

Aarhus Convention II National Implementation Report

This report is submitted in the name of the Republic of Latvia according to Aarhus Convention „On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters” (further – AC) and to decision I/8 „Reporting requirements” (ECE/MP.PP/2/Add.9):

Name of officer responsible for submission of National report:	Mr. Raimonds Vējonis, Minister of Environment
Signature:	
Date:	

Please, provide the following information on development of this report

Party	The Republic of Latvia
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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Document is based on first unabridged version of first Latvian report. In September 2007 respective AC articles, reporting issues and excerpt from the first report were combined in the table. On 04.10.2007 a letter was sent to all responsible ministries and Environmental Consulting Council (further – ECC), inviting to update the report. Draft document was prepared on 21.11.2007, that was sent to ministries and ECC and given to public discussion by 06.12.2007. Public discussion meeting on draft report was held 28.11.2007.

Report is prepared observing volume limitations (10,700 words).

Abbreviations:

AC	Aarhus Convention
APL	Administrative Process Law
CM	The Cabinet of Ministers

ECC	Environmental Consulting Council
EIA	Environmental Impact Assessment
EIAL	Law „On Environmental Impact Assessment”
EPL	Environmental Protection Law
ESB	Environment State Bureau
ITL	Information Transparency Law
LEGMA	Latvian Environment, Geology and Meteorology Agency
LEPF	Latvian Environmental Protection Fund
MOE	The Ministry of Environment
NGO	Non-governmental organizations
REB	Regional Environmental Board
SGSL	State Governmental System Law

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

AC is ratified by the Law „On Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters”, passed by the Parliament 18.04.2002. AC requirements are integrated in various legislative acts, the most important being Environmental Protection Law (further – EPL) (29.11.2006), Law „On Environmental Impact Assessment” (further – EIAL), Law „On Pollution”, Administrative Process Law (further – APL), Territorial Planning Law, Construction Law. At the same time individual can refer in court to AC as international legal act, since Latvia has ratified it and it has become effective. All these laws are available in www.likumi.lv.

National report shows situation on 01.12.2007.

Article 3

3. Explain how these paragraphs have been implemented. In particular, describe:

- With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;
- With respect to paragraph 3, measures taken to promote education and environmental awareness;
- With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- With respect to paragraph 7, measures taken to promote the principles of the Convention internationally;
- With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.

(a)

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

and to receive response.

According to Constitution Art.115 state protects everyone's rights to live in beneficial environment, reporting on environmental conditions and caring for their maintenance and improvement. This law obliges state to ensure efficient environmental protection system, but individuals are entitled to obtain environmental information and to participate in environmental decision-making.

According to EPL Art.10 Para.3 subPara.3) authority appoints officer responsible for provision of assistance required by information searcher, if, necessary, also by formulating request.

Information Transparency Law (further – ITL) describes conditions for provision of information.

Availability of information in public authorities is regulated also by APL, governing public legal relationship between state and private individuals (legally private individual means natural person, legal person according to private law or association of such persons). APL Art.54 Para.1 provides that if request is received from private person regarding administrative process, authority is obliged to provide respective information held by them (exception – if information is legally classified as restricted information). APL Art.56 Para.5 and Art.98 provide for authority's obligation to provide applicant with required information or other assistance in successful solution of the issue.

Development of municipalities' territorial plans is regulated by the Cabinet of Ministers (further – CM) Regulations No.883 „Municipality Territorial Planning Regulations” dated 19.10.2004, where Section III obliges municipality to organize territorial planning development and public consultations.

Administrative acts (including passed by environmental authorities) can be appealed as APL provides. Appeal procedure is indicated in each administrative act issued.

Draft concept is developed „On Unified Geo-Spatial Information Portal Development”, also to promote and facilitate public access to information, national program is implemented: ”Development and Improvement of E-Government Infrastructure Basis”. First stage of Latvian state sites portal www.latvija.lv is created and open to public.

Public authorities' homepages provide opportunity to ask questions that have to be answered in legally set deadlines. The home page of the Ministry of Environment (further – MOE) allows the submitting of questions, which are answered within a time frame set by law.

The State Chancellery has prepared and distributed (electronically www.mk.gov.lv) manuals to officials: G. Starling “Management of Public Authorities”; “Public Involvement. Consulting Methods”; Key Points of Government Policy Communication; “Information of Public and Communication as a Tool of Strategic Policy. Manual to Communication Specialists of Public Authorities;”

Program for communication with public on European Union issues for years 2007-2011 is being developed.

(b)

The Latvian Environmental Protection Fund (further – LEPF) provides financing also for the environmental education and information projects. The LEPF, which manages income from the natural resources tax, allocates financing through tenders, including to projects submitted by Non-governmental organizations (further – NGO) to promote environmental protection.

Financing allocated under the LEPF guideline „Environmental Education and Training”

Year 2006 – 106 projects (LVL 360,720 / EUR 513,258);

Nine months of 2007 – 98 projects (LVL 852,590 / EUR 1,213,126)

Financing allocated under the LEPF guideline „Activities of Mass Media and Publishing in the Field of Environmental Education and Training”:

Year 2006 – 20 projects (LVL 375,375 / EUR 534,110);

Nine months of 2007 – 17 projects (LVL 412,133 / EUR 586,412).

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

informative, incl. electronic publishing, conferences, lectures in schools and practical training in the Natural History Museum of Latvia and in specially protected nature territories, e.g., open doors day in specially protected military territory in Adazi;

regular public joint work, involving children, youth, celebrities and soldiers of National Armed Forces and Civil Guards;

public activities, e.g., annual campaign „Alive Water” to protect spawning fishes;

program of Blue Flags as well as Green Flags, otherwise called eco-schooling (involves 51 educational institutions, 20 schools have received Green Flags in 2007);

program of young environmental reporters;

competition for the best environmental journalist and best-kept parish;

activities of Environmental Education and Science Council (established by EPL);

operation of Latvian Environmental Interpretation Service;

annual certain days, devoted to environmental issues, e.g., Climate Change and Environmental Days;

increase of support for study places and financing; development of new professions promoting environmental protection (specialists of ecotourism, environmental technologies, climate and renewable energy, hydro-energy and meteorologists);

In cooperation with Environmental Educators Association, polling of best sustainable development environmental education practice was done, examples are published in <http://www.unece.org/env/esd/GoodPractices/index.html>;

Explanation of legislative acts in mass media.

Cooperation protocol „Education for Sustainable Development” was signed by the Ministry of Education and Science, MOE and UNESCO Latvian National Commission.

Education system upgrading is ongoing, incl., improvement of secondary education teacher’s Professional qualification and education programs, system for life-long education and educational environment.

Without any mentioning in other legislative acts, EPL provides, that educational subject „Environmental Education” must cover issues of environmental and sustainable development education. This subject will be included in the compulsory part of higher schools and colleges study programs, a subject of sustainable development will also be included in study programs of all higher schools’ and colleges’ teachers.

(c)

Public that promotes environmental protection has been allocated wide rights to access to environmental information, involvement and legal protection, without any criteria being set for NGOs. Considering this, there is no separate NGOs recognition procedure introduced in the country and there is no need for it.

LEPF is a main environmental protection mechanism for financing and support of local public, incl., NGOs. 137 NGOs projects were financed in 2006 (LVL 951,325 / EUR 1,353,613), in 9 months of 2007 – 114 NGOs projects (LVL 941,551 / EUR 1,339,706). To ensure transparency of LEPF activities, Consulting Council of the LEPF is established.

The MOE participates in and supports annual forum of Latvian Environmental NGOs and Professional Associations.

To promote cooperation of public authorities and public as such, Environmental Consulting Council (ECC) is established, comprising representatives of 20 NGOs; NGOs are represented also, e.g., in 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 Center.

According to Para.6 State Governmental System Law (further – SGSL), public authorities have rights to transfer certain public authorities' tasks along with allocated financing to NGOs upon separate specific agreement. Thus activities of these organizations are also stipulated. E.g., nature park „Engure lake” is managed by NGO.

Grant program is planned for NGOs, private companies, municipalities and other applicants' projects in Latvian development cooperation countries.

(d)

Latvia is following activities of AC group of experts „Participation in International Activities”.

Respective specialists are informed on AC Almaty guidelines and invited to apply principles of access to information, participation and justice in implementation of other international conventions.

In the sixth conference of Environment Ministers in Belgrade „Environment for Europe” Minister of Environment was chairing a session on experience and challenges in implementing AC, which fostered actualization of AC principles in international event, including, discussions on other United Nation conventions.

(e)

Principle that no legal activity can be punished is enforced in Constitution Art.1. Rights covered by AC are enforced in state legislative acts, incl., Constitution Art. 92, 115.

Along with EPL becoming effective and APL being amended, it is directly stated, that no civil claims for damages can be raised against a person that has used its rights by applying in administrative court (EPL Art.9 Para.5 and APL Art.4 Para.4.)

4. Describe any obstacles encountered in the implementation of any of the paragraphs of Art.3 listed above.

Regional environmental center project "The Access Initiative" was concluded in 2007. Project conclusions concerning Latvia indicate that: legislative regulation is relatively good; access of emergency information lacks strength; monitoring and environmental state reports are quite good; public involvement process lacks satisfying discussion with interested persons; improvements for public performance is insufficient, thus discouraging use of legislative regulation.

5. Provide further information on the practical application of the general provisions of the Convention.

According to the Law „On Latvian Republic International Agreements” CM is responsible

for execution of international agreements obligations. Should international agreement approved by the parliament contain other provisions than in Latvian legislative acts, international agreement conditions apply. All international agreements and their Latvian translations are published in official governmental publishing.

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

Give relevant web site addresses, if available:

www.vidm.gov.lv; www.mk.gov.lv; www.zinisavastiesibas.lv; www.vitila.gov.lv; www.lvaf.gov.lv; www.tm.gov.lv; www.reclatvija.lv; www.dap.gov.lv; www.lhei.lv; www.latvija.lv; www.eps.gov.lv; www.adazinatura.lv; www.aiva.gov.lv; www.mod.gov.lv; www.apa.lv; www.muzizglitibavisiem.lv.

Article 4

Explain how article 4 has been implemented. Describe transposition of relevant definitions in article 2 and the non-discrimination requirement in article 3. Describe:

(a) With respect to paragraph 1, measures taken to ensure that:

- (i) Any person may have access to information without having to state an interest;
- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
- (iii) The information is supplied in the form requested;

(b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;

(c) With respect to paragraphs 3 and 4, measures taken to:

- (i) Provide for exemptions from requests;
- (ii) Ensure that the public interest test is applied;

(d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

(f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements;

(a) (g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

Environmental information is defined in the Para.19 Art.1 EPL.

VPS Art.1 defines „public authority”, but Art.10 EPL states authorities provides which are bound by the requirement of providing environmental information.

EPL Art.6 explains meaning of „public”. This explanation has no discriminatory restrictions (see also comments to Art.5).

ITL Para.1 Art.10 provides that generally available information is provided to anyone willing to receive it, by considering equality of persons.

Para.19 of „Municipality Territorial Planning Regulations”; Art.21 and 82¹ of the Law „On Municipalities”.

(a)

<p>Art.10 of the EPL provides that holders of environmental information provide public with environmental information held by them and available to them.</p>
<p>(a) (i)</p> <p>Para.1 Art.10 of the ITL and third part of the Art.7 EPL provide, that person requesting information needs no justification for the need for requested information.</p>
<p>(a) (ii)</p> <p>Conditions and procedure for issue and denial of information are set by the ITL.</p>
<p>(a) (iii)</p> <p>Para.6 of Art.11 of EPL provides that information has to be provided in the requested manner or format, except cases, when requested information is already available in other manner or format and available to person requesting information or when reasonable ground exists to provide information in other manner or format, informing person on this ground.</p>
<p>(b)</p> <p>General deadlines for processing of applications, complaints or recommendations are set by the Law of Applications (effective 01.01.2008). With respect to environmental information, deadline for provision of information cannot be longer than 2 months in accordance with Para.1 Art.11 EPL. It also provides that response to the request must be issued as soon as possible.</p>
<p>(c)</p> <p>Cases when information request can be denied are listed in the Para.4 and 5 Art.11 EPL, incl., definition, that information about emission into the environment cannot be of limited access.</p> <p>Art.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.</p>
<p>(c) (i)</p> <p>The following legislative acts define particular cases, when information can be rejected – Art.7 of the Law of Applications; Para.4 Art.5 and Para.3 Art.12 ITL; Para.4 Art.11 EPL with respect to nature protection; Art.3 – 4 of Law „On State Secret“; Art.18 – 19 of the State Statistics Law with respect to individual statistical data; Law on Protection of Individual’s Data with respect to protection of individual’s data.</p>
<p>(c) (ii)</p> <p>EPL Para.5 Art.11 states, that restriction on access to environmental information in every case have to be outweighed against public interests in information transparency.</p>
<p>(d)</p> <p>Para.2 Art.12 ITL; Art.4 of Applications Law; Para.2 Art.56 APL.</p> <p>According these legislative acts public authorities not possessing the required information indicate, where it can be found or transfer the request to authority holding the information, duly informing the demander of information.</p>
<p>(e)</p> <p>Legislative acts prescribe obligation to issue the part of information that is not classified as restricted information (Para.4 Art.10 ITL; Para.3 Art.11 EPL; Para.2 Art.54 APL).</p>

(f)
Art.12 and 15 (Appeal procedure) of ITL; Art.7 of Applications Law; Para.1 Art.11 and 9 – listed legislative acts contain reasons and deadlines for rejection, indicating appeal rights. According to Art.67 of APL, denial has to be in writing.
(g)
Conditions for application of the fee for provision of information are stated in: Art.12 ITL; Para.2 Art.11 EPL; CM Instruction No.4 „Procedure for provision of paid services by state budget financed authorities” dated 06.05.1997.
According to the conditions of Para.2 Art.11 of EPL, environmental information collected and aggregated from state financing and environmental information included in public data bases is free of charge. Should additional processing or preparation be required for provision of the information, fee can be set. If the fee is set, demanded is informed on its size, indication should also be given of cases, when this fee can be waived.
Describe any obstacles encountered in the implementation of article 4.
Free of charge provision of information is interpreted in various ways, i.e., which information has to be free and on which charge can be applied. Especially that concerns authorities, working with environmental information and inter alias providing paid services. Although legislative acts regulate application of fee for services, actual implementation is not always clear.
Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?
Requests for information in public authorities are registered in accordance with requirements of CM Regulations No.99 „Regulations on Registration of Applications, Complaints and Recommendations in state and municipal institutions” dated 18.04.1995.
Statistics of application numbers are available from Latvian Environment, Geology and Meteorology Agency (further – LEGMA).
Information requests in public authorities’ homepages can be sent electronically, such requests respectively being registered and processed in accordance with requirements of Electric Documents Law.
Give relevant web site addresses, if available:
www.vidm.gov.lv ; www.lvgma.gov.lv ; www.sva.gov.lv ; www.pvd.gov.lv ; www.lhei.lv

Article 5

List legislative, regulatory and other measures that implement the provisions on collection and dissemination of environmental information in Art.5.
Explain how article 5 has been implemented. Describe the transposition of relevant definitions in article 2 and the non-discrimination requirement in article 3. Describe:
(a) With respect to paragraph 1, measures taken to ensure that:
(i) Public authorities possess and update environmental information;
(ii) There is an adequate flow of information to public authorities;
(iii) In emergencies, appropriate information is disseminated immediately and without delay;

- (b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases easily accessible through public telecommunications networks;
- (d) With respect to paragraph 4, measures taken to publish and disseminate national reports on state of environment;
- (e) Measures taken to disseminate the information referred to in paragraph 5;
- (f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in paragraph 7;
- (h) With respect to paragraph 8, measures taken to develop mechanisms to ensuring sufficient product information is made available to the public;
- (a) (i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

Obligation to collect and update environmental information is set in the SGSL, EPL, and in the Law „On Pollution”.

Environmental information is defined in the Para.19 Art.1 of EPL.

„Public authority” is defined in the Art.1 of SGSL, Para.1 and 2 Art.10 of EPL provides which public authorities are bound by the requirement for provision of environmental information access.

„Public” is defined in Art.6 of EPL. No discrimination restrictions are included in this definition.

(a)

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

MOE internet homepage structure was improved in 2007.

Large part of environmental information is available in LEGMA. To companies, whose production amounts and environmental emissions exceed certain criteria, Regional Environmental Boards (further – REB) upon issuing permissions for polluting activities set also an obligation to report LEGMA on annual created and conducted pollution (air, water and waste reports). LEGMA maintains registers of Polluted and Potentially Polluted Places (pollution of territories, soil and underground waters), Carbon Dioxide Emission and Emission Quotas Trade.

(a) (i)

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

According to Art.22 of Law „On Specially Protected Nature Territories” (effective from 07.04.1993.) environmental authorities and respective municipalities ensure free access to information in their disposal on protected territories.

(a) (ii)

Art.6 of EPL provides that 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.

Authorities ensure mutual exchange of necessary information in accordance with legislative requirements, incl., those of authorities' statutes and information exchange agreements.

Law „On Pollution” and CM Regulations No.162 „On State Monitoring and Register of Polluting Substances” dated 08.04.2003 include requirements for operators to perform environmental monitoring and provide public authorities and public with the results.

(a) (iii)

Provision and distribution of environmental information is done in accordance with Civil Defense Law, Civil Defense Plan and CM Regulations No.530 „Procedure for Creation, Use and Financing of Civil Alarm and Notification System” dated 07.08.2007.

Civil defense plan includes obligation to provide respective information, as well as identifies institution responsible for providing emergency information, which in turn receives information from public authorities responsible for particular areas.

If the pollution has developed endangering human life, health or environment or there is reasonable threat of above, operator must notify respective REB; Para.5, Art.6 of the Law „On Pollution”.

According to the Section 1 Para.12 Art.7 of Civil Defense Law one of the State Fire and Rescue Service obligations in civil defense is to inform public on catastrophe, its threats and suggested actions. Para.3 Art.15 of this law provides, that mass media must broadcast such information free of charge.

(b)

Art.9 of ITL provides that every authority accounts information, indicating information group, name, source and details.

CM Instruction No.7 „Procedure for Publishing Internet Information by Public Authorities” sets the obligation for internet homepage to provide information on services and ways of receiving those, on public authority, its functions and tasks, as well as to have search option by keywords.

Para.1 Art.10 of EPL sets the obligation for information holders to provide public access to environmental information in their disposal, incl., on activities under public authority's control in environmental protection, on permits issued and contents of these permits, information on safety measures.

(c)

Para.3 Art.10 and Art.16 of EPL provide, 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.

According to CM Regulations No.171 „Procedure for Authorities on Publishing Information over the Internet” dated 06.03.2007, all ministries and environmental institutions have publicly accessible internet homepages.

(d)

Para.3 Art.10 of EPL provides that public authorities in accordance with their responsibilities

<p>prepare and publish reports on environmental conditions. Para.6 Art.10 of EPL provides that reports of environmental conditions are included in publicly accessible data bases.</p> <p>LEGMA publishes over the internet annual and 4-year period reports on environmental quality, environmental loads, as well as Latvian sustainable development indicators' reports.</p>
<p>(e)</p> <p>All legislative acts and policy planning documents drafts are publicly available at the CM internet homepage, along with their status reports and database of approved policy planning documents. All developed legislative drafts and status reports are available in the internet homepage of the Parliament.</p> <p>Para.1 Art.16 of EPL states that publicly available databases cover environmental legislative acts, international agreements and European Union legislative acts, environmental policy documents and their implementation reports.</p>
<p>(f)</p> <p>Art.38, 39 of EPL set for voluntary environmental management activities: implementation of eco-labeling and environmental management and audit system, and also provide better information to public on operator's activities, as well as product information. Information on European eco-labeling and its implementation in Latvia is available on the LEGMA homepage http://www.meteo.lv/public/ekomarkejums.html.</p> <p>Para.3 Art.6 of the Law „On Pollution” provides operator's obligation to provide environmental protection institutions and public with information on results of monitoring defined by the permit and influence of polluting activities to human health and environment (http://www.meteo.lv/public/28012.html).</p>
<p>(g)</p> <p>Public authorities in their annual public reports provide information on cooperation with public in solving various environmental issues, as well as on public education and information measures taken. Public reports are published and posted in homepages of respective authorities.</p> <p>Latvian Rural Consultation and Education Center provides consulting in all Latvian regions on environmentally friendly agriculture issues.</p> <p>Ministry of Agriculture publishes materials on genetically modified food and creates system for circulation of this information.</p> <p>State Forest Service employees provide regular consulting to owners of forests, publish information materials.</p>
<p>(h)</p> <p>Choice of environmentally friendly products is encouraged by: European Union eco-labeling; Environmental Management and Audit Systems (EMAS), implemented in several municipalities; quality and management systems (ISO 9001 and ISO 14001); pure technologies; various product labeling.</p> <p>Society „Green Liberty” has done research on environmental influence of various products and human activities and environmentally friendly choices (www.zb-zeme.lv).</p> <p>Internet homepage of the Food and Veterinary Service provides information about food products, new food, food additives.</p> <p>Labeling of chemical substances and products is publicly available. These are regulated by requirements of CM Regulations No 107 „Procedure for Classification, Labeling and</p>

<p>Packaging of Chemical Substances and Products” dated 12.03.2002. Label contains all basic substance or product information, incl., environmental danger information.</p>
<p>(i)</p> <p>Legislative draft for ratification of Kiev protocol is approved by Government and it is currently viewed at the Parliament.</p> <p>Polluting substances and waste transfer register is available in the homepage of LEGMA; Kiev Protocol compliant version is being prepared (to be available at the end of 2007) http://www.meteo.lv/public/28012.html. Register data is acquired from reports provided to LEGMA by operators, as well as monitoring data from operators supplied to State Environmental Service REB.</p>
<p>Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.</p>
<p>Insufficient number of analytical publications giving better insight on environmental problems, and on mutual relationship of environmental, economic and public issues. Accessibility to contemporary information technologies insufficient in rural areas.</p> <p>Explanation of most complicated environmental terms, parameters and indicators to public not clear and simple enough. This encumbers publications on environmental issues in mass media.</p> <p>Data in databases often is raw, therefore difficult to understand. Environmental information must be prepared and provided in simpler form.</p> <p>Not all problems concerning environmental information access and exchange are yet solved:</p> <ol style="list-style-type: none"> 1. Insufficient finance, technical and intellectual resources for development of environmental information system. 2. Insufficient and inefficient information exchange between public authorities also encumbered local level accessibility through electronic media. <p>Public debates met the opinion, that acts regulating the competence of public authorities do not provide or are unclear as to what environmental information should be actively distributed by this authority.</p>
<p>Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?</p>
<p>Considerable financial aid in preparation of environmental information and informing the public is provided by LEPPF, supporting many environmental education projects.</p> <p>University and scientific libraries play important role in information preparation, storing and distribution. Information technologies – computer networks develop rapidly, providing access to environmental information.</p> <p>Stable cooperation is created between state TV Educational Programs Department and Environmental Films Studio.</p> <p>Along with regular press and TV, Latvian people have access also to specialized environmental media and TV programs, e.g., magazine „Environmental News” and Environmental Films Studio’s TV programs.</p> <p>5 investment projects are prepared for further development of National Environmental Information System to attract state and EU financing in 2005 – 2009.</p>

According to requirements of national legislative acts, information gathered over last 2-3 years is available in authorities' homepages. E.g., LEGMA provides public access to state financed environmental information (information on meteorological, aerial quality and hydrology observations, water use and emissions into water, water use permissions, lake passports, over-ground water quality monitoring, Specially protected nature territories, Specially protected trees, aerial emissions, emissions of green-house effect gases, waste, Nature Resources Tax, Cadastre of Latvian Mineral Deposits).

Polluting activities (categories A and B) permissions register in Environmental State Bureau (further – ESB) homepage (<http://www.vidm.gov.lv/ivnbe/>).

Creation of unified environmental information system is included in MOE work plans.

Some municipalities, e.g. Riga Council, Liepaja City Council have one-stop agency type information centers.

Give relevant web site addresses, if available:

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

Article 6

List legislative, normative and other activities, implementing conditions of Art.6 on public involvement in decision-making on certain activities.

Explain how article 6 has been implemented. Describe the transposition of relevant definitions in article 2 and the non-discrimination requirement in article 3. Describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

(b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;

(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3;

(d) With respect to paragraph 4, measures taken to ensure early public participation;

(e) With respect to paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information before applying for a permit;

(f) With respect to paragraph 6, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available;

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

(g) With respect to paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant;

(h) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

(i) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision;

(j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

(a) (k) With respect to paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Public involvement is prescribed by EPL, Law „On Pollution”, EIAL, CM Regulations No.157 „Procedure for Strategic Assessment of Environmental Impact” dated 23.03.2004, CM Regulations No.87 „Procedure for Assessment of Environmental Impact of Proposed Activity” dated 17.02.2004, CM Regulations No.91 „Procedure for Issue of Proposed Activity’s Technical Regulations by Regional Environmental Board when no Environmental Assessment is Required” dated 17.02.2004, CM Regulations No.294 „Application Procedure for A, B and C Category Polluting Activities and Issue of A and B Category Polluting Activities Permits” dated 09.07.2002, CM Regulations No.455 „Assessment Procedure of Impact on European Specially Protected Nature Territories (NATURA 2000)” dated 06.06.2006, CM Regulations No.686 „Regulations on Contents and Preparation Process of Specially Protected Nature Territory’s Nature Protection Plan” dated 09.10.2007, CM Regulations No.883 „Municipality Territorial Planning Regulations” dated 19.10.2004, Territorial Planning Law, CM Regulations No.394 „Railway Construction Regulations” dated 02.12.1997, CM Regulations No.331 „Proposed Construction Public Discussions Procedure” dated 22.05.2007. (Further in this section – here above mentioned acts referred with respective number.)

National legislative acts also regulate cases, when proposed activities can have cross-border impact.

(a)

Art.8 and 12 of EPL provide, that public authorities take measures required to timely provide part of public willing to participate in decision-making with necessary information.

(a)(i)

Requirements of AC’s Art.6 in Latvia are covered by two mutually connected procedures concerning decision-making on activities listed in AC’s Annex I:

1) EIAL list activities to be performed by Environmental Impact Assessment (further – EIA) and details, along with CM Regulations No.87, public involvement process;

2) Law „On Pollution” and CM Regulations No.294 set out the issuing procedure of polluting activities permits, incl., public involvement for activities listed in AC Annex I.

(a)(ii)

EIAL Art.4 provides, that EIA is required also, if international agreements or responsible authority requires so: 1) according to initial assessment results; 2) if one or more proposed activities influence one territory, considering aggregate and mutual impact; 3) if proposed activity can have considerable impact on European protected nature territory.

According to Art.27 of Law „On Pollution”, in cases listed by CM B category permit application (for waste incineration equipment and in cases, when REB concludes that activity can have considerably negative environmental impact) is also publicly available for opinions on issue of the permit.

Public involvement is provided also for decision-making on construction, if it has considerable environmental impact (Para.1 and 2 of Art.12 of Construction Law). Procedure for organizing public discussion on construction is set in CM Regulations No.331.

(b)

Anyone is entitled to join public consultation and express his/her opinion. Project developer has to evaluate public opinion on planned construction.

According to EIAL and CM Regulations No.87 prior to project approval procedure public receives information on:

- 1) initial EIA results;
- 2) EIA procedure application for the project;
- 3) EIA working report and availability of it for proposals and public discussions;
- 4) EIA report, when it is submitted to ESB and public options to meet with it and comment (report available online).

Information is published in official newspaper and in at least one local newspaper, as well as on ESB homepage and homepage of proposer, if such exists. Besides, owners of adjacent lands get special notification twice. ESB has created a list of NGO's that have expressed interest in information on new proposals.

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

publicly – by providing information in place of planned activities, operator's office and municipality;

individually – by notifying owners (holders) of properties adjacent to proposed polluting activity site or those located in directly influenced area

in official newspaper and in at least one local newspaper;

on internet – operator's or respective REB's homepage;

- on new polluting activities – also in Latvian official or local radio;
- activity developer is obliged to organize public discussion for the issue of permit.

CM Regulations No.83 Art.10 provides that public discussion of municipality territorial planning is organized in at least two stages. First one – upon launch, second – after the

drafting of first project.
<p>(c)</p> <p>Respective legislative acts provide certain deadlines for public involvement in processes of EIA and permit issuing.</p> <p>During EIA gets three notifications and every time there is a twenty day period for recommendations. This deadline can be prolonged for 40 days during the review period of working report. Public information should appear not later than seven days prior to public discussion.</p> <p>During discussion of permit conditions public has forty days from the notification publication day to submit written suggestions or opinions on issue of permit or its conditions to the REB.</p> <p>Para.1 of CM Regulations No.883 list sections of territorial planning, procedure for drafting, public discussion, becoming effective, amendments, termination, legality test and observance supervision on local government level. Art.33 ib. provides, that municipality announces first part of public discussion lasting for at least four weeks, in local and Latvian official newspaper.</p>
<p>(d)</p> <p>According to legislative requirements during EIA public have rights to receive information and express opinion during initial, working report and final report public discussion stages. Public also has rights to express opinions during public discussion of construction and polluting activities' permit.</p> <p>Interested NGO's that have applied to ESB are informed as soon as EIA procedure is started. Adjacent land owners are notified and invited to individually express their opinion on proposed activities.</p> <p>EIA evaluates alternatives and chooses best option. Cases are known, when an alternative is rejected due to active public involvement.</p>
<p>(e)</p> <p>Proposer of activity is responsible for public information provision and discussions during EIA and permit application assessment process.</p> <p>According to CM Regulations No.91 public NGO's interested in activities planned in certain territories can apply in RVP to receive updated information.</p>
<p>(f)</p> <p>Respectively, information supplied to public authority is publicly available in accordance with ITL, EPL, Law „On Pollution”, and EIAL.</p> <p>No cases are reported, when EIA documentation would be classified as trade secret or intellectual property.</p>
<p>(f)(i)</p> <p>Access to this information is ensured by: 1) EIAL requirement to provide respective information to public and particularly interested persons; 2) Law „On Pollution” providing that application submitted and documents thereof are publicly available (Art.27), and CM Regulations No.294 stating in addition what information has to be made public, incl., information acquired after public information (Para.33).</p>
<p>(f)(ii)</p>

see f(i)
<p>(g)</p> <p>Both – EIA procedure and permit issuing procedure foresee public right to submit recommendations or opinions within deadlines provided or during public discussions without any restrictions (Law „On Pollution” Art.27-28; CM Regulations No.294; EIAL, CM Regulations No.87).</p> <p>Every participant of public discussion is entitled to submit his/her written opinion within 7 days following the meeting, which is attached to public discussion report.</p> <p>Eight regional and about 100 local public meetings were held during creation of EU protected nature territories network in Latvia, facilitating practical nature protection implementation.</p> <p>Responsible authority has rights to return EIA report and obligations to demand public information and discussion if this hasn't been done.</p>
<p>(h)</p> <p>According to legislative requirements, public opinions have to be evaluated in EIA report.</p> <p>EPL Para.6 and 7 of Art.12 provide that public authorities in decision-making evaluate public opinion and countermeasure individual rights and interests to public gains and losses, observing sustainable development principle.</p> <p>EIAL Art.3 provides that decision has to be taken considering proposals received during public discussions. Art.22 of the Law reinforces this.</p> <p>According to the Para.6 Art.28 of Law „On Pollution”, prior to issuing of permit REB has to evaluate recommendations received during public discussion.</p> <p>CM Regulations No.87 subPara.26.10 provides, that public discussion written proposals and initial public discussion results have to be gathered and evaluated.</p> <p>During EIA and permission issuing process proposer has to prepare and submit to responsible authority report on public discussion and its results, attaching received written proposals.</p> <p>Authority can obligate proposer to amend proposed activities considering public opinion expression during discussions.</p> <p>According to Para.35 of CM Regulations No.294, should public recommend denial of permit for polluting activities, REB issues permit or pass motivated decision on denial to issue permit only after the operator will have at least 14 days to provide written explanation.</p>
<p>(i)</p> <p>EIAL Art.20 provides that responsible authority publishes notification in at least one local newspaper and official newspaper notifying that decision on EIA final report has been issued, informing on opportunities for familiarization with both documents (available also at ESB homepage). Para.2 of Art.23 obliges responsible authority to post passed decision in authority's headquarters and other public places, as well as to publish it in at least one local newspaper and on its webpage, indicating authority, where interested persons can familiarize themselves with decision contents not later than within two weeks.</p> <p>Sect.V of CM Regulations No.294 provide, that in cases of public discussion, operator has 8 days from the day when REB has issued or prolonged permit, or amended permit conditions to inform public on polluting activity, by placing notifications in the site of planned polluting activity and at the respective municipality and by individually notifying owners of properties</p>

adjacent and directly affected.
(j) Law „On Pollution” and CM Regulations No.294 prescribe public involvement options and procedure also in cases, when permit is prolonged or reviewed. EIAL and CM Regulations No.887 also provide for public involvement in cases, when amendments are planned in activities listed in Annex 1 (activities requiring EIA), should these amendments comply with certain milestones.
(k) Distribution of genetically modified organisms is regulated by CM Regulations No.333 „Regulations on Restricted Use and Conscious Distribution in Environment and Market of Genetically Modified Organisms, and Monitoring Procedure" dated 20.04.2004, defining responsible authorities and decision-making procedure. Food and Veterinary Service creates New Food Register in its homepage (www.pvd.gov.lv). General obligation to involve public in decision-making on genetically-modified organisms stems from Art.48 of State Government Law, obliging public authorities to involve public in decision-making of publicly important issues. Art.8, 12 of EPL provide that in taking environmental decisions public authorities account for public opinion, allowing it time for expression of opinions and recommendations. Law of Genetically Modified Organisms was passed on December 2007, which, i.a. enacts need to update information submission and public involvement procedure in this area.
Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.
On the one hand public authorities still must learn to effectively listen to public opinion, on the other hand, level of public environmental awareness needs to be raised, and so does the interest for public involvement in decision-making process. Although Latvian legislative acts provide for public involvement option in decision-making on environmental issues, people not always are aware of their rights and options. In some cases developers have insufficient information on their obligations of public involvement.
Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defense purposes.
In developing state program „Strengthening of Civic Public 2005–2009” public involvement in decision-making was analyzed. ESB cooperation with NGOs, informing these on application received can be mentioned as a good example. Similar cooperation is created between REBs and NGOs active in the region.
Give relevant web site addresses, if available:
www.vidm.gov.lv ; www.vidm.gov.lv/ivnvb ; www.pvd.gov.lv ; www.em.gov.lv ; www.lvgma.gov.lv

Article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

1) Legislative acts are upgraded to ensure obligations and procedure for public involvement in environmental planning and program developing process. The following legislative acts are passed and improved: EPL; EIAL and CM Regulations No.157 (passed 23.03.2004) „Procedure for Strategic Environmental Impact Assessment”; Section VI of State Government System Law; CM Regulations No.111 „Rules of Procedure of the Cabinet of Ministers” Para.51 and 96; Territorial Planning Law and CM Regulations No 883 (passed 19.10.2004) „Municipality Territorial Planning Regulations”, where procedure is detailed for public involvement in municipality territory planning. (Further in this section – here above mentioned acts referred with respective number.)

2) To practically implement legislative requirements, Environmental Consulting Council (ECC) has been established, joining representatives of environmentally active organizations and professional associations. Therefore public authorities have an addressee, where to send or present drafts of documents.

3) Annual working plan posted on MOE homepage provides listing of planned works including projects for documents, with deadline and responsible official.

4) EIAL Art.4 and CM Regulations No.157 (passed 23.03.2004) Para.2 detail planning documents requiring strategic EIA. EIAL Art.23.5 and CM Regulations No.157 Section V detail procedure for public involvement in strategic involvement. To promote introduction of above mentioned requirements ESB has distributed explanation of new legislative framework to public authorities, developing planning documents, as well as included section on strategic EIA in their homepage.

The Ministry of Transport has developed regulations No.1 (passed 06.01.2005) „Regulation on Procedure for Environmental Impact Strategic Assessment of Planning Documents Drafted by the Ministry of Transport”. These provide procedure for public information on drafting and passing of proposed planning document and public involvement measures. In drafting „Transport Development Guidelines for 2000-2013” strategic EIA was performed, incl. information to public on development and assessment of guidelines.

Responsible authorities organize regular public activities, i.a. explaining public involvement procedures in development of planning documents.

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

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

General attitude towards public involvement in environmental policy development is described by EPL Art.8.

CM Regulations No.111 (12.03.2002) contains some provisions (Para.7-11) on NGOs involvement in development process of policy documents and legislative acts and need for public discussion (Para.65), as well as authorizes NGO’s representatives to participate in meetings of State Secretaries, where legislative acts and policy documents of all ministries

are discussed. Public is invited to express opinion on any reviewed policy document, that is available on CM homepage after hearing in State Secretary's Meeting. Public authorities are obliged to inform interested parties and organize consultations on publicly sensitive issues according to SGSL Art.48.
Describe any obstacles encountered in the implementation of article 7.
Public representatives indicate, that not always public opinion is evaluated or reflected as evaluated and considered, e.g., in developing nature protection plans.
Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.
Strategic EIA procedure is main implementation instrument of Art.7, practical implementation of which lies on public authorities. Ministry of Regional Development and Local Government, considering its authority and the fact that public opinion was not duly evaluated and considered – withdraw respective Jurmala City Development Planning Parts, which were found to be deficient. Public environment authorities include colleagues from NGOs in their legislative acts development work groups. MOE has started development of Environmental policy guidelines for 2009-2015, planning also for public involvement.
Give relevant web site addresses, if available:
www.mk.gov.lv ; www.vidm.gov.lv ; www.vidm.gov.lv/ivnvb ; www.integracija.gov.lv

Article 8

Describe what efforts are 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. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.
EPL Art.13 describes early involvement of public or its representatives in preparation and discussion of environmental legislative acts. CM Regulations No.111 „Rules of Procedure of the Cabinet of Ministers” dated 12.03.2002 contain provisions for NGOs involvement in development of policy documents or legislative acts. Requirement for inclusion of annotation with legislative drafts is included there; this should cover also potential environmental impact, information on public involvement and opinion. Representatives of NGOs are included in legislative acts development work groups. Drafts of legislative acts prior to their approval are freely accessible in homepages of the ministry and CM.
Describe any obstacles encountered in the implementation of article 8.
Sometimes legislative acts have to be developed in short time, therefore encumbering public involvement possibilities. To solve this problem MOE work plan is published in the ministry's homepage.

Insufficient public knowledge on development of legislative acts and approval procedure on one hand and passive application of AC principles by public officials on other hand. One of the solutions would be organization of common trainings.

Public authorities often do not evaluate environmental impact of legislative act, unless it's direct. Need was established for additional training of public authorities officials on environmental issues. Environmental training is planned within State Administration School Program.

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Creation of ECC, involved by the MOE in discussions on various legislative drafts can be mentioned as an example. Establishment of ECC is determined by Art.14 of EPL. MOE regularly cooperates with particular professional associations and NGOs, especially in areas of waste management, packaging use and turnover of chemical. Professional associations are involved not only in discussion of legislative acts, but also in their preparation.

Two additional working groups were organized during drafting CM Regulations „On Public Environmental Inspectors” to evaluate public proposals for improvement of regulation covered by the project. Following the consultations project will be amended, considering public opinion.

Obligation mentioned early in reply to Art.8 to annotate every legislative draft secures practical implementation of Art.8.

Explanatory seminars are organized on significant legislative initiatives. E.g., seminars organized by Baltic Environmental Forum on legislative regulation and development of chemical substances and products, incl., European Initiatives like REACH.

Give relevant web site addresses, if available:

www.vidm.gov.lv; www.mk.gov.lv; www.saeima.lv; www.bef.lv; www.dap.gov.lv; www.vas.lv

Article 9

Explain how article 9 has been implemented. Describe the transposition of relevant definitions in article 2 and the non-discrimination requirement in article 3. Describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review

procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to paragraph 4, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(a) (e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Meaning „Public Authority” as defined in Art.2 of AC in Latvia covers public authorities (institutions, structural units, officials) carrying out governmental functions, as well as other institutions or privates, to whom public government authority has been transferred according to APL Art.1 and Section V of SGSL.

Meaning „public” is explained in EPL Art.6, EIAL Art.3 and APL Art.1.

Discrimination prohibition is included in Constitution Art.91. Art.101 of the Constitution sets everyone’s rights to involvement in government activities that can be also decision-making. APL Art.6 provides introduction of equality principle, i.e. at equal actual and legal circumstances authority and court passes equal decisions.

In hearing cases on environmental issues courts directly apply AC. In 25.05.2007 Constitution Court decided to start the case „On Riga Territorial Planning for 2006-2018, with respect to Riga Freeport Territory, Conformity with Constitution Art.115”.

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

Interpreting Constitution Art.115 Constitution Court has decided, that subjective environmental rights of public are detailed by AC, as well as by national legislative acts, and that territorial planning is also environmental area, where Constitution Art.115 allocates wide rights (Constitution Court 08.02.2007 decision in the case No.2006-09-03 “On Conformity of Part of Garkalne Territorial Planning with respect to Construction on Baltezers Lake Overflowing Territory with Constitution Art.1 and 15”, Sect.11)

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

Public rights to protect environmental rights as well as to oppose public authority actions or inactivity contradicting with legislative acts are stated in EPL Art.9, but procedure – in APL. APL Art.105 Para.1 and Art.302. Para.1 states, that case in first level court and appeal in second level court is heard on its merits. Administrative process participants can appeal second level court decision in cassation procedure.

Authority's administrative process is regulated by APL Sect.B, but administrative process in court – by APL Sect.C.

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

Constitution Art.83 defines principle of court independence, according to which judges are independent bound only by the law. According to Law „Judiciary” Art.10 Para.1 and 2, along with law-making and executive powers Latvia has independent judiciary, operating in accordance with ‘rule of law’ principle. Art.10 of this law stresses that, in decision-making judges and jury are independent and bound only by the law, and that state guarantees court independence.

(a)(i)

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

Denial of information request by authority has to be written (ITL Art.12).

Administrative act is written, except cases listed in law, when written format is not adequate (APL Art.67, 69). However person can demand it to be done in writing.

(a)(ii)

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

(a)(iii)

Person's rights to rely on binding nature of final decision are protected by legal confidence principle in Constitution and APL Art.10. According to APL and SGSL decision of higher authority is binding for lower authority.

According to APL. Art.81 Para.5, appealed administrative act becomes final in the form that is included in decision on appealed administrative act. It is to be executed and appealed in this form. Court decision has legal force. Legal force of court decision assures its binding effect for the authority.

(b)

AC Art.9 Para.2 according to Latvian legislation primary concerns decision making on assessment and permission of planned activity, which is EIA and process of issuing polluting activity's permit. Main legislative acts regulating these two processes is EIAL and Law „On Pollution”, these cover also public rights to participation appeal procedure for decision taken during the respective process.

(c)

APL regulation concerns every public authority's decision or omission that violates not only environmental legislation. According to APL private person can appeal to court administrative act issued by the authority or its actual activity. To ensure review procedure,

administrative courts operate from 01.02.2004.

As environmental legislation breaches are concerned, additional regulation is included in EPL Art.9 and Law on Compensation of Losses Created by State Authorities.

EPL Art.6 provides, that every private person and groups of persons, organizations are entitled, i.e.:

1) to demand from public authority, official or privates to stop activity or omission decreasing environmental quality, harmful to human health or life, legal interests or property;

2) to support environmental protection measures and cooperate with public authorities to prohibit activities and decisions that can harm environmental quality or that are contradictory of legislative requirements;

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

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

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

EPL Art.23 defines public environmental inspector, entitling public representatives – State Environmental Service authorized persons to oppose private activities in breach of environmental legislation.

(d)(i)

Appeal options and rights of public authority's decision or activity defined by APL are considered adequate and efficient means providing: 1) pre-court review in higher authority, and 2) assessment of authority's decision or activity in independent, legally established court – Administrative Court.

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

APL provides person's right to compensation, if authority's administrative act or activity has resulted in damages. APL Art.93 provides, that indemnification of losses can be claimed simultaneously with appeal of administrative act in higher authority or, if this is not possible, simultaneously with appeal of administrative act in court. Indemnification can be claimed also simultaneously with appeal of authority's action. APL provides private persons with simplified and efficient compensation claims procedure.

According to Latvian Administrative Violations Code Art.201³, state or NGO's officials refusing information publication in mass media are punished by fine up to hundred lats (EUR 142); for provision of incorrect information – up to 250 lats (EUR 356).

LAPK Art.84 defines fine for concealing or misrepresentation of environmental information (e.g., in EIA process) from 50 to 400 lats (EUR 57-571).

Administrative process in authorities is free of charge, but administrative process in court is available upon payment of adequate fee (LVL 10 / EUR 14).

<p>Considering relatively small number of cases no judges specialize in environmental rights.</p>
<p>(d)(ii)</p> <p>Court decision collections are published regularly and decisions are available in court authorities. Electronic court decision's database is available for a fee (www.lursoft.lv/lssdb). Constitution Court decisions are available online free of charge (www.satv.tiesa.gov.lv). Administrative courts decisions are available online free of charge at www.tiesas.lv.</p> <p>Decisions of other authorities are available in accordance with ITL.</p> <p>APL Section 22 provides for interim regulations that can be applied in every stage of the case.</p> <p>APL Art.258 provides that court decision is announced to administrative process participants immediately after its' passing, by issuing decision's transcript and ensuring availability of court decision to any person as prescribed by law.</p>
<p>(e)</p> <p>Legislative acts database of official Latvia Journal is available online free of charge (www.likumi.lv). Fee based database is also available (NAIS).</p> <p>Homepage of Latvian courts (www.tiesas.lv) indicates options for court submissions.</p> <p>APL Art.67 Para.2 Sect.9 and Para.7 provide that decision must contain indication of rights to appeal this decision. If administrative act contains no indication of deadlines and place for appeal, the appeal period is one year instead of one month.</p> <p>Informative publications are prepared: „How to submit a claim in court”, „Public rights to participate in development planning of the city or parish”, „Your rights in administrative process”.</p>
<p>Describe any obstacles encountered in the implementation of article 9.</p>
<p>One of the obstacles in timely hearing of cases is due to overloaded courts. If the process is relatively fast in authority (depending on the nature of case two weeks to one month), court process can be considerably longer.</p> <p>Public discussion identified concern, that lengthy court hearings especially in environmental cases endanger efficiency of the result.</p> <p>Today no judges specialize in environmental cases, which would be advisable, considering the upgrading of legislative framework.</p> <p>Difficulties to prove losses resulting from decision, activity or omission. E.g., establishing of causal link if necessary.</p>
<p>Provide further information on the practical application of the provisions on access to justice pursuant to Art.9, e.g., are there any statistics available on environmental justice and are any assistance mechanisms to remove or reduce financial and other barrier to access to justice?</p>
<p>General statistics of court activities are available on homepage of Ministry of Justice: www.tm.gov.lv. More detailed statistics are gathered by Court Administration: www.ta.gov.lv.</p> <p>State Environmental Service gathers information on cases of administrative violations in environmental area and uses Penal Register, where all violations, punished persons and applied penalties are listed.</p> <p>„State Provided Legal Aid Law” became effective on 01.06.2005. Law is aimed at</p>

promoting person's rights to just trial, by providing state financial support for legal aid.

In administrative cases which are too complicated for a party, upon authority's or court's decision, considering financial state of person, his/her representative gets paid from state budget in the amount and procedure established by CM.

Administrative process is court is available for just state fee (LVL 10/EUR 14). According to APL Art.128 Para.3 a court, considering person's financial state can fully or partially release person from duty to pay state fee. Low-income persons can apply for free lawyers' services, as well as to apply in court through „Legal Aid Administration”.

Additional principle of court's impartial view decreases claimant's need for collecting evidence on his/her own expense as court is obliged to perform „impartial investigation”.

If application is addressed to wrong authority, it can reject it. Submitter gets written notification stating right authority for the case. Authority which submitter has addressed can accept the application and deliver it to the authority responsible for it. Responsible authority accepts person's application also if it considers applications to be of wrong format or without sufficient ground.

Give relevant web site addresses, if available:

<http://www.saeima.lv/>; www.likumi.lv; www.tm.gov.lv; www.ta.gov.lv;
www.satv.tiesa.gov.lv; www.tiesas.lv; www.reclatvija.lv; paid service – http://home.nais.lv,
www.lursoft.lv/lbdb, www.latlex.lv

General comments on the Convention's objective:

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his/her health and well-being.

AC promotes public understanding of human impact on environment. This understanding and widely available information can help to rise everyone's consciousness and encourage environmentally friendly actions. The better quality information is available, the more reason for public involvement in decision-making and more difficult to pass decision with negative impact on environmental and public living conditions. Overall, provision of public understanding and public involvement in decision-making fosters public development, where public, incl. coming generation's interests to live in beneficial environment are considered.

Latvia is preparing to accommodate AC Third Meeting of the Parties in Riga June, 2008.