list of NGOs that have expressed interest in information on new proposals.

158. 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.1082. Information about A category or, in certain cases – B category, permit applications must be communicated:

- (a) Publicly – by providing information in the operator's office and municipality as well as by posting the application on the State Environmental Service's website;
- (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 publication and in at least one local newspaper;
- (d) On the Internet – on the operator's website or on 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.

159. Local government in its website or local newspaper publishes information on commencement of public discussion on construction and informs about the opportunities of getting acquainted with the relevant information.

160. Article 6 of the EPL stipulates general rights of each private person, also associations, organisations and groups of persons in the environmental field. The public concerned has not been particularly defined.

161. If during the EIA process informing of the public has not been performed and a public discussion has not taken place in accordance with the procedures specified by the CM, the competent authority sends the final statement to the developer for revision, indicating the deficiencies to be eliminated, or assigns the initiator to ensure the informing of the public and a public discussion. Each person has the right to appeal any decision taken in accordance with the EIAL, also any activity or inactivity, if with this decision the rights of the public to information or participation in the process of EIA as specified in regulatory enactments have been violated or ignored. (EIAL, Arts. 20 and 26.)

Article 6, paragraph 3

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

163. During EIA, there are two notifications. There is a 20-day period for recommendations during the initial public discussion. During public discussion of the EIA report the public is entitled to submit recommendations or opinion within 30 days. Public discussion shall be organized not earlier than seven days after the publishing of the notification in the newspaper and not later than 10 days prior to expiry of the time period determined for the submission of proposals of the public.

164. During discussion of permit conditions, the public has 30 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.

Article 6, paragraph 4

165. According to legislative requirements, during the EIA the public has the right to receive information and express its opinions twice - during the initial public discussion 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.

166. 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.

Article 6, paragraph 5

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

168. Before submitting a permit application operator has to perform the EIA, including identification of, information and consultation with the public concerned in accordance with the EIAL.

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

Article 6, paragraph 6

170. 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.

171. No cases are reported, when EIA documentation would be classified on the basis of commercial confidentiality or intellectual property rights.

172. 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. 1082, which states in addition what information has to be made public, including information acquired after public information or after public discussion (Chapter III).

Article 6, paragraph 7

173. 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. 1082; EIAL; CM Regulation No. 83).

174. Every participant in the public discussion is entitled to submit his/her written opinion within 10 days following the meeting, which is attached to public discussion report.

175. 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

176. According to legislative requirements, public opinions have to be evaluated in the EIA report. The EIA report shall include an overview of the public participation events and the recommendations submitted, indicating how the submitted recommendations have been considered.

177. 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.

178. Following Article 3 of the EIAL decisions have to be taken considering proposals received during public discussions. Article 22 of the Law reinforces that decision on acceptance of the proposed activity has to be adopted considering also opinion of the public.

179. 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.

180. CM Regulation No.83 (subpara.26.10) provides that during public discussion, written proposals, the initial public discussion results and results of the report have to be gathered and evaluated.

181. 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.

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

183. According to paragraph 48 of CM Regulation No. 1082, should the informed institutions or the public recommend a denial of the permit for polluting activities, the REB issues permit or passes motivated decision on denial to issue permit only after the operator has had at least 14 days to provide written explanation.

Article 6, paragraph 9

184. Article 20 of the EIAL provides that the responsible authority publishes notification in at least one newspaper issued by the local government or in another local 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 decision within three days of its adoption on the authority's website (if there exists one) and within five weekdays to submit it for publishing in at least one local government's newspaper or other local newspaper, indicating the public authority where the public may familiarize itself with the decision's contents, grounds and information on the public discussion process as well as measures to be taken in order to prevent or reduce the adverse impact on the environment.

185. Section VI of CM Regulation No. 1082 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

186. The Law on Pollution and CM Regulation No. 1082 prescribe public involvement options and procedure also in cases when the permit is prolonged or reviewed including if the competent authority has regarded amendment to the activity as significant. Amendment to the activity as a result of which operational indicators of the installation exceed indicators mentioned in annexes to the law is a significant amendment.

187. The EIAL and CM Regulation No. 83 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

See Sections XXXIII to XXXVI of this report on Article 6bis and Annex Ibis of the Convention

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

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

189. In view of the ECC, public participation in the EIA procedure is frequently hampered by low-quality EIA reports, for example, by insufficiently describing the expected impacts and by providing only superficial information during the public discussion meeting. If the report is improved at a later stage at the request by the ESB, not always it is separately discussed with the public.

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

190. ESB cooperation with NGOs, in particular their informing the latter of applications received. Similar cooperation has been created between REBs and NGOs active in the region.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

191. www.varam.gov.lv, www.vpvb.gov.lv, www.pvd.gov.lv,
www.em.gov.lv, www.videscentrs.lv, [lvgmc.gov.lv](http://www.lvgmc.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

192. Legislation is in force 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"; Development Planning System Law; section VI of the SASL; CM Regulation No.300 "Rules of Procedure of the Cabinet of Ministers" of 7 April 2009; the Spatial Development Planning Law; and CM Regulation No.711 "Regulations on Municipality Spatial Development Planning Documents" of 16 October 2012, where the procedure is detailed for public involvement in municipality territory planning; CM Regulation No. 240 "General Regulations for Spatial Development Planning, Land Use and Building" of 30 April 2013; CM Regulation No. 402 "Regulations on Spatial Development Planning Documents of Planning Regions" of 16 July 2013; CM Regulation No.597 "Procedures for Environmental Noise Assessment" of 13 July 2004; 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.970 "Procedure for Public Participation in the Development Planning Process" of 25 August 2009; CM Regulation No.1178 "Regulations on the Development and Impact Assessment of Development Planning Documents" of 13 October 2009; CM Instruction No.19 "Procedure for the Initial Impact Assessment of a Draft Regulatory Enactment" of 15 December 2009. (Hereinafter in this section the above-mentioned acts are referred with respective number.)

193. The ECC has been established in accordance with Article 14 of the EPL, 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.

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

195. Article 4 of the EIAL and paragraph 2 of CM Regulation No.157 detail the planning documents requiring strategic EIA. Article 23.⁵ of the EIAL and CM Regulation No.157 (Paragraph 2, section V) detail the procedure for public involvement in strategic EIA.

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

197. 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, 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

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

199. On 1 January 2009 the Development Planning System Law entered into force. The law refers also to development planning in the domain of environmental protection and its purpose is to promote sustainable and stable development of the State, as well as the improvement of the quality of life of population, by determining the development planning system. This law applies to the development planning in public authorities. In accordance with the participation principle incorporated in Article 5 of the law all interested persons (including NGOs) have a possibility to participate in the drawing up of the development planning document.

200. CM Regulation No.300 contains provisions on NGO involvement in the development process of policy documents and legislative acts as well as the need for public discussion, and authorizes NGO representatives to participate in meetings of the State Secretaries, where legislative acts and policy documents of all ministries are discussed.

201. 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 SASL, Article 48.

202. The procedure for involving the public in the strategic assessment is stipulated by CM Regulation No.157, Chapter V.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

203. Notwithstanding the adequate supply of information the public not always is aware of its participation opportunities.

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

204. 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. At the same time, the public not always makes use of the opportunities to participate. Problems with the strategic EIA procedure frequently are related to low-quality strategic EIA reports. That deprives the public of understanding the significant environmental aspects of the relevant planning document.

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

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

206. www.mk.gov.lv, www.varam.gov.lv, www.vpvb.gov.lv, www.pkc.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

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

208. CM Regulation No.300 “Rules of Procedure of the Cabinet of Ministers”, dated 7 April 2009, 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.

209. Representatives of NGOs as well as individual specialists in the field are often included in draft legislation work groups.

210. The deadline for comments on the initial draft is usually two weeks. If an NGO has submitted its opinion within the prescribed term, its objections have to be taken into account or agreement must be reached in a coordination meeting.

211. Draft legislation is freely accessible on the websites of the ministries and the CM. Draft laws are available at the Parliament’s website. Results of the public participation are submitted to the legislator in the form of annotation in case of draft regulatory enactments and in other appropriate form in case of draft development planning documents.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Legislative acts sometimes have to be developed in a short time, therefore encumbering appropriate public participation and risking with the quality of the draft regulatory enactment. To solve this problem, the MEPRD workplan is published on the Ministry’s website and the personnel are advised to involve public in the legislative process more actively by adequately hearing the interested parties etc.

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

212. Governmental authorities, for example, MEPRD regularly cooperate with particular professional associations and NGOs, especially in the areas of waste management, packaging use

and the movement of chemicals. Professional associations are involved not only in discussion of legislative acts, but also in their preparation. The MEPRD involves ECC in discussions on various draft legislation.

213. State Chancellery ensures implementation of the memorandum of cooperation between NGOs and the CM, including regular meetings with representatives of NGOs on topical issues.

214. The obligation to annotate every legislative draft and to reflect adequately the results of public participation in draft development planning documents, secures practical implementation of Article 8.

215. Explanatory seminars are organized on significant legislative initiatives, e.g., seminars have been organized by the Baltic Environmental Forum on legislative regulation and development thereof regarding chemical substances and products.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

216. www.varam.gov.lv, www.mk.gov.lv, www.saeima.lv, www.bef.lv, www.daba.gov.lv.

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

217. 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 SASL.

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

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.

219. 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 of the APL stipulate that the case in a court of first instance and the appeal in a court of second instance is heard on its merits, except for cases prescribed by law. Administrative process participants can appeal the second instance court decision in cassation procedure, except for cases prescribed by law. The exceptional cases prescribed by law relate to, for example, refusal to provide information (Article 15 of the ITL). In such case the judgment of a court of first instance may be immediately appealed in accordance with cassation procedure.

Article 77 of APL provides that the appeal submission for an administrative act should be written or submitted verbally to the authority issuing administrative act. If the submission is oral, the authority transcribes it and applicant should sign it. This submission is sent to a higher authority immediately.

220. 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 law “On Judicial Power”, Article 1, Paragraph 1 and 2, along with lawmaking and executive powers, Latvia has an independent judiciary acting in accordance with the “rule of law” principle. Article 10 of this Law stresses that, in decision-making, judges are independent and bound only by the law, and that the impartiality and independence of the court or tribunal is guaranteed by the State.

Article 9, paragraph 1

Regarding environmental information, Article 9 of the EPL states that any person believing that an information request has been ignored, declined unlawfully 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. Moreover, any person who considers that its fundamental rights as defined in the Constitution are infringed upon by legal norms that do not comply with the norms of a higher legal force, may submit a constitutional complaint to the Constitutional Court which adjudicates matters regarding the compliance of laws and other regulatory enactments with the Constitution.

221. 220. Denial of an information request by an authority must be in writing (ITL, Art. 12).

222. Administrative acts are written, except in cases listed in law, when a written format is not adequate (APL, Arts. 67 and 69).

223. Independence of the administrative review is indirectly ensured by providing that the contested administrative act is reviewed by a higher authority.

224. Amendments to the APL provide that if there is not a higher institution or another institution determined by law where the relevant administrative act may be disputed or it is the CM, the administrative act may be disputed to the institution which has issued the act or immediately appealed to a court.

225. Independence of judicial review is ensured by application of principles and guarantees for the independence of the judiciary. For example, prohibition on interference with the work of a court, immunity of judges etc. (Chapter 2 of the law “On Judicial Power”).

226. 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.

227. 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 SASL, a decision of higher authority is binding for lower authority.

228. 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

229. 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 participation and to appeal procedure for a decision taken during the respective process.

Article 9, paragraph 3

230. 228. APL regulation is binding to any 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.

231. 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.

232. 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.

233. In cases prescribed by law the court may decide on injunctive relief (see commentary to Article 9, paragraph 4 *infra*).

234. 232. Any person who considers that its fundamental rights as defined in the Constitution are infringed upon by legal norms that do not comply with the norms of a higher legal force (including the domain of environmental law), may submit a constitutional complaint to the Constitutional Court.

235. 233. In accordance with requirements of Law on Administrative Penalties for Offences in the Field of Administration, Public Order Official Language (entered into force on 1 July 2020) failure to provide information, inadequate provision of information, or provision of false information might be sanctioned. Penalties vary according to gravity of the violation – from a

warning to a fine of significant monetary value. Regarding failure to provide environmental information, inadequate provision of environmental information, or submission of false information competent authorities to conduct administrative offence proceedings are SES and the NCA.

Article 9, paragraph 4

236. 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.

237. 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.

238. 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.

239. 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). Constitutional Court decisions are available online free of charge at: www.satv.tiesa.gov.lv. Court adjudications are available online free of charge at: www.tiesas.lv. Case-law collections and adjudications in administrative, civil and criminal cases are accessible free of charge at the website of the Supreme Court of the Republic of Latvia (<http://at.gov.lv/lv/judikatura/tiesu-prakses-apkopojumi/>).

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

241. APL, section 22, provides for injunctive relief that can be applied at every stage of the case. According to APL, Paragraph 1 of Article 195, if there is a reason to believe that the contested administrative act or consequences of the non-issue of an administrative act might cause significant harm or damages, the prevention or compensation of which would be considerably encumbered or would require incommensurate resources, and if examination of information at disposal of the court reveals that the contested act is *prima facie* illegal, the court may, pursuant to the reasoned request of an applicant, take a decision on injunctive relief.

242. 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,

243. 241. The legislation database of the Official Journal "Latvijas Vēstnesis" is available online free of charge (www.likumi.lv).

244. 242. The Latvian courts website (www.tiesas.lv) indicates options for court submissions.

245. 243. Article 67 Paragraph 2 Section 9 and Paragraph 7 of APL provides 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.

246.

247. 244. Informative publications have been prepared on access to administrative and judicial review procedures.

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

248. 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. Various projects are being developed and implemented to increase capacity of the courts. For example, on 4 July 2013 the law "Amendments to the Law "On Judicial Power"" was promulgated, providing for management of deadlines for case adjudications. This responsibility rests on the Chief Judge of the court. Amendments to the Law also provide for broader responsibility of the Chief Judges of district (city) courts and regional courts by requiring, *inter alia*, to ensure transparency of the court work, to check the observance of procedural terms in cases handled by judges, to issue orders to judges relating to organization of their work. The Chief Judge may instruct a judge to set an appropriate term for making a procedural activity, considering circumstances of the case, as well as may redistribute cases among judges in accordance with the division of cases plan.

249. Sometimes a private person and an institution have different views on whether a particular decision can be challenged. Namely, whether the relevant decision is only an interim decision before adoption of the final decision and does not create direct legal consequences for the addressee, or it is an administrative act that can be challenged.

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

250. General statistics of court activities are available on the Ministry of Justice website (www.tm.gov.lv). More detailed statistics are gathered by the Court Administration (www.ta.gov.lv).

251. The State Environmental Service and the ESB annually gather 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. The information gathered by ESB on administrative cases is available at the following website:

<http://www.vpvb.gov.lv/lv/publikacijas>.

252. 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.

253. At administrative proceedings in court the principle of objective investigation is applied which, *inter alia*, provides that in order to determine the true facts of a matter, the court shall give instructions and make recommendations to the participants in the administrative proceeding, as well as collect evidence on its own initiative, thus reducing the applicant's expenses related to the legal proceedings.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

254. www.saeima.lv, www.likumi.lv, www.tm.gov.lv, www.ta.gov.lv, www.satv.tiesa.gov.lv, www.tiesas.lv, <http://at.gov.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

255. 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 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.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

Paragraph 1 of article 6 bis and:

Paragraph 1 of annex I bis

256. The Republic of Latvia has acceded to the Convention's amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMOs) of 27 May 2005 by adopting the law "On Amendment to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" of 14 February 2008.

257. Regulation on access to information and public participation in the domain of GMO circulation has been incorporated into Chapter V of the Law on Circulation of Genetically Modified Organisms (GMO Law), CM Regulation No.457 "Regulations Regarding the Deliberate Release of Genetically Modified Organisms" of 26 May 2009 (CM Regulation No.457), CM Regulation No.1078 "Methodology for the Risk Assessment of Genetically Modified Organisms" of 22 December 2008 and CM Regulation No.784 "Procedures for the Contained Use of Genetically Modified Organisms, as well as Issuance and Annulment of a Permit" of 22 September 2008 (CM Regulation No.784). Article 8 of the EPL provides public participation rights in adoption of decisions regarding release of the GMOs into the environment.

258. GMO Law, Article 3, Paragraph 4, comprises a principle of public information and participation which provides that authorities promote public education and informing, hear out and evaluate public opinion regarding issues related to the circulation of GMOs. Chapter V of the GMO Law contains provisions on openness and availability of information, public participation in decision-making process, obligation to provide information as well as requirements for circulation of information.

259. A permit to release a GMO into the environment or place on the market is issued by the Food and Veterinary Service (Service) after examination of the relevant submission.

300. According to CM Regulation No.457, Section 5, the Service shall post on the website thereof in the State Information System – into the Register of GMO Circulation (GMO Register) - the following information:

- (a) environmental risk assessment of the GMOs;
- (b) summary information on the release of GMOs into the environment or placing on the market;
- (c) other documents submitted by a person, to which the status of restricted access has not been assigned;
- (d) the risk assessment report;
- (e) the time period by which the public may express its opinion and provide proposals, indicating the place of submission thereof;
- (f) the decision, including the conditions referred to in the permit on the release of GMOs into the environment or placing on the market, and the report on the public opinion;
- (g) information regarding the locations for the release into the environment of GMOs;
- (h) information regarding the locations for the cultivation of GMOs;
- (i) report on the results of the release into the environment or placing on the market monitoring.

301. According to Paragraph 18.5. of the CM Regulation No.784 it is the duty of the Service to inform the public regarding the notified contained use activities and involve it in the process of issuing a permit for contained use.

302. A person, who performs activities with GMOs is obliged, in conformity with Article 30 of the GMO Law, to inform the relevant competent authorities and the public, without delay, regarding the cases when scientifically substantiated opinions regarding the possible adverse effect of GMOs on human and animal health or the environment have been received, as well as when the harm has already been caused to human and animal health or the environment or there are direct hazards that such harm could be caused, or negative changes in the environment have been observed in connection with the deliberate release of the GMOs. Similarly, paragraph 47 of the CM Regulation No.457 provides that if information is received regarding the adverse effects on health or the environment caused by the GMOs to be released into the environment or placed on the market or regarding a prohibited placing on the market of GMOs, the Service shall, within one day after receipt of information, inform the public thereof.

Paragraph 2 of annex I bis

303. No exceptions have been provided for to the public participation procedure.

Paragraph 3 of annex I bis

304. According to CM Regulation No.457, Section 5, the Service not later than within three working days after receipt of a submission makes available to the public summary information on the intended release of GMOs into the environment or placing on the market and environmental risk assessment of the GMOs. Not later than within three working days after receipt of a risk assessment report done by the Scientific Expert Commission the Service makes it available to the public.

Paragraph 4 of annex I bis

305. Paragraph 8 of the CM Regulation No.457 stipulates that the following information shall not be considered as confidential;

- (a) the given name, surname, address of the person (for a legal person – the name and legal address);
- (b) the description of the GMO, which allows the identification thereof;
- (c) the purpose of the release of the GMO, the place and anticipated use thereof;
- (d) the monitoring programme and emergency action plan; and
- (e) the environmental risk assessment of the GMO.

Paragraph 5 of annex I bis

306. According to Article 27 of the GMO Law competent authorities provide the public with information regarding the circulation of GMOs in accordance with the requirements of the regulatory enactments regulating the circulation of GMOs. Transparency of decision-making procedures and provision of access to the relevant procedural information to the public is ensured by requirements of the CM Regulation No.457, especially Section 5. (See commentary to Paragraph 1 of annex I bis, *supra*, especially the last paragraph.)

Paragraph 6 of annex I bis

307. Paragraph 1 of Article 28 of the GMO Law stipulates that the public – any natural person, as well as associations and foundations, have the right to submit recommendations or express an opinion prior to competent authority issuing a permit for the release into the environment or placing on the market of GMOs.

308. Any person, within 30 days after putting of the risk assessment report into the GMO Register, may express its opinion and submit written proposals to the Service on the release into the environment or placing on the market of the GMOs. (Paragraph 46 of the CM Regulation No.457.)

Paragraph 7 of annex I bis

309. The competent authority involves the public into the decision-making process prior to taking the decision regarding release into the environment or placing on the market of GMOs. (Paragraph 3 of Article 28 of the GMO Law.)

310. The Scientific Expert Commission prepares a report on the public opinion. The Service, taking into account the risk assessment report, the report on the public opinion and the proposals of the Supervisory Council of Genetically Modified Organisms, issues a permit or a decision regarding the refusal to issue a permit, indicating the grounds for refusal. (Paras. 10, 13 of the CM Regulation No.457.)

Paragraph 8 of annex I bis

311. According to CM Regulation No.457, Section 5, the Service not later than within three working days after taking of a decision puts into the GMO Register the following information;

- (a) the decision, including the conditions referred to in the permit on the release of GMOs into the environment or placing on the market, and the report on the public opinion;
- (b) information regarding the locations for the release into the environment of GMOs;
- (c) information regarding the locations for the cultivation of GMOs.

Not later than within three working days after receipt thereof the report on the results of the release into the environment or placing on the market monitoring is put into the GMO Register.

Paragraph 2 of article 6 bis

312. The requirements are mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

313. The public not always is provided with sufficient and easy-to-perceive information on the availability on the market of food products containing GMOs, consisting of or produced from

them. For example, the relevant information is difficult to read on the product labelling, not always the products have been placed separately.

314. Impartial information from independent experts on environmental risks arising from particular GMOs is not available.

315. Decisions on placing on the market are taken at the EU level, thus hampering effective public participation.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

316. A local government may set a prohibition by issuing binding rules for the cultivation of genetically modified crops in the relevant administrative territory or in a particular territory thereof upon its own initiative or on the basis of a proposal of the public, duly informing the public and consulting therewith in advance of adoption of the said rules. (GMO Law, Article 22.)

317. Till 1 July 2016 104 administrative territories (of the whole 110) adopted based on public consultation decision on the ban of cultivation of genetically modified crops.

318.

319. 274. A map and list of local governments which have banned cultivation of genetically modified crops are available on the website of the State Plant Protection Service.

320.

321. 275. The MEPRD has provided organizational and informative support to NGOs in organizing seminars, conferences, press conferences and other events regarding GMOs.

322.

323. 276. No applications for permits have been received by Latvian authorities regarding release into the environment for experiments and placing on the market of GMOs.

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6bis

http://www.pvd.gov.lv/lat/lab_izvlne/datubzes/darbbas_ar_mo;

<https://www.zm.gov.lv/partika/statiskas-lapas/genetiski-modificetie-organismi?nid=606>;

<https://www.vaad.gov.lv/lv/search?q=%C4%A2en%C4%93tiski%20modific%C4%93tie%20organismi>

<https://bior.lv/lv/valsts-delegetas-funkcijas/genetiski-modificeti-organismi>

<https://bior.lv/lv/genetiski-modificeto-organismu-aprites-registrs>

XXXVII. FOLLOW-UP ON ISSUES OF COMPLIANCE

323. No decisions have been made by the Compliance Committee on measures pertaining to the Republic of Latvia.
