

**REPORT OF LATVIA ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2006–2009

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

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

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*
 - Law on EIA (entry into force: 13 November 1998).
 - Cabinet of Ministers Regulations on Procedures for EIA (entry into force: 17 February 2004).
 - Law on Espoo Convention on EIA in a Transboundary Context (entry into force: 01 July 1998).
 - Agreement between the Government of the Republic of Estonia and the Government of the Republic of Latvia on EIA in a transboundary context (entry into force: 14 March 1997).
2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*
 - ratification of the I and II amendment of the Espoo Convention

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*
 - a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The Law on EIA defines the projects, which are subject to the EIA. EIA shall be applied to all the following activities:

- 1) those involving objects listed in the Annex I to the EIA Law;
- 2) those, which may have transboundary impact and where an assessment of their impact is required by the international agreements signed by the Republic of Latvia;
- 3) those for which the State Environment Bureau has so decided on the basis of the results of the initial assessment (screening decision) and if several intended activities have an impact on one and the same territory, taking into account the joint and reciprocal impact of the intended activities.

The EIA procedure

The procedure for Annex I projects starts with a notification sent by the developer to the competent authority - the State Environment Bureau, which makes the decision about the necessity of the EIA, requiring additional information from the developer, if necessary, and shall send a written notification of the decision within 14 days from the date of registration of the notification to the developer. Annex II projects are going through initial assessment "screening", and if State Environment Bureau decides that based on the screening results EIA should be done, than developer will be informed about that.

In case EIA is considered necessary for a project the State Environment Bureau prepares and sends to the developer an EIA programme on which the EIA report is based. The developer is responsible for drafting EIA report according to the EIA programme and should submit the EIA report to the State Environment Bureau for evaluation. The results of the public hearing held, as well as expert's opinion and relevant authorities' conclusions should be taken into account by the State Environment Bureau in the evaluation of the EIA report. The developer should be notified if any amendments are required to be included in the final EIA report. The developer should then prepare and submit for evaluation the final EIA report.

The assessment procedure is accomplished when the State Environment Bureau forwards its opinion on the final EIA report to the developer and to institutions involved in the impact assessment, publishes a notice that it has given its opinion on the final EIA report, and notifies of the opportunity to examine the aforesaid opinion and the final report. The opinion on the final report remains in effect for a term of three years.

In order to obtain permission to begin the proposed activity, the developer shall submit to the relevant institution the final report and opinion of the State Environment Bureau on the final EIA report together with documents required by other normative acts.

Projects having transboundary impacts are subject to an EIA in accordance with requirements set by the Law on EIA and international agreements signed by the Republic of Latvia. State Environment Bureau is the competent authority responsible for deciding on whether or not particular project is likely to have transboundary impacts and therefore transboundary consultations including notification shall begin. In such cases, EIA is arranged in cooperation with the other state.

Public participation in the EIA

The Law on EIA and the associated Cabinet of Minister regulations give the public rights to express their opinion on the likely environmental impact of the project, to demand more detailed study of certain aspects, to appeal the decision of the State Environment Bureau that an impact assessment of the proposed activity for which the initial assessment was carried out, is required, in Court, to get acquainted with the draft of the EIA report and to express their opinion.

EIA Law contains provisions concerning public hearing and information. Upon receiving the notification of the need for an EIA the developer shall publish a notification on the project in the press. The public must be informed about the project and the decision to proceed with an EIA or not and has the rights to demand public hearing of the project. If the public (request of the State Environment Bureau, Regional Environmental Board, a deputy of the relevant municipality or at least 10 citizens or permanent residents of Latvia) has demanded hearing following the notification the developer must organize one or several public hearings at scoping stage. The comments collected during those hearings are sent to the State Environment Bureau, which summarize them and takes into account when drafting EIA programme. The programme shall include environmental protection requirements and conditions as well as a package of necessary study and organizational measures for the future performance on environmental impact assessment.

The developer prepares a draft EIA report on the environmental impact assessment and submits it to the State Environment Bureau as well as other institutions as instructed by the State Environment Bureau, for approval. After submission of the draft EIA report to the State Environment Bureau developer shall inform the public of the possibility given to get acquainted with the draft EIA report and comment on it. The developer should organize a public hearing of the projects draft EIA report. The results of the public hearing should be included in the final EIA report.

According to EIA Law two stage public participation process is introduced when evaluation of the EIA report is taking place. So far public had a chance to participate at public hearings and submit their proposals, comments on draft EIA report and final EIA report , before State Environment Bureau issues its opinion on Final EIA report.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

Due to the fact that transboundary EIA procedure required by the Espoo Convention contains all mandatory procedural steps which require EIA directive (Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment) and therefore national EIA legislation as well, all the steps of the transboundary EIA procedure fit into national EIA procedure. However there are differences in the application, especially that relates to activities mentioned in Annex 1 and 2 of the EIA Law (Latvian list of activities subject to EIA and screening might not be the same as for our neighbour states), public participation requirements (Latvia is having mandatory participation at scoping stage and also two stage public participation procedure when EIA report is evaluated) and of course timing for all the EIA procedure stages differs in comparison with our neighbour states.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

- Ministry of Environment
- State Environment Bureau
- Regional Environmental Board
- Ministry of Foreign Affairs (giving opinion on the matter)

- Relevant municipalities
- Interested state institutions (e.g. Ministry of Transport, Ministry of Economy)

In case of national EIA procedure, the only authority that might not be involved in the EIA process is Ministry of Foreign Affairs. However authorities involved differ depending on project type and therefore there is no closed list of authorities to be consulted. For example if a project may cause impacts to specially protected nature territories (Natura 2000) relevant nature protection authorities are consulted (e.g. Nature protection board, Administrations of those specially protected nature territories, Ornithology society etc..).

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

State Environment Bureau

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No specific provisions

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

Espoo Convention Appendix I (also revised appendix I) is included in the national legislation. Taking into account that EIA Law Appendix is relevant to EIA Directive Appendix I, for example activity 20 in the revised Espoo convention Appendix I (installation for the intensive rearing of pigs or poultry) is included in the EIA Law Appendix I, taking into account EIA Directive..

Explanation about terms "large" and "major" see in the answers below. Taking into account that these terms are used in Espoo Convention Appendix I which is relevant to the Law on Espoo Convention on EIA in a Transboundary Context. Appendix I, these terms are used there. In the EIA Law Appendix I there are many thresholds according to the EIA Directive and national regulation, which are sometimes stricter than in Espoo Convention Appendix I.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

According to article 20.1 of the EIA Law, the State Environment Bureau, when taking a decision to initiate the EIA procedure, is also responsible for determining whether a proposed project may have significant transboundary environmental impacts. In such a case, the State Environment Bureau informs the Ministry of Environment, the Ministry of Foreign Affairs and other interested state and

municipal institutions, and asks for their opinion on the decision. The determination of the need for EIA of an activity not listed in Appendix I is made in accordance with the results of an Initial Assessment. Provisions for Initial Assessment are defined in the EIA Law. The relevant Regional Environmental Board is responsible for undertaking the Initial Assessment based on an application received from a project developer. According to the results of the Initial Assessment, the State Environment Bureau would consider whether the activity may have a significant environmental impact and whether EIA would therefore be required, including also the need for transboundary EIA. According to the bilateral agreement with Estonia, Latvia should inform Estonia about proposed activities according to agreement Annex in an area within 15 km from the common border.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Transboundary EIA cooperation is conducted through points of contact and competent authority - State Environment Bureau.

- c. *How a change to an activity is considered as a “major” change;*

The determination of the need to apply the Espoo Convention provisions to a “major” change to an activity listed in Appendix I is made through the Initial Assessment procedure. According to the results of the Initial Assessment, the State Environment Bureau would need to consider whether the change is “major” and accordingly whether EIA is required. The Initial Assessment procedure is undertaken according to the EIA Law.

The EIA Law provides the criteria to be used for evaluating whether an activity, or a change to an activity, is “major” or “minor”.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

The determination of “significant” adverse transboundary environmental impacts is done according to the EIA Law. The State Environment Bureau is the decision-making authority on this matter, deciding whether to initiate the transboundary EIA procedure. "Significance" is determined by applying Initial Assessment procedure. For certain cases, the advice of invited experts can be used.

"Likely": By applying Initial Assessment procedure.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

According to the EIA Law:

Every natural person and legal person, as well as association, organisations and groups (hereinafter – the public)

That is also the definition of "Public" in accordance with the Aarhus Convention. And the only legal possibility to ensure equivalent opportunities for public is to achieve better results in ratifying and also implementing provisions of the Aarhus Convention.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

According to article 20.1 para 1 of the EIA Law, the State Environment Bureau, when taking a decision to initiate the EIA procedure, is also responsible for determining whether a proposed project may have significant transboundary environment impacts. The notification is sent to potentially affected party before public is informed about a decision to undertake EIA (article 20.1. para 2 of the EIA Law).

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

The notification contains the information required by Article 3, paragraph 2 of the Convention.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

Yes, we would follow the guidelines

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

Time frame is not defined in the national legislation. However in practice that would be agreed between the State Environment Bureau and developer (from the practice min term is 30 days). Because according to Article 15 of the EIA Law developer shall inform public on necessity to undertake EIA after receiving decision from the Bureau and before requesting to issue EIA programme.

Not complying with the time frame or asking extension would then be discussed on bilateral bases with the affected party.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

According to Article 20.1 para 5 of the EIA Law - If the State which has received notification mentioned in the Paragraph 3 of this Article responds within the time specified in the notification indicating its desire to participate in the impact assessment, the Competent Authority shall forward to it a program, Draft EIA and information on the procedure of Impact Assessment.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your*

country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?

Information from the affected party should be requested if there is not enough information (or information is available only in their national language) when EIA report is composed. The deadline shall be determined by official letter.

14. Please describe:

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

According to Article 20.1 para 6 of the EIA Law - State Environment Bureau (Bureau) in cooperation with the Competent Authority of the State that has intended to participate in the Impact Assessment ensure that those authorities and public concerned are given an opportunity to review the information mentioned in Paragraph 3 and Paragraph 5 of this Article and submit proposals to the Competent Authority before it submits Evaluation Report of the Final EIA.

If the planned activity is in territory in Latvia, any person is entitled to send written proposals to the Bureau, as well as submit a written request regarding the organisation of an initial public discussion, within a period of 20 days after the publication of the notification. The Bureau shall send a request to the developer regarding the necessity of an initial public discussion and the initiator shall organise the initial public discussion within a period of 10 days after the receipt of the request.

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

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

Information regarding an intended activity and other materials necessary for an initial public discussion shall be displayed in the building of the relevant city or parish council and other public areas (for example, in a school, library, post office).

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

According to EIA Law Article 20.1. para 6.1. and 6.2. if the activity is planned to be implemented outside the territory of Latvia, within 14 days after information is received from the Party of origin, this notification has been placed in the internet and at least one local newspaper. In the notice has been given all information, where

public and interested institution may acquire information regarding the activity, as well as information regarding time period up to when written proposals may be submitted to the Bureau. The Bureau shall compile the proposals submitted by the public and interested institution and send them to the competent authority of the relevant State.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

Notification has been send to the affected area, and if we receive answer that country is willing to participate in a transboundary EIA procedure it means that also public in this area has been identified.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

According to the Cabinet of Minister Regulations:

The following information shall be published in the notification:

1. the name of the intended activity, the date when the Bureau has taken a decision regarding the necessity of an environmental impact assessment and a justification of such decision;
2. the initiator (given name, surname or name);
3. a description of the intended activity (potential locations (addresses) of the intended activity and the types of technologies to be utilised, as well as the territories subject to impact);
4. information regarding transboundary impact, if such is possible;
5. the time and location where the public may obtain information regarding the intended activity and become acquainted with the prepared documents (the submission, initial assessment, the decision regarding the necessity of the environmental impact assessment);
6. the deadline by which the public may submit written proposals and a request to organise an initial public discussion; and
7. the office address, telephone number, Internet home page address.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Each party notifies the public in their country following their national legislation. According to EIA Law, the State Environment Bureau, when taking a decision to initiate the EIA procedure, is also responsible for determining whether a proposed project may have significant transboundary environmental impacts. The notification is send to potentially Affected party before public is informed about a decision to undertake EIA.

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes.

QUESTIONS TO AFFECTED PARTY

16. Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.

The Ministry of Environment and State Environment Bureau could be the main decision making authorities.

17. When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)

"Reasonably obtainable" is the information we may obtain in the time frame specified. Meaning of term "promptly" is understood as to be sent as soon as we do have such an information.

18. Please describe:

a. How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;

Cooperation with authorities is done on national level, through central state authorities or focal point.

b. How your country identifies the "public" in the affected area;

According to EIA Law Article 20.1. para 6.1. and 6.2. if the activity is planned to be implemented outside the territory of Latvia, within 14 days after information is received from the Party of origin, this notification has been placed in the internet and at least one local newspaper and official newspaper "Latvijas Vēstnesis" and also the State Environment Bureau (Bureau) may send this notification to those institutions and organisations with which it is necessary to consult. In the notice has been given all information, where public and interested institutions may acquire information regarding the activity, as well as information regarding time period up to when written proposals may be submitted to the Bureau. The Bureau shall compile the proposals submitted by the public and interested institution and send them to the competent authority of the relevant State.

c. How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;

See answer above and answer 14c.

d. At what stage in the EIA procedure does your country normally notify its public?

The public is notified within a period of 14 days after the information has been received from the Party of Origin.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

EIA Law and Cabinet of Ministers Regulations.

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

The State Environment Bureau shall develop a programme after the receipt of a written request from developer.

A programme shall include:

1. a reference regarding the information to be included in the EIA report; and
2. a reference regarding the institutions and organisations with which consultations are necessary, or to which the work report shall be submitted.

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

Developer is responsible for determining reasonable alternatives. These are alternatives which may be implemented in practice.

22. *How does your country identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance with appendix II, paragraph (c), and how does it define "impact" in accordance with article 1(vii)?*

Developer is responsible for determining this.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Yes, all the EIA documentation is given to the affected Party.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

According to Article 20.1 para 7 of the EIA Law - The Competent Authority shall enter into consultations with the Competent Authority of the Affected party and agree on it.

All received comments from public the Bureau shall forward to the developer who must explain why proposals and objections are taken into account and justify why they are not taken into account and respond to the questions. The answers shall be sent to the affected Party.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided "within a reasonable time before the final decision" (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

According to Cabinet of Minister Regulations within a period of three days after the submission of EIA report to the Bureau developer shall submit for publication in newspapers an announcement regarding the EIA report. Developer shall send individual

notifications to the owners (possessors) of immovable property, whose property is located next to the potential locations of the intended activity, and to the local government of the relevant territory.

Any person is entitled to send written proposals to the Bureau within a period of 20 days after the publication of the notification. If necessary, the Bureau may extend the time period for the submission of proposals up to 40 days, publishing in newspapers a notification regarding the extension of the time period. Developer shall organise a public discussion of the EIA report at least seven days after the publication of the notification.

At the request of the affected Party, the Bureau shall forward the EIA documentation to the affected state and determine the time frame for providing comments. The procedure and the time frame of the consultations and publication of the EIA documentation shall be agreed on between the party of origin and the affected state.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

The EIA programme and report (draft and final) are provided. Also additional material (brochures) concerning the proposed activity and the EIA can be made public.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

In most cases it would be organised in the territory of the Affected Party.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

The EIA report and any other relevant information should be sent to the Affected party when it is made available to the public and authorities of the Party of Origin.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

Cooperation with authorities is done on national level, through focal points. All proposals and objections submitted regarding the documents on EIA shall be sent to the state in which the transboundary environmental impact originates.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

That should be agreed at the consultation stage between both parties Competent authorities or in accordance with provisions of Bilateral Agreement, if such exists. From the practice affected Party will organise public hearing and consultations with relevant authorities in their country. The public participation is normally organized in accordance with national legislation.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

When the draft EIA report is prepared. The necessary procedure and the actual time schedule of the consultations shall be agreed on between party of origin and the affected state. Article 20.1 para 7 of the EIA Law: The Competent Authority shall consult with the Competent Authority of the Affected party regarding the possible transboundary impact of an activity, regarding the activities for preventing or reducing the negative impact, as well as regarding the time period necessary for consultation.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Level really depends on particular project. In the consultations will participate members from State Environment Bureau, the Ministry of Environment, other members - expert of the delegation (depends from the project) and the developer. Communication about consultation meetings will be organized via e-mail or letter by Espoo focal point or competent authority State Environment Bureau.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

Level really depends on particular project. State Environment Bureau should be the main body which takes part in the consultations, however the Ministry of Environment may also take part in the consultations and other experts (depending from the project). Techniques of consultation may differ - by phone, by e-mail, by post, by fax, by arranging meetings and conferences..etc...

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Yes, all projects listed in Appendix I require "final decision" - acceptance. Acceptance of the Proposed Activity (lv - "Paredzētās darbības akcept") shall mean the passing of a decision by the relevant State or municipal institution or Cabinet of Ministers as provided by the EIA Law and other legislative acts, consenting to commence the Proposed Activity. The only exception where the acceptance will be given by the Ministry of Environment is: the construction of wind farms in the territorial waters of the Republic of Latvia or in the exclusive economic zone.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

The appropriate State or municipal institution or other institution specified by EIA Law, having comprehensively reviewed the Final EIA and the Competent Authority's Evaluation Report on the Final EIA, and having taken into consideration the viewpoints put forward by interested State and municipal institutions and members of the public, shall pass a decision, pursuant to applicable legislation, accepting or rejecting the Proposed Activity.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

If the Proposed Activity has transboundary impact, the viewpoints put forward by the interested authorities and members of the public concerned of the affected State and results of consultations, shall be taken into consideration by appropriate State or municipal institution, when accepting or rejecting the Proposed Activity.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

The appropriate State or municipal institution shall inform any State which has been consulted on the decision passed and shall forward to it the required information mentioned in the EIA Law.

Yes, the final decision does contain the reasons and considerations on which the decision is based and it is submitted to the affected party.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

If such information becomes available, the affected Party shall be informed about received additional information. Decision shall contain measures to be taken in order to prevent or reduce any negative environmental impacts.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

Already at the stage of drafting EIA report monitoring requirements for the assessment of environment quality should be indicated. According to the bilateral agreements with Estonia, the Party of origin and the affected Party shall determine the necessity of the post-project analysis (e.g. environmental monitoring) taking into account the significance of environmental impact resulting from the proposed activity.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

State Environment Bureau will be the authority responsible for informing other Party and for consulting on measures to reduce or eliminate the impact.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Latvia has one bilateral agreement: the Agreement between the Government of the Republic of Estonia and the Government of the Republic of Latvia on EIA in a transboundary context (entry into force: 14 March 1997).

According to the article 3 of the above-mentioned Agreement, co-operation between two countries is concentrating on the proposed activities listed in Appendix I to the Espoo Convention as well as on activities listed in Annex to this Agreement. Case-by-case approach is used to decide whether this Agreement applies to the activities not included in Appendix I to the Convention and Annex to this Agreement if they are likely to cause a significant adverse transboundary impact. A Joint Commission on EIA in a transboundary context has been established in accordance with the provisions of the Article 4.

Commission's main task is to decide on procedural issues for conducting of transboundary EIA. Joint Commission decides on the necessity of the joint EIA and defines procedure of the joint EIA for each case separately.

As far as the determination of "significance" is concerned, the criterion for location of an activity within a distance of 15 km from the border is included in the agreements.

Most of elements to be found in Appendix VI are taken into account in the agreement.
<http://www.likumi.lv/doc.php?id=29706>

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, the points of contact are the ones that are nominated also for the Espoo Convention.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No, we are not aware of specific research in relation to EIA in a transboundary context.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes, we have plans to ratify this amendment in the closest future

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes, we have plans to ratify this amendment in the closest future

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Yes, we have plans to ratify this amendment in the closest future

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

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

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Latvia has experience in this period as affected party in such projects:

-regarding Ignalina nuclear power plant (NPP) decommissioning projects (Lithuania as a party of origin):

1. Construction of a near-surface repository for short-lived low and intermediate level radioactive waste;
2. Construction of interim storage of spent nuclear fuel;
3. Construction of the radioactive solid waste management and storage facilities;
4. Construction of the storage for short-lived and very low level radioactive waste;

- regarding a new NPP in Lithuania (Lithuania as a party of origin):

5. Construction of the NPP in the Republic of Lithuania;

- regarding Nord Stream projects (Russia, Finland, Sweden, Denmark and Germany as parties of origin):

6. Construction of the offshore gas pipeline through the Baltic sea (Nord Stream project)

- regarding a new NPP in Belarus (Belarus as a party of origin):

7. Construction of a NPP on the territory of the Republic of Belarus

- regarding a new NPP in the Russia Federation (Russia as a party of origin)

8. Construction of a new NPP in the territory of the Russian Federation.

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No objection

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No, there have not been this kind of projects.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The duration of the transboundary EIA procedure mostly depends on the specific project, and number of affected parties and parties of origin (example: Nord Stream case). This is the most important thing, how to manage EIA in different countries, taking into account their national provisions and legislation. Medium average for EIA procedure as a whole (see question 47, projects which are finished 1- 6) is ~ 3,5 years.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

The implementation of the Convention has supported the forementioned aspects concerning the transboundary environmental impacts. The comments from the affected Party and of the affected parties have been taken into account in the EIA procedures - this is a very important aspect in protecting the environment and promoting sustainable development.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

We want to inform that these terms and aspects have already been described in Part I. However it is really up to the Parties involved to agree on most acceptable interpretation of the terms mentioned. This might be also an issue for the Bilateral Agreement to deal with.

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

Environmental impacts, including transboundary impacts of certain projects are being assessed and addressed as soon as possible already through initial impact

assessment procedure and whilst taking decision about the necessity to apply EIA. There has not been a case in practice yet where significant transboundary impacts have been identified and no case in practice where notification under Espoo Convention was required. Nevertheless there have been several cases where Latvia have identified certain impact areas to be in close vicinity to a neighboring country, and even though such impact was not recognized to be transboundary, - Latvia has offered the neighboring countries to follow the national EIA procedure, if they would wish to do so. These cases are only examples of good neighboring cooperation and can not be addressed as experience obtained by using Convention in practice.

- b. Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

In case of transboundary EIA transboundary impacts must be analysed in the EIA report and the report must also include an overview of the results of consultations upon environmental impact assessment in a transboundary context. Information amount could vary taking into account proposed activity and received comments and proposals on that.

- c. What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

Since there is no real practice of using Convention as Party of Origin, this answer can be only theoretical. Nevertheless, - a transboundary EIA requires the same methodology, accuracy and thoroughness in assessment as a national one

- d. Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

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

- e. How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

We have not organised transboundary public participation as Party of origin.

- f. Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

The only difficulty may be, that sometimes there is not enough time to submit comments after consultation.

Sometimes additional time is needed for submitting comments.

Yes, Latvia has been consulted under article 5, for example in Nord Stream case, there were many consultations between experts and authorities.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

We have not send a "final decision" to the affected Party.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No experience.

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

No experience.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

The cooperation between parties concerning the EIA in a transboundary context is good. All EIA material has been received, also additional time is provided if necessary. The practice shows that public is interested in participating in EIA transboundary procedures.

We highly appreciate your offer, but we would not like to introduce a case.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

The Convention is applied through focal points, joint bodies and bilateral agreement between Estonia.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

No example.

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. *Guidance on public participation in EIA in a transboundary context;*

Yes, but only for the Notification stage.

- b. *Guidance on subregional cooperation;*

No

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

Yes, but only for the Notification stage.

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

Our practical experience is as the affected Party. It is very important that we have the opportunity to participate and to give opinion about proposed activity EIA documentation which may impact us. Very good practice is with Estonia, where we have bilateral agreements, and every year we are organising a meeting to share our experience and to give the newest information in national legislation and other issues.

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Information concerning the Convention and informative materials has been done by the Ministry of Environment and State Environment Bureau, doing their duties.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

Practice shows that application of the Convention and the cooperation with other parties is effective

SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

It will be very good if each question would contain just 1 question. Questions should be formulated in such a way that they are not repeating the ones already given before.

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