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- 29 April 2004 [shall come into force from 2 May 2004];
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- 31 May 2007 [shall come into force from 26 June 2007];
- 23 April 2009 [shall come into force from 27 May 2009];
- 25 March 2010 [shall come into force from 28 April 2010];
- 30 September 2010 [shall come into force from 3 November 2010];
- 20 December 2010 [shall come into force from 1 January 2011];
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- 22 November 2012 [shall come into force from 26 December 2012];
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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted  
and the President has proclaimed the following Law:

## Water Management Law

### Chapter I General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **protected areas** – territories intended for the abstraction of water for human consumption, territories which were formed for the protection of biological resources, water bodies which have been designated as recreational objects or bathing waters, nutrient-sensitive areas, as well as specially protected nature territories;
- 2) **sub-basin** – the area (territory) of land from which all surface run-off flows through a series of streams, rivers and lakes to a particular point in a water course (normally a lake or a river confluence);
- 3) **ecological and chemical quality elements** – the hydrological, biological, physical and chemical properties of a water body on the basis of the quantitative or qualitative values of which the quality of waters may be determined;
- 4) **emission controls** – measures which ensure emission limitation, including emission limit values or limitations and conditions for the effects, nature or other characteristics of an emission or operating conditions of the polluting activity which affect the emission;
- 5) **lake** – a natural water body in a terrestrial deepening (lake bed) with a decelerated water exchange;
- 6) **inland water** – all standing and flowing water on the surface of the land, as well as all groundwater on the landward side of the baseline (basic line from which the breadth of territorial waters is measured);
- 7) **artificial water body** – surface water body created as a result of human activity and complying with the requirements of this Law;
- 8) **aquifer** – a subsurface layer or layers of rock, as well as other geological strata of sufficient porosity and permeability to ensure a significant flow of groundwater or the abstraction of significant quantities of water;

<sup>1</sup> The Parliament of the Republic of Latvia

- 9) **complex of aquifers** – a combination of mutually connected layers of underground water, horizons or structures;
- 10) **body of groundwater** – spatially confined part of the aquifer or complex of aquifers;
- 11) **priority substances** – chemical substances presenting serious risk to the aquatic environment, also the substances, which are especially dangerous for the aquatic environment;
- 12) **groundwater** – all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;
- 13) **transitional waters** – surface water in the vicinity of river estuaries which is partly saline as a result of the proximity thereof to coastal waters, but which is substantially influenced by freshwater flows;
- 13<sup>1</sup>) **bathing site** – a place provided for bathing and conforming to the hygiene requirements of bathing sites, which is located along the seacoast or by inland waters and which includes a specific facilitated part of land and water part of the bathing site used by people for recreation during the bathing season;
- 13<sup>2</sup>) **bathing water** – the territory of coastal waters and inland waters within a bathing site which is used by people for bathing;
- 13<sup>3</sup>) **bathing season** – the period favourable for bathing which is determined by relevant weather conditions and during which large numbers of bathers can be expected. Bathing season in Latvia lasts from 15 May till 15 September;
- 14) **coastal waters** – surface water on the landward side of a line which connects all points which are at a distance of one nautical mile on the seaward side from the baseline or extends to the outer limit of transitional waters;
- 14<sup>1</sup>) **flood** – temporary covering of land by water, which is not normally covered by water, including caused by storm floods at the coastal areas of the sea or rapid rising of the water level during high water or continuing rain;
- 14<sup>2</sup>) **flood risk** – the probability of flood and of the potential adverse consequences for human health, the environment, cultural heritage and economic activity caused thereby;
- 15) **heavily modified water body** – a body of surface water which as a result of physical alterations by human activity is substantially changed in character and which complies with the conditions of this Law;
- 16) **river** – a watercourse of a significant size flowing for the most part on the surface of the land which has a typical bed and may flow underground for part of its course;
- 17) **river basin** – the area (territory) of land from which all surface run-offs flow through streams, rivers and lakes reaching a river mouth, firth (estuary) or delta and flow into the sea;
- 18) **river basin district** – the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwater and coastal waters, which, in accordance with this Law, is the main unit for management of river basins;
- 19) **substances especially hazardous to the aquatic environment** – chemical substances or groups of substances that are toxic, persistent in the environment and liable to bio-accumulate in biota tissues, as well as other substances or groups of substances which have a similar effect;
- 20) **use of water resources** – use of surface water and groundwater resources for the needs of natural persons or legal persons, as well as water management services and other economic, including polluting, activities which may significantly affect the quality and quantity of surface water or groundwater;
- 20<sup>1</sup>) **water management services** – activities which ensure the abstraction, storage, preparation for use and supply of water to natural persons or legal persons, as well as the collection, treatment and conducting of waste water in the surface water bodies;
- 21) **user of water resources** – any natural or legal person who abstracts water or uses thereof in the economic activity;

22) **body of surface water** – a discrete and significant element of the drainage system of surface water: a watercourse (river, stream, channel or part thereof), water body (lake, pond, water reservoir or part thereof), as well as other transitional waters or a stretch of coastal waters; and

23) **surface water** – all inland waters (except groundwater), transitional waters and coastal waters, but in relation to the chemical quality – also the territorial waters.

*[29 April 2004; 31 May 2007; 23 April 2009; 3 March 2011; 22 November 2012]*

## **Section 2. Purpose of this Law**

The purpose of this Law is:

1) to establish such a system for the protection and management of surface water and groundwater which:

a) facilitates sustainable and rational use of water resources, ensuring long-term protection thereof and sufficient supply to inhabitants with good quality surface water and groundwater,

b) prevents the deterioration of water and the state of the terrestrial ecosystems and wetlands directly dependant on water, protects such ecosystems and improves the condition thereof,

c) improves the protection of the aquatic environment, gradually reduces emission and discharge of priority substances, as well as phases out emission and discharge of substances, which are especially hazardous to the aquatic environment,

d) ensures progressive reduction of pollution of groundwater and prevents further pollution thereof,

e) ensures the replenishment of groundwater resources,

f) ensures the protection of land against flooding or droughts,

g) ensures the protection of the marine waters of Latvia,

h) facilitates the achievement of the objectives specified in international agreements in order to eliminate and prevent the pollution of the marine environment, eliminate or progressively eliminate emission and discharge of substances especially hazardous to the aquatic environment in the marine environment, and to achieve such a situation where the concentrations of chemical substances of anthropogenic origin are close to zero, but the concentration of naturally occurring chemical substances is close to the naturally existing background level;

2) to establish a system for the assessment and management of flood risk to reduce the adverse consequences for human health, the environment, cultural heritage and economic activity associated with a flood event.

*[23 April 2009]*

## **Section 3. Water Emission Limitation**

The Law prescribes a complex approach for the emission limitation from sources of point pollution and diffuse pollution in compliance with the requirements of prevention and control of the pollution specified in the Law on Pollution, limiting the loads of diffuse pollution and, where necessary, facilitating the use of the best available techniques and environmentally friendly technologies.

## **Section 4. Artificial Water Bodies and Heavily Modified Water Bodies**

(1) A surface water body may be determined as an artificial water body or heavily modified water body in a management plan of the river basin district (hereinafter – management plan) in the following cases:

- 1) if changes of the hydrological, hydrochemical and morphological properties of an object which are necessary to achieve good ecological quality had a negative impact on:
    - a) the wider environment of the object,
    - b) navigation, including operation of ports or recreation facilities,
    - c) activities for the purposes of which water needs to be stored, for example, the supply of drinking-water or power generation,
    - d) discharge regulation, flood protection, as well as land drainage,
    - e) ensuring sustainable development;
  - 2) if the benefits provided by the artificial or modified characteristics of such water body may not be achieved by other means, which are more environmentally friendly for reasons of technical feasibility or unreasonably high costs.
- (2) Declaring a water body as an artificial water body or as a heavily modified water body shall not impede the achievement of the objectives of this Law in other water bodies in the nearest vicinity or be in conflict with the requirements laid down in laws and regulations or with the water quality standards.

## **Section 5. Status of Water Bodies**

- (1) Surface water status shall be the general quality of a surface water body, which shall be determined on the basis of the worst elements of the ecological and chemical quality of the body.
- (2) The ecological quality shall be the quality of the structure and functioning of the surface water ecosystems, which shall be evaluated in accordance with the criteria stipulated by the Cabinet.
- (3) A good chemical quality of surface water shall be the chemical quality of a surface water body which, in compliance with the requirements of this Law, shall be necessary in order to ensure the achievement of the environmental quality objectives specified for surface water, on the condition that the concentration of the polluting substances in water does not exceed the environmental quality standards.
- (4) A good surface water status shall be when both the ecological and chemical quality of a water body complies with at least good quality criteria stipulated by the Cabinet.
- (5) The groundwater status shall be the general quality of a groundwater body, which shall be determined on the basis of the worst elements of the quantity and chemical quality of the body.
- (6) The quantitative status of groundwater shall be an indicator characterising the extent to which the direct and indirect abstraction of water quantitatively affects the groundwater body.
- (7) Good groundwater status shall be when both the chemical quality and the quantitative status of a water body complies with at least good quality criteria stipulated by the Cabinet.
- (8) Ecological potential shall be the quality of heavily modified or artificial water body, which shall be evaluated in accordance with the criteria stipulated by the Cabinet.
- (9) Good ecological potential shall be when the quality of a heavily modified water body or an artificial water body complies at least with the criteria for good ecological potential as stipulated by the Cabinet.
- (10) The Cabinet shall determine:
  - 1) the characterisation of the types of surface water bodies and the classification of surface water bodies complying therewith, as well as the procedures for the determination of anthropogenic loads;
  - 2) criteria of the classes and classification of groundwater bodies, the procedures for the determination of anthropogenic loads, as well as the procedures for noting groundwater resources;

3) high, good, moderate, poor and bad ecological quality criteria of surface waters and poor chemical quality criteria, as well as good and poor chemical quality criteria of groundwater;

4) a list of priority substances and the procedures for limiting the emission thereof;

5) the procedures for drawing up of water body operations (management) regulations and procedures for the cleaning and deepening of surface water bodies and port aquatoria;

6) the procedures for the evaluation and classification of the quality of bathing waters, as well as the requirements for the bathing water profiles and the informing of the public;

7) the procedures for the establishment and maintenance of bathing sites and the safety requirements;

8) the procedures for the placement of informative signs or symbols regarding a bathing site;

9) the list of those bathing sites where the monitoring of bathing water is carried out, from the State budgetary resources, during a bathing season;

10) the measures for ensuring of the bathing water quality and human health protection;

11) the surface water bodies presenting the risk of not achieving good condition of surface water bodies laid down in this Law within the time period provided for in this Law (risk water bodies), as well as the requirements for the protection of such water bodies.

*[29 April 2004; 3 February 2005; 31 May 2007; 23 April 2009; 25 March 2010]*

## **Section 6. Rights of a User of Water Resources**

A user of water resources has the rights:

1) to use water and to utilise water bodies for personal use and economic activity in accordance with the procedures laid down this Law and other laws and regulations;

2) to carry out construction on water bodies or in the vicinity thereof and to install structures necessary for the use of water resources, if the permits provided for in laws and regulations have been received and the limitations laid down in laws and regulations are observed;

3) after receipt of the permits specified in laws and regulations, to perform activities which affect water bodies, if such activities are performed in compliance with the requirements laid down in laws and regulations and permits;

4) to obtain information regarding environmental quality objectives set for water bodies, drawing up of the management plan and programme of measures and to participate in public consultations of the management plan.

## **Section 7. Duties of a User of Water Resources**

A user of water resources shall have the following duties:

1) when using water resources, to observe the intended use specified for a water body, environmental quality objectives and quality standards, permit conditions, health protection, construction, fisheries provisions and other requirements included in laws and regulations;

2) to ensure maintenance of the water quality and quantity in the water body and territory owned or used by a person;

3) to observe all conditions specified in the management plan and programme of measures;

4) to perform all activities related to the use of water resources to prevent the deterioration of groundwater and surface water status, bringing harm to human health or environment, including aquatic and terrestrial ecosystems directly dependant thereon, as well as causing circumstances which facilitate flood or droughts;

5) to observe the rights of other users of water resources and owners of the lands adjacent to water bodies;

6) to receive permits specified in laws and regulations for activities, which are related to the use of water resources;

7) in accordance with the procedures laid down laws and regulations to provide a statistical survey regarding the use of water resources in compliance with the conditions of the permit issued;

8) to allow representatives of environmental protection institutions who, in accordance with the procedures laid down laws and regulations, perform State control of the water status or environmental monitoring to take groundwater and surface water samples in private water or to take soil samples and to perform the control of the monitoring equipment in the territory of a private property;

9) to perform monitoring in cases and in accordance with the procedures laid down permits or laws and regulations;

10) to pay damages which have been caused to the environment or aquatic biological resources as a result of using water resources if the liability of the user of water resources for such damages has been established in accordance with the laws and regulations in force;

11) to terminate the use of water resources if deterioration of the status of a groundwater body and surface water body has been established, harm to human health or environment has been caused, in particular, to aquatic ecosystems and to terrestrial ecosystems directly dependent thereon;

12) to conform to the conditions for the operation and use of a water body provided for in the regulations regarding operation (management) of water bodies. The owner or legal possessor of the hydrotechnical structure shall be responsible for fulfilment of the conditions provided for in the regulations regarding operation (management) of the hydrotechnical structure in the ownership or possession thereof and take measures in order to prevent flood risk.

*[23 April 2009; 3 March 2011; 22 November 2012]*

### **Section 7.<sup>1</sup> Regulations Regarding Operation (Management) of Water Bodies to be Drawn up for the Prevention of Flood Risk**

(1) In order to prevent flood risk in the territories adjacent of a water body, the Cabinet shall determine:

1) such water bodies, hydrological mode of which shall be regulated by hydrotechnic structures and for which regulations regarding the operation (management) of water bodies shall be drawn up;

2) the requirements to be included in the regulations regarding the operation (management) of water bodies, as well as the procedures for approval of such regulations and control of conformity therewith.

(2) Upon drawing up regulations regarding the operation (management) of water bodies, the potential risk of flooding shall be assessed in case of non-conformity with the requirements laid down for the operation of hydrotechnic structures of the water body.

*[3 March 2011; 22 November 2012]*

## **Chapter II River Basin Districts and Administrative Institutions thereof**

### **Section 8. Determining River Basin Districts**

(1) River basin districts shall be formed, taking into account the following conditions:

1) individual river basins shall be determined and they shall be combined in river basin districts, taking into account the opportunity to ensure optimum administration of the river basin district;

2) small river basins may be combined with larger river basins or joined with neighbouring small river basins;

3) if a groundwater body is located in several river basins, it shall be assigned to the nearest or most appropriate river basin district;

4) coastal waters shall be determined and assigned to the nearest or most appropriate river basin district.

(2) This Law provides for the following water basin districts – Basin Districts of the Daugava, Lielupe, Gauja and Venta rivers. The district scheme of the river basin districts of Latvia is specified in Annex to this Law. The measures necessary for the achievement of the objectives specified in Section 2 of this Law shall be planned and implemented within the borders of the referred to river basin districts.

(3) The Cabinet shall approve descriptions of the borders of water basin districts.

*[23 April 2009]*

## **Section 9. Administrative Institutions of a River Basin District**

(1) An advisory board (hereinafter – board) shall be established for the co-ordination of measures for the management of each river basin district, which shall include members of the State administration institutions, local governments and non-governmental organisations. The by-laws of the board shall be approved by the Cabinet, but the personnel – by the Minister for Environmental Protection and Regional Development.

(2) The board shall:

1) co-ordinate the interests of ministries and other State administration institutions, as well as the regional structural units thereof, local governments and non-governmental organisations and other interest groups in issues related to the achievement of the objectives of the environmental quality and use of water in the relevant river basin district;

2) examine and issue findings regarding the management plan and the programme of measures, as well as regarding the prepared proposals in relation to the financial resources necessary for the implementation thereof.

(3) *[3 February 2007]*

(4) The State limited liability company “Latvian Environment, Geology, and Meteorology Centre” (hereinafter – Centre) shall, for each river basin district:

1) draw up monitoring programmes for the water status (hereinafter – monitoring programme);

2) prepare proposals regarding the financial resources necessary for the implementation of the monitoring programmes;

3) co-ordinate and organise implementation of the monitoring programmes;

4) provide the European Commission with information laid down in the laws and regulations of the European Union;

5) prepare and update the draft management plans and draft programmes of measures;

6) draw up the economic analyses of the use of water resources;

7) ensure participation of the public in preparing and updating the management plan, also the flood risk management plan, and programmes of measures, as well as inform the relevant local governments in the administrative territories of which they are intended to be implemented regarding such plans and programmes;

8) co-ordinate the implementation of the programmes of measures, maintain and compile the information regarding the performed measures and changes in anthropogenic loads, as well as, on the basis of this information and monitoring results, perform the

efficiency analysis of the referred to measures and, if necessary, draw up proposals for adjusting of the programmes of measures;

9) co-ordinate management measures up to the approval of the programme of measures, as well as urgent measures, which are not included in the programme of measures;

10) prepare proposals regarding the financial resources necessary for implementation of the programmes of measures;

11) ensure operation of advisory boards;

12) co-operate with the competent institutions of the relevant states in order to ensure the achievement of the objectives specified in Section 2 of this Law, including the environmental quality objectives in the international river basin district, as well as implement common programmes of measures;

13) perform the initial assessment of the flood risk and, on the basis of the results thereof, identify the territories where the flood risk exists or might be considered likely to occur, as well as prepare flood hazard maps and flood risk maps for these territories. The Centre shall draw up and revise, in accordance with the procedures laid down in laws and regulations, the referred-to maps, ensuring that the information provided therein conforms to the information included in the river basin characterisation, the impact of human activity assessment, the economic analysis and in management plans;

14) on the basis of the maps referred to in Clause 13 of this Paragraph, draw up the flood risk management plan which is included in the river basin district management plan as a part thereof.

(5) The State Environmental Service shall supervise the implementation of the programme of measures and review the conditions of the issued permits in accordance with the procedures laid down in laws and regulations, taking into account the analysis performed by and the proposals made by the Centre.

(6) The Cabinet shall determine the content and type of the information to be provided for in the initial flood risk assessment, the flood hazard maps, the flood risk maps and the flood risk management plan, as well as the additional information to be included upon updating the referred to documents.

*[3 February 2005; 31 May 2007; 23 April 2009; 25 March 2010; 20 December 2010; 22 November 2012]*

## **Section 10. International Co-operation in the Management of River Basins and the Management of Flood Risks**

(1) If a river basin is partly included in the territory of Latvia, partly – in the territory of another state which is a European Union Member State, the Ministry of Environmental Protection and Regional Development shall, in order to establish and manage an international water basin district, co-operate with the competent authorities of the relevant state.

(2) If an international river basin district has been established, the Centre shall ensure the administration of the part of the river basin district included in the territory of Latvia and exchange information regarding the water conditions, flood hazard territories and measures to be taken, as well as co-operate with the competent authorities of the relevant state in order to ensure the drawing up of a single and mutually co-ordinated management plan and flood risk management plan as a component thereof. If a single management or flood risk management plan is not drawn up for the international river basin district, the Centre shall draw up the referred-to plans for the part of the international river basin district included in the territory of Latvia and co-ordinate them with the competent authorities of the relevant state in order to ensure mutual conformity of the information, assessment and measures included in plans.

(3) If a river basin is partly included in the territory of Latvia, partly – in the territory of another state which is not a European Union Member State, the Ministry of Environmental Protection and Regional Development shall, within the framework of co-operation agreements



regarding environmental protection, co-operate with the competent authorities of the relevant state in order to facilitate the achievement of the objectives of this Law within the entire river basin. The Ministry of Environmental Protection and Regional Development shall take measures in order to promote the drawing up of a single management plan and flood risk management plan as a component thereof for the international river basin district. If a single management plan or flood risk management plan is not drawn up for the international river basin district, the Centre shall ensure the drawing up of a mutually co-ordinated management plan and flood risk management plan as a component thereof for parts of the international river basin district included in the territory of Latvia.

*[31 May 2007; 23 April 2009; 25 March 2010; 20 December 2010; 22 November 2012]*

### **Chapter III** **Environmental Quality Objectives**

#### **Section 11. Environmental Quality Objectives for Water Bodies**

(1) The following environmental quality objectives shall be set for water bodies in a management plan:

1) to prevent deterioration of the status of all surface water bodies and to protect thereof by improving the water quality and, where necessary, by performing remediation – in order to achieve a good surface water status in all surface water bodies;

2) to protect and improve water quality in all heavily modified water bodies and artificial water bodies in order to achieve good ecological potential and the chemical quality of surface waters;

3) to progressively reduce pollution caused by priority substances and to cease or prevent progressively the emission and discharge of substances, which are especially hazardous to the aquatic environment;

4) to prevent or limit the discharge of polluting substances into the groundwater and to prevent deterioration of status of all groundwater bodies;

5) to protect groundwater bodies, to improve or renew the water status therein, as well as to ensure balance between the abstraction of water and renewal of water resources, in order to achieve good groundwater status in all groundwater bodies;

6) to stop the increase in the concentration of a polluting substance caused by human activity in groundwater or to achieve progressive reduction thereof;

7) to comply with the conditions and objectives specified in the management plan for the specially protected areas.

(2) Environmental quality objectives shall be achieved by implementing the management plans and programmes specified in this Law. When determining measures for achieving environmental quality objectives the status of the particular water body and the status of waters in other water bodies located in one river basin shall be taken into account.

(3) The environmental quality standards, which are necessary for the achievement of the objectives referred to in Paragraph one of this Section, shall be determined in accordance with the Law On Pollution.

(4) If several environmental quality objectives apply to the same water body those quality objectives shall be applied which set more stringent requirements.

*[31 May 2007; 23 April 2009]*

## **Section 12. Exceptions for Determination of Environmental Quality Objectives and the Time Period for Achievement Thereof for Individual Water Bodies**

*[23 April 2009]*

(1) A management plan may specify such environmental quality objectives for individual water bodies which differ from those specified in Section 11, Paragraph one of this Law, if, taking into account the effects of human activity or the natural status of such water bodies, the objectives referred to in Section 11, Paragraph one of this Law may not be achieved or the achievement of such objectives would require unreasonably high costs, as well as if:

1) the ecological or socio-economic needs provided by such anthropogenic activity may not be satisfied by other means which would be more appropriate from the point of view of environmental protection and would not require unreasonably high costs;

2) for surface waters, the highest ecological and chemical quality is intended to be achieved, but for groundwater, the least possible difference from good groundwater status, taking into account impacts due to the nature of the human activity or pollution that cannot be avoided;

3) the status of the water body does not deteriorate further;

4) the establishment of different environmental quality objectives, and the reasons for it are supported in the river basin management plan and the objectives referred to are reviewed not less than once every six years.

(2) The time period for the achievement of environmental quality objectives specified in this Law may be extended for some water bodies, if the status of the water body does not deteriorate during this time period and if the status thereof cannot be improved completely within the time period specified in this Law upon existence of one of the following reasons:

1) due to technical reasons the necessary level of improvement can be achieved within a longer period of time than the time period specified in the Law;

2) the costs for completion of improvements within the time period specified by the Law are unreasonably high;

3) the natural conditions prevent the improvement of the status of the water body within the time period specified by the Law.

(3) The reasons for extension of the time period shall be indicated in the management plan. The extension of the time period may not exceed 12 years, except the cases when natural conditions prevent the achievement of the environmental quality objectives within the referred to time period.

(4) The mandatory and optional measures to be performed in order to achieve the desirable status of a water body gradually until the end of the extension of the time period shall be briefly described in the management plan, as well as a schedule for the fulfilment of measures shall be attached and, in case of non-fulfilment thereof, the reasons which significantly prevented the implementation of these measures shall be explained. A report on the implementation of the referred to measures and a summary regarding other measures performed shall be included in the updated management plan.

*[23 April 2009]*

## **Section 13. Temporary Exceptions for the Achievement of Environmental Quality Objectives**

(1) Temporary deterioration in the status of water bodies due to force majeure, including extreme floods and prolonged droughts or accident which could not reasonably have been foreseen (hereinafter – exceptional circumstances) shall not be in breach of the requirements of this Law, if:

1) all practicable steps are taken to prevent further deterioration in status and in order not to compromise the achievement of the environmental quality objectives in other water bodies which are not affected by the referred to circumstances;

2) the management plan includes conditions and parameters upon occurrence of which the regional environmental board may apply provisions of this section ;

3) the measures to be taken under exceptional circumstances are included in the programme of measures and they do not compromise the recovery of the quality of the water body once the situation has normalised;

4) all practicable measures are taken in order to restore such status of the water body which was prior to the effects of exceptional circumstances;

5) a summary of the effects of the exceptional circumstances and of the measures taken or to be taken are included in the new revision of the management plan.

(2) The relevant regional environmental board shall in each particular case determine the measures referred to Paragraph one, Clauses 1 and 4 of this Section, which are to be binding to the users of water resources, at least once a year together with the Centre evaluate the impact of exceptional circumstances and, where necessary, re-examine the specified measures.

*[31 May 2007; 25 March 2010]*

#### **Section 14. Exceptions for Achievement of Environmental Quality Objectives at Individual Water bodies**

(1) The requirements of this Law shall not be breached if there is:

1) failure to achieve good groundwater status, good ecological quality or good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater due to further modifications to the physical properties of a surface water body or alterations to the level of bodies of groundwater;

2) failure to prevent deterioration from high quality to good quality of a body of a surface water body due to the commencement of new economic activities;

3) failure to achieve good condition of a surface water body due to cross-border pollution.

(2) The relevant regional environmental board may only allow the exceptions referred to in Paragraph one of this Section if the following conditions have been met:

1) all practicable steps are taken to mitigate the adverse impact on the status of the water body and not to impede the achievement of the environmental quality objectives in other water bodies which are not affected by the referred to conditions;

2) the reasons for such exceptions are supported in a management plan and the referred to objectives are re-examined not less than once every six years;

3) the necessity of such exceptions for a water body is related to overriding public interest or the benefits to society and the environment provided that the achievement of the environmental quality objectives are less important than those benefits to human health, safety or sustainable development which are ensured by the modifications;

4) the benefits ensured by such exceptions cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option;

5) the co-operation and co-ordination measures laid down in Section 10 of this Law have been taken and the requirements laid down in Sections 12 and 13 of this Law have been conformed to in relation to surface water bodies affected by cross-border pollution due to which taking of efficient measures was not possible in order to ensure the conformity of surface water bodies with the environmental quality standards.

(3) The relevant regional environmental board shall, in each particular case, determine the measures referred to in Paragraph two, Clause 1 of this Section.

(4) The application of Sections 12, 13 and 14 of this Law may not impede the achievement of the objectives of this Law in other water bodies located in the nearest vicinity, be in conflict with the requirements laid down in laws and regulations or the water quality standards and in applying thereof at least the same environmental protection level as laid down by other laws and regulations shall be ensured.

*[23 April 2009; 25 March 2010]*

## **Chapter IV**

### **Economic Analysis of Use of Water Resources and the Fee for Using Water Resources**

#### **Section 15. Economic Analysis of Use of Water Resources, Characteristics of River Basins and Review of Impact of Human Activity**

(1) The Minister for Environmental Protection and Regional Development shall approve economic analyses of use of water resources to each river basin district or such part of the river basin district which forms a part of the territory of Latvia (hereinafter – economic analysis), characterisation of river basins, as well as the impact of human activity assessment, taking into account the conditions of Section 16 of this Law.

(2) On the basis of the information referred to in Paragraph one of this Section and taking into account the information and data included in the Register of Polluting Substances and the environmental monitoring and State statistical report, as well as other information and data available, the Centre shall perform accounting of emission, losses and discharge of priority substances and hazardous substances. Accounting shall be performed for each river basin district or part of international river basin districted contained in the territory of Latvia.

(3) The economic analysis, characterisation of river basins and the impact of human activity assessment referred to in Paragraph one of this Section shall be re-examined not less often than once every six years. Upon re-examination of such information, the following shall be taken into account:

- 1) the information provided in the flood hazard maps and in the flood risk maps;
- 2) the accounting of emission, losses and discharge of priority substances and hazardous substances for the previous year before re-examination. The accounting data for priority substances and hazardous substances, to which conditions regarding placing on the market of plant protection products apply, may be calculated as the average value for the time period of preceding three years.

*[23 April 2009; 25 March 2010; 20 December 2010]*

#### **Section 16. Economic Analysis**

The economic analysis shall include the following information:

1) on the basis of which it is possible to calculate the costs of the necessary measures, taking into account that the user of water resources covers all expenses for the use of water resources, as well as taking into account calculations regarding the available water resources and a long-term prognosis of demand and costs of water, as well as the necessary investment prognosis;

2) which allows to substantiate decisions regarding the most cost-effective measures included in the programme of measures.

#### **Section 17. Fee for the Use of Water Resources**

(1) Natural and legal persons shall, free of charge, use the running waters for fisheries (except the payments of the natural resources tax or recovery of damages for water pollution which occurs in the result of such activities), as well as water resources for non-commercial

transport, swimming, water sports, water tourism or personal needs, if use for personal needs does not require permits specified in laws and regulations.

(2) The natural resources tax for abstraction of water resources and pollution of waters, use of water resources for the production of electricity in a hydroelectric power station, as well as the water management (the water supply and sewerage) tariffs and fee for types of use of water resources, except those referred to in Paragraph one of this Section, shall be determined for natural and legal persons in accordance with laws and regulations, taking into account:

1) that natural persons and legal persons cover all costs for water management services justified as a result of economic analysis, as well as pay for water resources and for damages caused thereto;

2) the polluter-pays principle;

3) that water resources must be used efficiently, facilitating the achievement of environmental quality objectives specified in this Law;

4) the geographic, geological and climatic conditions, as well as evaluating the social, environmental and economic effects of amount of payments and application of the fee.

(3) A management plan shall include a report on the measures, which are intended to be performed for the implementation of the conditions of this Section, as well as a report on the contribution of various users of water resources in covering the expenses for water resource use.

(4) The implementation of the requirements of this Section may not impede the precautionary, research or remediation measures, which are performed in order to achieve the objectives of this Law.

*[29 April 2004; 23 April 2009]*

## **Chapter V**

### **Management Plan and Programme of Measures of River Basin District**

#### **Section 18. Management Plan**

(1) A management plan shall include:

1) a characterisation of a river basin district;

2) information regarding the most important anthropogenic loads and impact of human activity on the status of surface water and groundwater;

3) information regarding protected areas;

4) information regarding the monitoring network and results of the implemented monitoring programmes;

5) a summary of the economic analysis;

6) the quality objectives determined for water bodies and protected areas;

7) information regarding the planned measures in order to prevent or reduce emission of pollutants, as well as to achieve the environmental quality objectives;

8) information regarding other programmes related to the management of the river basin district;

9) a survey regarding public information and consultations performed by drawing up or updating the plan;

10) information and summary regarding measures taken in order to prevent or reduce cross-border pollution.

(2) The Cabinet shall determine the contents of the information to be provided in the management plan and the type, as well as additional information to be included in the plan when updating it.

(3) The Centre shall ensure public access to management plans.

(4) A management plan may be taken into account when drawing up the territorial planning of the relevant region or local government or amendments thereto.  
*[3 February 2005; 23 April 2009; 25 March 2010]*

### **Section 19. Approval of Management Plan**

(1) The Minister for Environmental Protection and Regional Development shall approve a management plan for each river basin district. The Ministry of Environmental Protection and Regional Development and the Centre shall publish management plans on their website. The management plan, also the flood risk management plan, shall be updated not less than once every six years.

(2) In the cases referred to in Section 10, Paragraph one of this Law, the Centre shall co-operate with the competent institution of the relevant state in order to draw up the management plan of the international river basin district, including a flood risk management plan as a component thereof. Prior to the approval of a management plan of the international river basin district in accordance with the procedures laid down Paragraph one of this Section, the Centre shall prepare and the Ministry of Environmental Protection and Regional Development shall approve management plans for the parts of the river basin district which form a part of the territory of Latvia.

*[3 February 2005; 23 April 2009; 25 March 2010; 20 December 2010; 22 November 2012]*

### **Section 20. Requirements for Programmes of Measures**

(1) In order to achieve the environmental quality objectives specified in this Law, the programme of measures for the relevant river basin district or a part of the international river basin district located in the territory of Latvia shall be included in the management plan of the river basin district. The programme of measures shall be drawn up in accordance with the management plan of the relevant river basin.

(2) Upon the drawing up of a programme of measures, results of the economic analysis, characterisation of river basins and the impact of human activity assessment specified in Section 15 of this Law shall be taken into account.

(3) The Cabinet shall set the minimum requirements, conditions and prohibitions which shall be included in the programme of measures, as well as activities which must be performed if the environmental quality objectives specified in this Law have not been achieved in the relevant water body.

(4) Mandatory measures and, if necessary, also supplementary measures, which must be taken in the particular district in order to achieve the environmental quality objectives set, shall be specified in each programme of measures. The programmes of measures shall also indicate the measures, which apply to the entire territory of the State.

*[23 April 2009]*

## **Chapter VI**

### **Permits for Use of Water Resources and Monitoring Conditions**

#### **Section 21. Activities which Require a Permit for Use of Water Resources**

(1) The regional environmental boards shall within 60 days from the date of receipt of the submission, issue a permit for use of water resources for activities which affect or may affect water quality, amount or water ecosystems and which are not category A or B polluting activities:

- 1) for operations of hydrotechnic structures;
- 2) for the extraction of surface water or groundwater;

3) for the injection of water in order to raise the level of groundwater and drainage of water in order to reduce such a level, and for the activities related thereto;

4) for activities which would result in an artificial or a heavily modified water body;

5) for other activities related to routine changes in the level or regime of surface water.

(2) The Cabinet shall determine the conditions for use of water resources, procedures for the application for and issue of a water resources use permit, time periods, conditions for control and monitoring of the requirements laid down in the permit, as well as samples of the application and permit forms.

(2<sup>1</sup>) If in accordance with the requirements of laws and regulations a permit of Category A or B is required for the commencement or continuation of activity, the regional environmental board shall not issue a permit for the use of water resources, but indicate the limits and conditions for the use of groundwater or surface water resources in the permit of Category A or B.

(2<sup>2</sup>) A State fee shall be paid for the issuance of a permit for the use of water resources. The amount of the fee and payment procedures shall be determined by the Cabinet.

(3) The Cabinet shall determine the criteria upon the conformity with which the effects of the activities referred to in Paragraph one of this Section on water quality, amount or water ecosystems shall be considered to be insignificant, and a permit for use of water resources shall not be necessary.

(4) The Cabinet shall determine the procedures for the financing of coastline securing of water reservoirs of the Daugava hydroelectric power stations and expenses for operating engineering protection structures of the water body of Riga hydroelectric power station.

*[29 April 2004; 31 May 2007; 23 April 2009; 30 September 2010, 20 December 2010 / Paragraph 2.<sup>2</sup> shall come into force from 1 March 2011. See Paragraphs 21 and 22 of Transitional Provisions]*

## **Section 22. Monitoring of Surface and Groundwater Status and Protected Areas**

(1) The Minister for Environmental Protection and Regional Development shall approve the water status monitoring programme for each river basin district which shall include monitoring of surface water, groundwater and protected areas.

(2) The surface water monitoring programme must specify:

1) the discharge volume and amount of flow rate monitoring in order to be able to evaluate the ecological and chemical quality and ecological potential;

2) monitoring of the ecological and chemical status and ecological potential.

(3) The groundwater monitoring programme shall include monitoring of the chemical quality and quantitative status.

(4) Such measures shall be included in the monitoring programme of protected areas, which are taken in addition to the monitoring requirements of the protected areas laid down in laws and regulations.

(5) The Cabinet shall determine the requirements for the monitoring specified in this Section and for the drawing up of monitoring programmes, as well as the requirements for monitoring bathing waters.

*[31 May 2007; 20 December 2010]*

## **Chapter VII**

### **Provision of Information to the Public, Other Countries and the European Commission**

#### **Section 23. Provision of Information to the Public**

(1) The Centre shall ensure the availability of the initial flood risk assessment, flood hazard maps and flood risk maps, as well as the management plan, including flood risk management

plan, to the public after the drawing up thereof. Upon drawing up, re-examination and updating of management plans, it shall promote active public involvement in the implementation of this Law, ensuring that the following information regarding each river basin district is published and handed over to the public, including users of water resources, for discussion:

1) a timetable and programme for the production of a plan, including information regarding the intended public involvement measures, at least three years before the beginning of the period to which the plan refers;

2) an overview of the significant water management issues in the river basin, at least two years before the beginning of the period to which the plan refers;

3) a draft management plan – at least a year before the beginning of the period to which the plan refers.

(2) Upon request of any natural or legal person, the Centre and other involved institutions shall ensure access to background documents and information used for the drawing up of the draft river basin management plan.

(3) In order to ensure active public participation and involvement in discussion, a period of at least six months shall be provided for offering the opinion regarding the documents referred to in Paragraph one of this Section.

*[3 February 2005; 23 April 2009; 25 March 2010]*

## **Section 24. Provision of Information to Other Countries and the European Commission**

(1) The Centre shall, within three months after publication, send the management plan, including the flood risk management plan (also the new versions of these plans) to the European Commission, as well as to the countries to which it pertains. In the case of the international districts of river basins at least such part of the management plan shall be submitted which pertains to the territory of Latvia.

(2) Within three months following the approval of the relevant documents, the Centre shall submit to the European Commission:

1) the economic analysis, characterisation of river basins, as well as the impact of human activity assessment specified in Section 15 of this Law;

2) the monitoring programme specified in Section 22 of this Law;

3) the initial flood risk assessment and the flood hazard maps and flood risk maps specified in Section 9, Paragraph four, Clause 13 of this Law, as well as the relevant reports and new versions.

(3) Within three years following the publication of the management plan, including the flood risk management plan, and new versions of these plans, the Centre shall submit to the European Commission an interim report on progress in the implementation of the planned programme of measures.

(4) The information submitted to the European Commission shall be freely accessible to the public.

*[3 February 2005; 23 April 2009; 25 March 2010]*

## **Chapter VIII**

### **Procedures for Implementation, Supervision and Appeal of Requirements of the Law**

## **Section 25. Implementation of Requirements of the Law**

(1) Upon performance of an environmental impact assessment or issuance of new technical provisions, the State Environmental Monitoring Bureau or a regional environmental board shall ban such activities for which the achievement of the environmental quality objectives



specified in accordance with this Law or implementation of the measures specified in the management plan is impossible.

(2) Upon the issuance of permits laid down in laws and regulations for activities related to the use of water resources or extension of the period of validity thereof, regional environmental boards shall take into account the environmental quality objectives specified for the particular territory or the measures specified in the management plan and the deadlines for implementing them.

(3) In issuing a permit for the operations of hydrotechnic structures, the regional environmental board shall include in the conditions thereof a requirement to perform necessary fish resources protection measures, including the opening of sluices or ensuring construction of a fishpass in the dam of the water body if the relevant measures are necessary biologically well-founded in accordance with the opinion of a fisheries expert-examination, as well as engineering-technically possible in accordance with opinions provided by a specialist who has acquired the qualification of a hydro-technician with experience in the operation of hydrotechnic structures and persons who in accordance with the Construction Law have the right to perform the design of hydrotechnic structures.

*[3 February 2005; 31 May 2007; 23 April 2009]*

## **Section 26. Supervision, Dispute and Appeal Procedures**

(1) The Ministry of Environmental Protection and Regional Development shall be responsible for the implementation of the requirements laid down in this Law.

(2) The Ministry of Environmental Protection and Regional Development shall examine the submissions regarding drawing up and implementation of management plans and programmes of measures, also regarding insufficient public participation in preparation of the documents referred to.

(3) The State Environmental Monitoring Bureau shall examine submissions regarding measures specified by the regional environmental boards in accordance with Section 13, Paragraph two and Section 13, Paragraph three of this Law, as well as regarding the issue of the permits specified in this Law or conditions of the permit. In the case of a dispute, the State Environmental Monitoring Bureau shall not suspend the decision or the operation of the permit if the suspension of operations may cause a significant negative impact on the environment.

(4) If the State Environmental Monitoring Bureau establishes that the measures, decisions regarding issue of the permit or the issued permit is in conflict with the requirements of this Law or other laws and regulations, it shall take a decision regarding the re-examination of the decision of the regional environmental board, relevant amendments to the permit, cancellation of the permit or the issue of another permit.

(5) The administrative acts referred to in this Section may be appealed to a court according to the procedures laid down laws and regulations. The submission of an application to the courts shall not suspend the operation of the administrative act.

*[3 February 2005; 20 December 2010]*

## **Transitional Provisions**

1. The Cabinet shall issue the Cabinet Regulations referred to in Section 8, Paragraph three, Section 9, Paragraph one, Section 18, Paragraph two and Section 20, Paragraph three of this Law by 1 March 2003, but the Cabinet Regulations regarding requirements for monitoring and preparation of monitoring programmes referred to in Section 5, Paragraph ten, Clauses 1, 2, 3 and 4, Section 21, Paragraphs two and three, as well as in Section 22, Paragraph five of this Law - by 22 December 2003, but the Cabinet Regulations referred to in Section 22,

Paragraph five of this Law regarding the requirements for monitoring bathing waters – by 30 December 2007.

*[29 April 2004; 31 May 2007]*

2. The institutions specified in Section 9 of this Law shall be formed by 1 January 2004.

*[12 December 2002]*

3. Emission and discharge of substances especially hazardous for aquatic environment referred to in Section 11, Paragraph one, Clause 3 of this Law shall be prevented by 22 December 2020.

4. The economic analysis, characterisation of the river basin and the impact of human activity assessment referred to in Section 15 of this Law for river basin districts shall be drawn up and approved by 22 December 2004.

5. The conditions of Section 17 of this Law shall be implemented by 1 January 2004. For the implementation of the conditions of this Section until 31 December 2015 shall the attraction of the State, municipal and international financing for the implementation of the State investment programmes in the field of drinking water and urban waste water shall not be limited.

6. The monitoring programmes referred to in Section 22 of this Law shall be drawn up and approved by 1 January 2006. Monitoring programmes shall be fully implemented not later than 22 December 2006.

*[29 April 2004]*

7. The management plans referred to in Section 18 of this Law shall be approved and published by 22 December 2009.

8. The programmes of measures referred to in Section 20 of this Law shall be drawn up and approved by 22 December 2009. The implementation of the measures specified in the programmes of measures shall be commenced by 22 December 2012.

9. The environmental quality objectives specified in Section 11 of this Law, except those specified in Paragraph one, Clause 3, must be submitted by 22 December 2015.

10. Section 9, Paragraph four, Clause 4 of this Law regarding provision of information to the European Commission, as well as conditions of Section 24 regarding provision of information to the European Commission shall be applied from 1 May 2004.

*[29 April 2004]*

11. The Cabinet shall by 1 January 2006 issue the regulations referred to in Section 5, Paragraph ten, Clause 5 of this Law.

*[3 February 2005]*

12. The Cabinet shall by 1 March 2008 issue the regulations referred to in Section 5, Paragraph ten, Clause 6 of this Law.

*[31 May 2007]*

13. The Cabinet shall by 30 December 2011 issue the regulations referred to in Section 5, Paragraph ten, Clause 8 of this Law.

*[29 April 2009]*

14. The Cabinet shall by 26 November 2009 issue the regulations referred to in Section 9, Paragraph six of this Law.

*[29 April 2009]*

15. The Centre shall by 22 December 2013 prepare the flood hazard maps and flood risk maps referred to in Section 9, Paragraph four, Clause 13 of this Law.

*[29 April 2009; 25 March 2010]*

16. The Centre shall by 22 December 2015 prepare and publish the flood risk management plans referred to in Section 9, Paragraph four, Clause 14 of this Law.

*[29 April 2009; 25 March 2010]*

17. The Cabinet shall issue the regulations referred to in Section 5, Paragraph ten, Clause 11 of this Law not later than until 31 December 2010.

*[25 March 2010]*

18. The economic analysis, characterisation of river basins and the impact of human activity assessment referred to in Section 15 of this Law shall be revised for the first time until 22 December 2013.

*[25 March 2010]*

19. The accounting provided for in Section 15, Paragraph two of this Law shall be commenced, including data for one year in a time period from 2008 to 2010. Accounting data for priority substances and hazardous substances to which the conditions regarding placing on the market of plant protection products apply may be calculated as the average value for the time period from 2008 to 2010.

*[25 March 2010]*

20. The Cabinet shall issue the regulations referred to in Section 21, Paragraph four of this Law until 1 January 2011.

*[30 September 2010]*

21. Section 21, Paragraph 2.<sup>2</sup> of this Law shall come into force from 1 March 2011.

*[16 December 2010]*

22. The Cabinet shall issue the regulations provided for in Section 21, Paragraph 2.<sup>2</sup> of this Law until 1 March 2011.

*[16 December 2010]*

23. Section 7.<sup>1</sup> of this Law shall come into force from 1 October 2011.

*[3 March 2011]*

24. The Cabinet shall issue the regulations referred to in Section 7.<sup>1</sup> of this Law until 1 June 2011.

*[3 March 2011]*

### **Informative Reference to European Union Directives**

This Law contains legal norms arising from:

1) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;

2) Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC;

3) Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration;

4) Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks; and

5) Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council.

[3 February 2005; 23 April 2009]

This Law has been adopted by the *Saeima* on 12 September 2002.

Acting for the President, Chairman of the *Saeima*

J. Straume

Rīga, 1 October 2002

Scheme of River Basin Districts

