

**REPORT OF LATVIA FOR 2003-2005  
ON THE IMPLEMENTATION OF THE ESPOO  
CONVENTION ON ENVIRONMENTAL IMPACT  
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

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

*Please provide the information requested below in Part I, 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 not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.*

## 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).

#### TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
  - a. *Describe your EIA procedure 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 1 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).

The EIA procedure

The procedure 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 2 weeks from the date of registration of the notification to the developer.

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 any amendments 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 over 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 they 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.

With latest amendments to the 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 on draft EIA report. Now public will also be informed about Final EIA report and will have a chance to submit his/her comments before State Environment Bureau issues its opinion on Final EIA report.

*b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your 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 (Latvia 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. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

- Ministry of Environmental
- 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 close list of authorities to be consulted. For example if project may cause impacts to specially protected nature territories 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 under the Convention? If so, name it. If not, do you intend to establish such an authority?*

State Environment Bureau

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No specific provisions

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

No

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you 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 environment 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.

- b. *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".

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

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.

- d. *How you would decide whether it is "likely" to have such an impact. (Art. 2.3)*

By applying Initial Assessment procedure.

#### PUBLIC PARTICIPATION

6. *Do you have your own definition of "the public" in your national legislation, compared to Article 1(x)? How do you, 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 own public as required in Article 2, paragraph 6?*

Yes, included in the Law On Environmental Protection Article 13:

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

That is 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

7. *Describe how you determine 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 do you 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).

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The content is given in Article 20.1. para 3 of the EIA Law and is in accordance with the Espoo Convention Article 3.2 and also in accordance with the EIA directive provisions.

9. *Describe the criteria you use 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 do you react?*

Time frame is not defined in the national legislation. However in practice that would be agreed between the State Environment Bureau and developer. 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 be then be discussed on bilateral bases with the Affected party.

10. *Describe when you provide 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 program, Draft EIS and information on the procedure of Impact Assessment.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

According to Article 20.1 para 7 of the EIA Law - The Competent Authority shall enter into consultations with the Competent Authority of the State intended to participate in the Impact Assessment procedure regarding potential transboundary impact of the Proposed Development, on measures to reduce or eliminate adverse impact and on the time frame for the duration of the consultation period.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

According to Article 20.1 para 6 of the EIA Law - The Competent Authority 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 EIS.

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.

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.

13. *Do you 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 listed on the Convention website at [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

Yes we would follow the guidelines

#### QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

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

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is "reasonably obtainable" information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine 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.

## Article 4

### *Preparation of the EIA documentation*

#### QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

EIA Law and Cabinet of Ministers Regulations.

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

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

When developing a programme, the Bureau shall consult with the relevant environmental protection board.

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.

19. *How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?*

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

20. *How do you identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to Appendix II, alinea (c), and the definition of "impact" in Article 1(vii)?*

Developer is responsible for determining this.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Yes. However that is an issue of translation, if the documentation is available only in Latvian.

22. *How is the transfer and reception of the comments from the affected Party organized? 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.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words "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 do you 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.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

Information regarding an intended activity, EIA report and other materials necessary for the 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) at least seven days before the public discussion.

25. *Do you 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

26. *Describe the procedures and, where appropriate, the legislation you 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 its made available to the public and authorities of the Party of Origin.

27. *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, or with the legislation of the Party of origin, or 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.

## Article 5

### Consultations

#### QUESTIONS TO PARTY OF ORIGIN

28. *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 you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

When the draft EIA report is prepared.

According to Cabinet of Minister Regulations - any person is entitled to send written proposals to the Bureau within a period of 20 days after the publication of the notification on the EIA report. 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.

29. *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. According to national legislation Developer shall send public notice and also arrange for a hearing. State Environment Bureau shall participate at any public hearing.

#### QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you 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 Ministry of Environment may also take part in the consultations. 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

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

Acceptance of the Proposed Development shall mean the passing of a decision by the relevant State or municipal institution, as provided by the EIA Law and other legislative acts, consenting to commence the Proposed Development.

32. *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, having comprehensively reviewed the Final EIS and the Competent Authority's Evaluation Report on the Final EIS, 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 Development.

33. *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 public in your country (Art. 6.1)?*

If the Proposed Development 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 Development.

34. *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, it contains justification for passing the decision.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

Decision shall contain measures to be taken in order to prevent or reduce any negative environmental impacts. However such a consultation procedure is not established.

## **Article 7**

### ***Post-Project Analysis***

36. *How do you determine whether you 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.

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

Such a consultation procedure is not established. Most likely the 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***

38. *Do you have any bilateral or multilateral agreements based on the EIA 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.vidm.gov.lv/ivnvb/ivnvb/likumd/Elig\\_est.htm](http://www.vidm.gov.lv/ivnvb/ivnvb/likumd/Elig_est.htm)

39. *Have you 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***

40. *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

## **Ratification of the amendments to the Convention and of the Protocol on SEA**

41. *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, possibly by the mid of 2007

42. *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, possibly by the mid of 2007

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

Yes, possibly by the mid of 2007

## PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

*Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.*

### CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes, however only as the Espoo Convention Party, which been receiving few Notifications. By the end of 2005 Latvia according to the provisions of the Espoo Convention (Article 3 para 3) hasn't indicated that it intends to participate in the EIA procedure according to the Espoo provisions and thus to be called "Affected Party"

45. *Does your national administration have information on the transboundary EIA procedures that were underway 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 you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Yes, State Environment Bureau and also Ministry of Environment have been informed about all the Notifications received and also about all national projects underway within a period from 2003 - 2005.

1) Encapsulation plant and the Final repository for spent nuclear fuel at Sweden, (Sweden as the Party of Origin). Latvia responded to the Notification and informed that it will not participate in the EIA procedure.

2) Construction of near - surface repository of the radioactive waste in Lithuania. (Lithuania - Party of Origin). Latvia expressed willingness to receive additional information about the project, however in accordance with the provisions of the Espoo Convention hasn't informed Lithuania about its interest to participate fully in the EIA procedure and be as "Affected Party".

3) Interim Storage of Spent Nuclear Fuel from Ignalina Nuclear Power Plant Units 1 and 2. (Lithuania - Party of Origin). Latvia in accordance with the provisions of the Espoo Convention hasn't informed Lithuania about its interest to participate fully in the EIA procedure and be as "Affected Party".

4) Reconstruction of Šventoji State Seaport. (Lithuania - Party of Origin). No response to the Notification been sent to Lithuania indicating whether Latvia would or wouldn't participate in the EIA procedure by the end of 2005.

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

No information.

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

No experience to answer the question.

#### EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have 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.*

No experience

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

No experience. However its 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.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

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

No experience as Party of Origin

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

No experience as Party of Origin

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

No experience as Party of Origin

d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

No experience as Party of Origin. However that might be an issue to deal with in a Bilateral Agreement.

e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another*



*Party? (For example, have there been complaints from the public about the procedure?)*

No experience as Party of Origin.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

No experience

- 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.*

No experience

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No experience

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, 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 you like to introduce your case in a form of Convention's fact sheet?*

No experience

#### CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

No experience

#### EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of 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; and*

No

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

Yes, but only for the Notification stage.

#### CLARITY OF THE CONVENTION

53. *Have you 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 I 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 you encounter when actually applying the Convention.*

As there is no experience so far at least for one Espoo case either as the Party of Origin or as Affected Party its quite a difficult to answer this question.

#### AWARENESS OF THE CONVENTION

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

Not very actively.

*55. Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

To be answered only after we will have some experience.

#### SUGGESTED IMPROVEMENTS TO THE REPORT

*56. Please provide suggestions for how the report may be improved.*

Each point shall contain just 1 question.

Questions should be formulated in a such way that they are not repeating the ones already given before.