



MINLEX - Latvia Country Report

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TABLE OF CONTENTS

- 1. LATVIA 2
 - 1.1. Summary of findings 2
 - 1.2. General introduction 3
 - 1.3. Legislation governing mineral exploration and extraction..... 7
 - 1.4. Authorities governing mineral exploration and extraction 27
 - 1.5. Licensing procedures for exploration 32
 - 1.6. Licensing procedures for extraction 37
 - 1.7. Court cases on permitting procedures 49
 - 1.8. Success rates of exploration and extraction permits 53
 - 1.9. EU legislation impacting permits and licenses for exploration and extraction..... 53

1. LATVIA

1.1. Summary of findings

Widespread mineral resources of Latvia are clay, sand, sand-gravel, loose freshwater rocks, peat deposits, loam, sandy loam and aleirite. Dolomite and limestone are also available. The NEEI sector is mainly specialised in the extraction of gravel and sand, dolomite and clay as well as peat. The overall structure of the Latvian sectors of the economy shows that mining and quarrying make up a small share of the GDP: in 2014 it was only 0.5 %. However, it should be noted that the mining industry is an important employer in some municipalities. In Latvia, the subsoil and all onshore mineral resources and peat belong to the landowner whereas offshore resources belong to the state.

The main law regulating mining in Latvia is the Law on Subterranean Depths. The purpose of this Law is to ensure complex, efficient, environmentally-friendly and sustainable use of subterranean depths, as well as to specify the requirements for the protection of subterranean depths. Licencing procedures are prescribed in the Regulation No. 696 of the Cabinet of Ministers "Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources". Important is also the Cabinet Regulation No 570 of 2012 "Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources, and Leasing Procedure for the Land Owned by Public Person" which determines requirements for all mining related work stages and Cabinet Regulation No 1055 of 2006 Regulations regarding the State Fee for a Licence for Use of Subsoil, an Authorisation for the Extraction of Widespread Mineral Resources and a Passport of the Deposit.

For prospecting, exploration and extraction of mineral resources a company or a natural person needs to receive a Licence for the use of subterranean depths. In some cases, the company or person has to receive an authorisation for the extraction of widespread mineral resources issued by the self-government (municipality) (for clay, sand, sand – gravel, peat, loose freshwater rocks, loam, sandy loam, aleirite). To carry out geological exploration a licence is necessary.

With regards to extraction, if the person/company wants to deal with mining activities, it must first obtain land ownership or acquire lease rights (the subsoil belongs to the landowner). After that, it is necessary to clarify whether the geological survey has been carried out and whether the stocks belong to the A (accepted) or N (assessed) category as it possible to extract minerals just in case the stocks are accepted A or N category. This information can be found in the State Limited Liability Company "Latvian Environment, Geology and Meteorology Centre" Geology Funds (archive). If the territory intended for the extraction of mineral resources has not been previously explored or stocks are not accepted, then, before extraction can begin, a geological exploration shall be performed and a report of the geological exploration should be submitted to the Latvian Environment, Geology and Meteorology Centre for approval. When the research has been carried out, and stocks of mineral resources are approved, the person or company should submit an application to the State Environmental Service for granting a passport of the deposit and separate extraction limits (in case of obtaining the authorisation from the municipality).

When the passport and the limit have been received, the application must be submitted to the Regional Environmental Board to perform an initial EIA (if necessary). In case the authorisation is received at a municipality, the Regional Environmental Board (REB) issues technical regulations even if the EIA is not necessary. If the competent authority (REB) decides to implement an EIA procedure, the applicant will be required to submit an EIA report, the contents of which corresponds to the program developed by the Environment State Bureau (ESB). The applicant prepares an EIA report, organizes public hearings, after that improves the EIA report (if necessary) and submits the report to the ESB. The ESB

gives an opinion on the EIA report, but the final decision on the proposed development is given by the local government. When an applicant receives a positive decision from the local government, the application to receive a license or authorisation must be submitted to the State Environmental Service or to the local government.

Concerning court cases, the only conflict that has gone to the court level (considering the period 2010 – 2016) was the case when the State Environmental Service on 6th July 2011 issued a license to Company ABC for extraction of subterranean depths (in this case – peat). The NGO XXX (name not disclosed by the country expert) and three neighbouring landowners disputed and asked to cancel a license issued by the State Environmental Service. From the submitted materials, the court concluded that at the decision-making moment, there were (and still are) preconditions for issuing a license. With regard to permitting success rates, in 2017 and 2018 for extraction and exploration, the rate reached 84 % and 99 % respectively. Mining is more limited with normative acts (greater impact on the environment, society, etc.), therefore the success rate is lower than for exploration licences

1.2. General introduction

Latvia is abundant with minerals - aggregates and industrial stone (Table 1, Fig. 1). According to the Law on Subterranean Depths (see LV-V3 in Table 2), widespread mineral resources of Latvia are clay, sand, sand-gravel, loose freshwater rocks, peat deposits (up to the area of 5 hectares within the borders of the property owned by one owner), loam, sandy loam and aleirite. Besides those minerals, there are also dolomite and limestone in Latvia.

Table 1: Latvia. Extraction amounts of mineral deposits (2017).

Mineral resource	Unit	Amount
Sand and gravel mix	m ³	3 248 610
Sand	m ³	2 872 130
Dolomite	m ³	1 950 320
Limestone	m ³	558 750
Gypsum	m ³	126 480
Clay	m ³	250 170
Quartz sand	m ³	11 980
Aleirite	m ³	780
Peat	t	997 580
Sapropel	t	10
Peloids	t	460

Source:

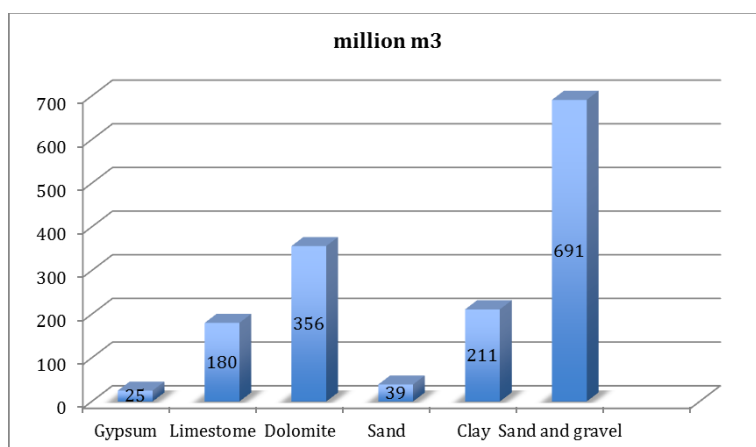
https://www.meteo.lv/fs/CKFinderJava/userfiles/files/Geologija/DER_IZR_KRAJ_BILANCES/Bilance_2017.pdf

The resources of subterranean depths are conventionally grouped according to the completeness of geological information (extent of exploration and level of detail) available on them as well as the possibilities for the current and prospective use:

- **utilisable resources** are those resources whose development can start immediately and which have been sufficiently explored. They include building materials and related raw materials (sand, quartz sand, sand and gravel mix, gravel, clay, dolomite, gypsum rock, freshwater limestone and travertine), peat, sapropel, peloids, and underground potable and curative mineral water;
- **prospective resources** are most often located at a considerable depth. The knowledge about them is not complete and their exploration must continue. These are industrial mineral waters, hydrocarbons, geological structures for setting up natural gas underground storage, geothermal heat and magnetite iron ore;

- **rare and problematic resources** are scarce and little explored mineral resources: lignite, limonite iron ore, iron and manganese nodules, uranium ore, amber, diamonds¹ as well as non-ferrous metal ores, cobalt, nickel, zinc and copper.

Fig. 1: Latvia. Most significant mineral deposits.



Source:

http://www.lu.lv/fileadmin/user_upload/lu_portal/projekti/vpp/mali_latvija/berniem/8_Latvijas%20derigie%20izraktenji.pdf

Note: peat is not included in the graph as its amounts are 1.5 billion tonnes

Metal ores, metals and diamonds are not currently mined in Latvia, although the geological mapping performed in the second half of the last century (in the period until the 1990s) suggests that the aforementioned valuable resources of subterranean depths are potentially available in Latvia, yet further exploration is required to evaluate the possibilities for their extraction. The geological maps at 1:200,000 scale issued in the period between 1998 and 2004 were made using the data of the geological mapping carried out in the USSR as well as the most up-to-date information available in the State Geology Fund. This information should be updated and new relevant geological information should be obtained. Unfortunately, in a situation where any geological work is directly dependent on the landowner, it is not possible to perform geological mapping or other systematic geological exploration that would cover the whole territory of the country or a substantial part thereof. Therefore, in order to facilitate the exploration and use of the potential of the subterranean depths, it is necessary to develop and improve the legal framework.

Mineral ownership

Latvia is one of those countries in the European Union where subsoil and all onshore mineral resources and peat belong to the landowner. Offshore mineral resources are owned by the state.

According to the Civil Law and Law On Subterranean Depths subterranean depths and all mineral resources present therein shall be owned by the landowner. The landowner or an accordingly authorized person thereof, if the landowner is the State or local government may deal with subterranean depths as far as Law On Subterranean Depths and other regulatory enactments do not restrict his or her rights. For this reason, the State has rather

limited opportunities to explore the deepest subsoil – bedrock, it is possible only on state or municipalities owned land. In Latvia, there are no concepts of “mineral rights”, “surface rights” and “royalties” for the extraction of mineral benefits, no definition of the “claim area”, no economically justified and time-bound fee for the process of the subterranean depths exploration, no regulatory framework for accumulation of funds to ensure the closing and reclamation (re-cultivation) of the potential extraction site, no established qualitative criteria to attract companies for prospection, exploration and extraction, etc.

It is noteworthy that the process of mineral resources prospection and exploration is usually separate from the process of extraction, an important factor here being the individual specialisation of entrepreneurs and capital concentration level. Rare would be cases when prospection and exploration works are financed by the landowner (as the landowner cannot be certain about the availability of the specific resources) or by the extraction entrepreneur, who has no proof of the economic viability and usefulness of the potential mineral resources extraction. Therefore, the right to prospect and explore, which is linked to significant investments with an uncertain outcome, should be supplemented by the right to resell the results obtained in the prospection and exploration process (including property-related mineral resources) to an extraction company.

Currently, Latvia has no experience concerning redistribution of benefits and gains (royalties) to landowners for the possibility of mining mineral resources in the subterranean depths owned by them. The lack of a relevant and comprehensive support system (prospection, exploration and extraction) does not encourage the owners’ interest in supporting the prospection and exploration process, while the economic efficiency of the mineral resources extraction cannot be estimated unless all possible costs have been determined.

The Cabinet’s regulations govern the matters concerning the lease of land if a public person leases a land parcel for the use of the subterranean depths. It is essential that in the case of state and municipal lands the right to use the subterranean depths can be obtained only as a result of a tender or an auction.

The extraction of mineral resources on the continental shelf and in the exclusive economic zone is regulated by the Marine Environment Protection and Management Law, which lays down the sovereign rights and jurisdiction of the Latvian State to operate on its continental shelf and in the exclusive economic zone, taking into account the provisions of the international agreements. The United Nations Convention on the Law of the Sea is also binding on Latvia. Part V of the Convention governs the rights of States in the exclusive economic zone, while Part VI of the Convention regulates the rights of States on the continental shelf. Natural resources of the continental shelf are Latvian property. As far as the exclusive economic zone is concerned, Latvia has the sovereign rights to explore, protect, use and manage the natural resources of the exclusive economic zone located in the seabed, in the subsoil and waters thereof, and manage the use of such resources as well as perform other actions necessary for exploration and use of the exclusive economic zone.

In recent years, mineral production in Latvia has been limited to dolomite, gypsum, limestone, peat, crushed stone, sand, gravel, clay, and silica sand. Therefore the government is interested in further developing the country’s mineral resources. Three years ago, Ministry of Environmental Protection and Regional Development undertook a legal analysis of existing legislation and compared it with practices in 14 other jurisdictions. It concluded that the current legal framework is not conducive to development, especially given that land ownership includes both surface and subsurface rights. About one-third of the landmass is owned by the state, through either the national and municipal governments. Therefore, the Ministry of Environmental Protection and Regional Development is currently working on the Concept paper of the use of subterranean depths.

The Concept paper proposed four alternatives (1) to keep status quo; (2) improvements to current legislation (for example, to provide better access for exploration); (3) state owns subsoil below 100m; and, (4) state has exclusive rights of metal ores and diamonds if such are discovered. The Cabinet of Ministers has approved the second alternative - improvements to current legislation (for example, to provide better access for exploration) to.

Who can use mineral resources?

Subterranean depths in Latvia may be used by:

- a landowner or legal possessor;
- an authorized person of the landowner;
- a person who has entered into a contract with the landowner or his or her authorized person, in which the type of use of subterranean depths is indicated. This contract is a mandatory precondition for the receipt of the licence for the use of subterranean depths or the authorisation for the extraction of widespread mineral resources. If in cases specified by the Cabinet the licence for the use of subterranean depths is issued for the use of subterranean depths throughout the territory of Latvia, the contract with the landowner or authorized person thereof shall be entered into prior to the commencement of the use of subterranean depths;
- in inland public water – a person who has received the licence for the use of subterranean depths or the authorisation for the use of natural resources; and
- in internal maritime water, territorial sea and exclusive economic zone of the Republic of Latvia in the licence areas specified by the Cabinet – a person who has received the licence for the use of subterranean depths or the authorisation for the use of natural resources.

1.3. Legislation governing mineral exploration and extraction

The legislation most relevant for permitting procedures is the Law on Subterranean Depths and the Civil Law which determined the mineral ownership. For environmental issues, the Environmental Protection Law is the most relevant one.

In accordance with the Law on Subterranean Depths, the types of the use of subterranean depths are as follows: 1) geological, hydrogeological, engineering geological, geo-ecological or geophysical exploration; 2) establishment of a monitoring system of subterranean depths or performance of monitoring; 3) prospection, exploration or extraction of mineral resources; 4) use of useful properties of subterranean depths; 5) establishment, conservation and liquidation of boreholes. A licence for the use of subterranean depths should be obtained from the State Environmental Service for the aforementioned types of the use of subterranean depths, except the extraction of widespread mineral resources (listed in the annex to the Law), which requires an authorisation from the municipality.

The extraction of mineral resources is categorised into the following work stages:

1. geological mapping;
2. prospection of mineral resources;
3. exploration of mineral resources;
4. extraction of mineral resources;
5. reclamation of mineral resources extraction sites.

Table 2: Latvia. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
mining, minerals management, technical safety, concession	LV-L1	The Civil Law (1992)	http://likumi.lv/doc.php?id=225418 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	Owners of land own also the land strata below it and all minerals which are found in it
	LV-L2	Public person property expropriation law (2002)	http://likumi.lv/ta/id/68490-publiskas-personas-mantas-atsavinanas-likums	N	N	Y	Y	Y	Y	Y	Y	selling land at auction
	LV-L3	Law On Subterranean Depths (1996)	http://likumi.lv/doc.php?id=40249 in EN under "Tulkojums"	Y	Y	Y	Y	Y	Y	Y	Y	complex, efficient, environmentally-friendly and sustainable use of subterranean depths
	LV-L4	Natural Resources Tax Law (2005)	http://likumi.lv/doc.php?id=124707 in EN under "Tulkojums"	Y	N		Y	Y	Y	Y	Y	tax for natural resources
	LV-L5	Cabinet Regulation No 570 of 2012 Procedures for	http://likumi.lv/ta/id/251021-derigo-izraktenu-ieguves-kartiba	Y	Y	Y	Y	Y	Y	Y	Y	Y

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
		the Extraction of Mineral Resource										
	LV-L6	-	-	-	-	-	-	-	-	-		
	LV-L7	Cab.Reg.No 696 of 2011 Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources, and Leasing Procedure for the Land Owned by Public Person	https://likumi.lv/doc.php?id=236750 in EN under "Tulkojums"	Y	Y	Y	Y	Y	Y	Y		also on use of ground waters; state or local government land lease arrangements and the procedure for calculating rents, auction or Tender Regarding Land Lease Rights
	LV-L8	Cab.Reg.633 of 2012 Procedures for use of subsoil inland public waters and in the sea	http://likumi.lv/tad/251615-zemes-dzilu-izmantosanas-kartiba-iekszemes-publiskajos-udenos-un-jura	Y	Y	N	N	N	Y	Y	Y	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L9	Cab.Reg. No 578 of 2012 Regulations Regarding the Geological Information System	http://likumi.lv/ta/id/251145-noteikumi-par-geologiskas-informacijas-sistemu	Y	N	Y	Y	N	Y	Y	Y	on submitting geological information and samples (if required in permission) to LV-E3
	LV-L10	Cab.Reg. No 321 of 2012 Regulations Regarding Deposits of Mineral Resources of National Significance	http://likumi.lv/ta/id/247498-noteikumi-par-valsts-nozimes-derigo-izraktenu-atradnem in EN under "Tulkojums"	N	N	N	N	N	Y	N	N	prescribes 27 deposits of mineral resources of national significance
	LV-L11	Cab.Reg.No 752 of 2013 Pricelist of chargeable services of State Ltd "Latvian Environment, Geology and Meteorology Centre"	http://likumi.lv/ta/id/259619-valsts-sabiedribas-arterobezotu-atbildibu-latvijas-vides-geologijas-un-meteorologijas-centrs-maksas-pakalpojumu-cenradis	N	N	Y	N	N	Y	Y	Y	price for acceptance of resources/ Water borehole passports

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L12	Cab.Reg. 470 of 2011 Management of waste from extractive industries	http://likumi.lv/ta/id/232278-derigo-izraktenu-ieguves-atkritumu-apsaimniekosanas-kartiba	N	Y	Y	Y	N	Y	Y	Y	waste from extraction
	LV-L13 ¹	Cab.Reg. No 524 of 2008 Regulations for Use of the Section of Subsoil of National Significance the "Dobele Structure"	http://likumi.lv/ta/id/179012-valsts-nozimes-zemes-dzilu-nogabala-dobeles-struktura-izmantosanas-noteikumi in EN under "Tulkojums"	Y	Y	Y	Y	N	Y	N	N	None
	LV-L13 ²	Cab.Reg. No 524 of 2008 Regulations for Use of the Section of Subsoil of National Significance the "Inčukalna natural gas storage"	https://likumi.lv/ta/id/292739-valsts-nozimes-zemes-dzilu-nogabala-incukalna-dabasgazes-kratuve-izmantosanas-noteikumi	Y	Y	Y	Y	N	Y	N	N	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L14	Cab.Reg. No 155 of 2007 Indemnity calculation and payment procedure for restriction of proprietary rights of subterranean depths on national significance subterranean territories	http://likumi.lv/ta/id/153856-atlidzibas-aprekinasanas-un-izmaksasanas-kartiba-par-zemes-dzilu-ipasumatiesibu-aprobezajumu-valsts-nozimes-zemes-dzilu-noqabalos	N	Y	N	N	N	Y	Y	Y	compensation for restriction of proprietary rights
	LV-L15	Cab.Reg.No 404 of 2007 Procedures for the Calculation and Payment of Natural Resources Tax and Procedures for the Issuance of Permits for Use of Natural Resources	http://likumi.lv/ta/id/159270-dabas-resursu-nodokla-aprekinasanas-un-maksasanas-kartiba-un-kartibakada-izsniedz-dabas-resursulietosanas-atlauju	Y	Y	Y	Y	Y	Y	Y	Y	calculation and payment of natural resources tax
	LV-L16	Cab.Reg. No 1055 of 2006 Regulations regarding the	http://likumi.lv/ta/id/150411-noteikumi-par-valsts-nodevu-par-	Y	N	Y	Y	Y	Y	Y	Y	The State fee for the licence and the passport shall be included in the State basic budget, but the

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
		State Fee for a Licence for Use of Subsoil, an Authorisation for the Extraction of Widespread Mineral Resources and a Passport of the Deposit	zemes-dzilu-izmantosanas-licenci-biezi-sastopamo-derigo-izraktenu-ieguves-atlauju-un-atradnes-pasi in EN under "Tulkojums"									State fee for the authorisation – in the budget of the local government
environment	LV-L17	Environmental Protection Law (2006)	http://likumi.lv/doc.php?id=147917 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	environmental principles
	LV-L18	On Environmental Impact Assessment (1998)	http://likumi.lv/doc.php?id=51522 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	describes when EIA is necessary
	LV-L19	Waste Management Law (2010)	http://likumi.lv/doc.php?id=221378 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	waste management rules
	LV-L20	Law on Pollution (2001)	http://likumi.lv/ta/id/6075-par-piesarnojumu in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	about different pollution types

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L21	Protection Zone law (1997)	http://likumi.lv/doc.php?id=42348 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	about protection zones
	LV-L22	Cab.Reg.No 158 of 2009 Regulations Regarding the Requirements with Respect to Environmental Monitoring and the Procedures for Performance Thereof, the Creation of the Register of Polluting Substances and Public Availability of Information	http://likumi.lv/ta/id/188150-noteikumi-par-prasibam-attieciba-uz-vides-monitoringu-un-ta-veiksanas-kartibu-piesarņojoso-vielu-registra-izveidi-un-informacij... in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	environmental monitoring rules
	LV-L23	Cab.Reg.No 213 of 2007 Regulations on the criteria used in assessing impact significance of injury to the specially protected	http://likumi.lv/doc.php?id=155223	N	N	Y	Y	Y	Y	Y	Y	impact significance of injury compared to baseline condition

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
		species or specially protected habitat										
	LV-L24	Cab.Reg. No 281 of 2007 Regulations Regarding Preventative and Rehabilitation Measures and the Procedures for Evaluation of Environmental Damage and Calculation of Costs of Preventative, Emergency and Rehabilitation Measures	http://likumi.lv/doc.php?id=157197 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y		the procedures for determination and performance of rehabilitation measures in case of the environmental damage
	LV-L25	Cab.Reg.No 30 Procedure for the State Environmental Service shall issue technical regulations for planned activities	http://likumi.lv/tai?id/271841-kartiba-kada-valsts-vides-dienests-izdod-tehniskos-noteikumus-paredzetajai-darbibai	N	Y	Y	Y	Y	Y	Y		technical regulations

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L26	Cab.Reg.No 18 of 2015 The procedure for assessing the environmental impact and acceptance of the intended activity	http://likumi.lv/ta/id/271684-kartiba-kada-noverte-paredzetas-darbibas-ietekmi-uz-vidi-un-akcepte-paredzeto-darbibu	Y	Y	Y	Y	Y	Y	Y	Y	procedure for EIA
	LV-L27	Cab.Reg.No 300 Procedures for Assessing the Impact on European specially protected natural areas (Natura 2000)	http://likumi.lv/ta/id/229146-kartiba-kada-novertejama-ietekme-uz-eiropas-nozimes-ipasi-aizsargajamo-dabas-teritoriju-natura-2000	N	Y	Y	Y	Y	Y	Y	Y	procedure for impact on Natura 2000
	LV-L28	Cab.Reg.No 157 of 2004 Procedures for Carrying Out a Strategic Environmental Impact Assessment	http://likumi.lv/ta/id/86512-kartiba-kada-veicams-ietekmes-uz-vidi-strategiskais-novertejums in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	procedure for strategic EIA

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L29	Cab.Reg. No 689 of 2007 Regulations on the state fee of the initial environmental impact assessment	http://likumi.lv/ta/id/164592-noteikumi-par-valsts-nodevu-par-paredzetas-darbibas-ietekmes-uz-vidi-sakotnejo-izvertejumu	N	N	Y	Y	Y	Y	Y	Y	fee for initial EIA
	LV-L30	Cab.Reg.No 16 of 2014 Procedures for Noise Assessment and Management	http://likumi.lv/doc.php?id=263882	N	Y	Y	Y	Y	Y	Y	Y	Procedures for Noise Assessment and Management
	LV-L31	Cab.Reg.No 1082 of 2010 Procedure by Which Polluting Activities of Category A, B and C Shall Be Declared and Permits for the Performance of Category A and B Polluting Activities Shall Be Issued	http://likumi.lv/ta/id/222147-kartiba-kada-piesakamas-a-b-un-c-kategorijas-piesarnojosas-darbibas-un-izsniedzamas-atlaujas-a-un-b-kategorijas-piesarnojoso-da... in EN under "Tulkojums"	N	Y	Y	Y	N	Y	Y	Y	Permits for the polluting activities

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L32	Cab.Reg. No 1290 of 2009 Regulations Regarding Ambient Air Quality	http://likumi.lv/ta/id/200712-noteikumi-par-gaisa-kvalitati in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	rules for air quality
nature conservation, forestry	LV-L33	Law on the Conservation of Species and Biotores (2000)	http://likumi.lv/doc.php?id=3941 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	protection and management of species and biotores
	LV-L34	Law on On Specially Protected Nature Territories (1993)	http://likumi.lv/doc.php?id=59994 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	describes specially protected nature territories
	LV-L35	Law on Forests (2000)	http://likumi.lv/doc.php?id=2825 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	None
	LV-L36	Cab.Reg.No 309 of 2012 Regulations regarding Tree cutting outside forest	http://likumi.lv/doc.php?id=247350	Y	N	Y	Y	N	Y	Y	Y	If tree cutting is necessary to clean mining area, mining licence is also a tree cutting licence

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L37	Cab.Reg.No 153 of 2006 Regulations on the list of priority species and biotopes of the European Union encountered in Latvia	http://likumi.lv/ta/id/128923-noteikumi-par-latvija-sastopamo-eiropas-savienibas-prioritaro-sugu-un-biotopu-sarakstu	N	N	Y	Y	Y	Y	Y	Y	list of priority species and biotopes of the European Union encountered in Latvia
	LV-L38	Cab.Reg.No 421 of 2000 Regulations on the list of specially protected biotopes	http://likumi.lv/ta/id/13405-noteikumi-par-ipasi-aizsarqajamo-biotopu-veidu-sarakstu	N	N	Y	Y	Y	Y	Y	Y	specially protected biotopes types in Latvia
	LV-L39	Cab.Reg.No 396 of 2000 Regulations on the lists of the specially protected species and the specially protected species whose use is limited	http://likumi.lv/ta/id/12821-noteikumi-par-ipasi-aizsarqajamo-sugu-un-ierobezoti-izmantojamo-ipasi-aizsarqajamo-sugu-sarakstu	N	N	Y	Y	Y	Y	Y	Y	specially protected species and the specially protected species whose use is limited

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L40	Cab.Reg.No 1055 of 2009 Regulations on the list of those animal species and plant species of the European Community significance, for which the protection is necessary and the list of those specimens of animal species and plant species of the European Community significance, for the acquisition of which in the wild the conditions for restricted use may be applied	http://likumi.lv/doc.php?id=197885	N	N	Y	Y	Y	Y	Y	Y	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L41	Cab.Reg.No 940 of 2012 Procedures for the establishment of micro-reserves and regulations for the conservation and management thereof and determination of the bufferzone	http://likumi.lv/doc.php?id=253746	N	N	Y	Y	Y	Y	Y	Y	microreserves and buffer zones
	LV-L42	Cab.Reg.No 325 of 2013 Regulations on restoration of specially protected habitats and specially protected species in the forest	http://likumi.lv/doc.php?id=257685	N	N	Y	Y	Y	Y	Y	Y	restoration habitats and species in the forest
	LV-L43	Cab.Reg.No 889 of 2012 Regulations on criteria for determining, calculation and reimbursement	http://likumi.lv/ta/id/253624-noteikumi-par-atmezosanas-kompensacijas-noteikšanas-kriterijiem-	N	N	Y	Y	N	Y	Y	Y	deforestation compensation

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
		arrangements of deforestation compensation	aprekinasanas-unatlidzinanas-kartibu									
water management	LV-L44	Water Management Law(2002)	http://likumi.lv/doc.php?id=66885	N	Y	Y	Y	Y	Y	Y	Y	water management
	LV-L45	Cab.Reg. No 42 of 2009 Regulations Regarding Procedures for Ascertaining of Groundwater Resources and Quality Criteria	http://likumi.lv/tai?id/187071-noteikumi-par-pazemes-udens-resursu-apzinanas-kartibu-un-kvalitates-kriterijiem in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	rules for estimation of groundwater resources
	LV-L46	Cab.Reg.No 118 of 2002 Regulations Regarding the Quality of Surface Waters and Groundwaters	http://likumi.lv/doc.php?id=60829 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	rules for quality of surface water and groundwater

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L47	Cab.Reg.No 34 of 2002 Regulations Regarding Discharge of Polluting Substances into Water	http://likumi.lv/doc.php?id=58276 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	discharge of emissions into water
	LV-L48	Cab.Reg.No 92 of 2004 Requirements for the Monitoring of Surface Water, Groundwater and Protected Areas and the Development of Monitoring Programmes	http://likumi.lv/tai?id/84753-prasibas-virszemes-udenu-pazemes-udenu-un-aizsargajamo-teritoriju-monitoringam-un-monitoringa-programmu-izstradei in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	rules for monitoring of water
	LV-L49	Cab.Reg.No 736 of 2003 Regulation Regarding a Permit for the Use of Water Resources	http://likumi.lv/tai?id/82574-noteikumi-par-udens-resursu-lietosanas-atlauju in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	permit for the use of water resources

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
land use planning, spatial development, soil management	LV-L50	Spatial Development Planning Law (2011)	http://likumi.lv/doc.php?id=238807 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	spatial development planning
	LV-L51	Cab.Reg.No 240 of 2014 General Regulations for the Planning, Use and Building of the Territory	http://likumi.lv/ta/id/256866-visparigie-teritorijas-planosanas-izmantosanas-un-apbuves-noteikumi in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	rules for territory planning
	LV-L52	Cab.Reg.628 of 2014 Regulations on the local spatial development planning documents	http://likumi.lv/ta/id/269842-noteikumi-par-pasvaldibu-teritorijas-attistibas-planosanas-dokumentiem	N	Y	Y	Y	Y	N	Y	Y	local spatial development planning documents
	LV-L53	Cab.Reg.No 804 of 2005 Regulations on soil and ground quality standards	http://likumi.lv/ta/id/120072-noteikumi-par-augsnes-un-grunts-kvalitates-normativiem	N	Y	Y	Y	Y	Y	Y	Y	regulations on soil and ground quality standards

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
transportation, construction, catastrophe protection, police, military	LV-L54	Construction Law (2013)	http://likumi.lv/doc.php?id=258572 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	also about construction permission
	LV-L55	Civil Protection Law (2006)	http://likumi.lv/doc.php?id=146474 in EN under "Tulkojums"									measures to take in case of disasters or military invasion
	LV-L56	Cab.Reg.No 329 of 2015 Regulations on Latvian Construction Standard LBN 224-15 "Melioration systems and hydro technical buildings"	http://likumi.lv/tai?id/274993-noteikumi-par-latvijas-buvnormativu-lbn-224-15-melioracijas-sistemas-un-hidrotehniskas-buves	N	N	Y	Y	Y	Y	Y	Y	construction standart for melioration systems and hydro technical buildings
	LV-L57	Cab.Reg.550 of 2014 Construction Regulations for Hydrotechnical and Drainage Structures	http://likumi.lv/tai?id/269168-hidrotehnisko-un-melioracijas-buvju-buvnoteikumi	N	Y	Y	Y	Y	Y	Y	Y	construction regulations for hydrotechnical and drainage structures

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L58	Cab.Reg.No 714 of 2010 Regulations for drainage systems operation and maintenance	http://likumi.lv/doc.php?id=214609	N	Y	Y	Y	Y	Y	Y	Y	drainage systems operation and maintenance rules
	LV-L59	Cab.Reg.No 25 of 2012 Regulations on procedure and approval of blasting works	http://likumi.lv/doc.php?id=242369	Y	Y	N	Y	N	Y	Y	Y	If blasting works are intended for extraction of minerals
	LV-L60	Cab.Reg.No 500 General Construction Regulations	http://likumi.lv/doc.php?id=269069	N	Y	Y	Y	Y	Y	Y	Y	general construction rules
culture heritage	LV-L61	Law On Protection of Cultural Monuments (1992)	http://likumi.lv/doc.php?id=72551 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	rules for protection of cultural monuments
public administration, court	LV-L62	State Administration Structure Law (2002)	http://likumi.lv/doc.php?id=63545 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	structure of state authorities

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	LV-L63	Administrative Procedure Law (2004)	http://likumi.lv/ta/id/55567-administrativa-procesa-likums in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	procedure of decision appeal of LV-E5
	LV-L64	Law On Judicial Power (1992)	http://likumi.lv/doc.php?id=62847 in EN under "Tulkojums"	N	Y	Y	Y	Y	Y	Y	Y	competence of courts
	LV-L65	The Constitution of the Republic of Latvia (1992)	http://likumi.lv/doc.php?id=57980 in EN under "Tulkojums"	N	N	Y	Y	Y	Y	Y	Y	structure of court system

1.4. Authorities governing mineral exploration and extraction

The authority of highest relevance for the permitting procedures is the State Environmental Service which grants licences and coordinates all issues related with the granting of licences, and the Environmental State Bureau who decides on the need to conduct an EIA and may accept a proposed development, asking the local municipality for its approval (municipalities or local governments are also important co-authorities as their authorisation is needed for all mining-related activities).

Table 3: Latvia. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central, national)	LV-E1	Ministru kabinets	Cabinet of Ministers	Brivibas Blvd. 36, Riga, LV-1520 / www.mk.gov.lv	determines the procedures, by which LV-E3 shall accept the stocks of mineral resources and co-ordinates the passport of the borehole of water abstraction and source	Y	Y	Y	Law On Subterranean Depths	
	LV-E2	Vides aizsardzības un reģionālās attīstības ministrija	Ministry of Environmental Protection and Regional Development	Peldu iela 25, Riga, LV-1494 / www.varam.gov.lv	ensures the geological supervision of the subterranean depths fund and the control of the efficient use thereof	Y	Y	Y	Law On Subterranean Depths	
	LV-E3	VSIA "Latvijas Vides, ģeoloģijas un meteoroloģijas centrs"	State Ltd "Latvian Environment, Geology and Meteorology Centre"	Maskavas street 165, Riga, LV-1019 / www.meteo.lv	Accepts and records stocks of mineral resources; obtains and compiles geological information and stores it in the State Geology Fund; provides information for LV-E4	Y	Y	Y	Law On Subterranean Depths	Also draws up the register of deposits of mineral resources and balance of the stock of mineral resources. Subordinated to LV-E2

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	LV-E4	Valsts vides dienests	The State Environmental Service	Rupniecības street 23, Rīga, LV-1045, www.vvd.gov.lv	1. Issues and coordinates the permits (licenses), the technical requirements and other administrative acts concerning the utilization of the natural resources. 2. shall take a decision regarding limitation or suspension of the use of subterranean depths	Y	Y	Y	Law On Subterranean Depths	Issues the permit if mining will take place in State owned territory or if mining area is in several administrative territ. Oversees waste management. Subordinated to LV-E2
	LV-E5	Vides pārraudzības valsts birojs	Environment State Bureau	Rupniecības street 23, Rīga, LV-1045, http://www.vpb.gov.lv/lv/kontakti	The decision of LV-E4 regarding limitation or suspension of the use of subterranean depths may be contested to the LV-E5. The decision of the LV-E5 may be appealed to a court in accordance with the procedures specified in the Administrative Procedure Law	Y	Y	Y	Law on Environmental Impact Assessment	
	LV-E6	Vietējā pašvaldība	Local governments		In their administrative territories issue authorisations/permit for the extraction of widespread mineral resources in accordance with the procedures specified by the Cabinet and in compliance with the	N	Y	Y	Law On Subterranean Depths	also supervise recovering of places of extraction of mineral resources; ensure the rule of law of the construction process

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
					limits specified by the State Environmental Service					
	LV-E7	Dabas aizsardzības pārvalde	The Nature Conservation Agency	Baznīcas street 7, Sigulda, LV 2150 http://www.daba.gov.lv/public/lat/par_mums/kontakti/	management of specially protected nature territories	Y	Y	Y	On Specially Protected Nature Territories	
	LV-E8	Būvniecības valsts kontroles birojs	the State Construction Control Office	K. Valdemāra street 157, Riga, LV - 1013	ensures State control of construction works by performing control of construction works	N	Y	Y	Construction Law	
	LV-E9	Būvvalde	Construction Board	each municipality has its own Construction Board	issues construction permits	N	Y	Y	Construction Law	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	LV-E10	Valsts kultūras pieminekļu aizsardzības inspekcija	The State Inspection for Heritage Protection	Pils street 20, Riga http://www.mantojums.lv/?cat=577&lang=lv	initiates the limitation of the licence or authorisation for the extraction of mineral resources, if it may result in threats to cultural monument	Y	Y	Y	Law On Protection of Cultural Monuments	
Court jurisdiction	LV-E10	rajona (pilsētas) tiesa	district (city) court	INA	INA	Y	Y	Y		In Latvia, court cases shall be heard by district (city) courts, regional courts and the Supreme Court, but in the event of war or a state of emergency, also by military courts.
	LV-E11	apgabaltiesas	regional courts	INA	INA	Y	Y	Y		
	LV-E12	Augstākā tiesa	the Supreme Court	INA	INA	Y	Y	Y		

INA = information not available

1.5. Licensing procedures for exploration

When the person or company has acquired a deposit or lease rights it is necessary to clarify whether the geological survey has been carried out and whether the stocks are accepted A (accepted) or N (assessed) category as it is possible to extract minerals just in case the stocks are accepted A or N category. This information can be found in the State Limited Liability Company "Latvian Environment, Geology and Meteorology Centre" Geology Funds (archive).

If the territory intended for the extraction of mineral resources has not been previously explored or stocks are not accepted then, before commencement of the extraction of mineral resources, geological exploration thereof shall be performed in accordance with the requirements specified in the Cabinet Regulations Nr.570. (LV-L5) report of the geological exploration should be submitted to the Latvian Environment, Geology and Meteorology Centre for approval. As shown below in Fig. 2, the performer of the geological exploration needs to apply and obtain a licence by the State Environmental Service (SES), and after exploring, prepare an exploration report and submit it to the SES.

Geological exploration (Step 3)

Geological exploration may perform a person who has the knowledge and equipment to carry out exploration. To carry out exploration licence is necessary. By contrast, topographic works can make person who is certified for geodesic works.

All requirements regarding the geological exploration are described in Cabinet Regulations No.570 *Procedures for the Extraction of Mineral Resource* (LV-L5).

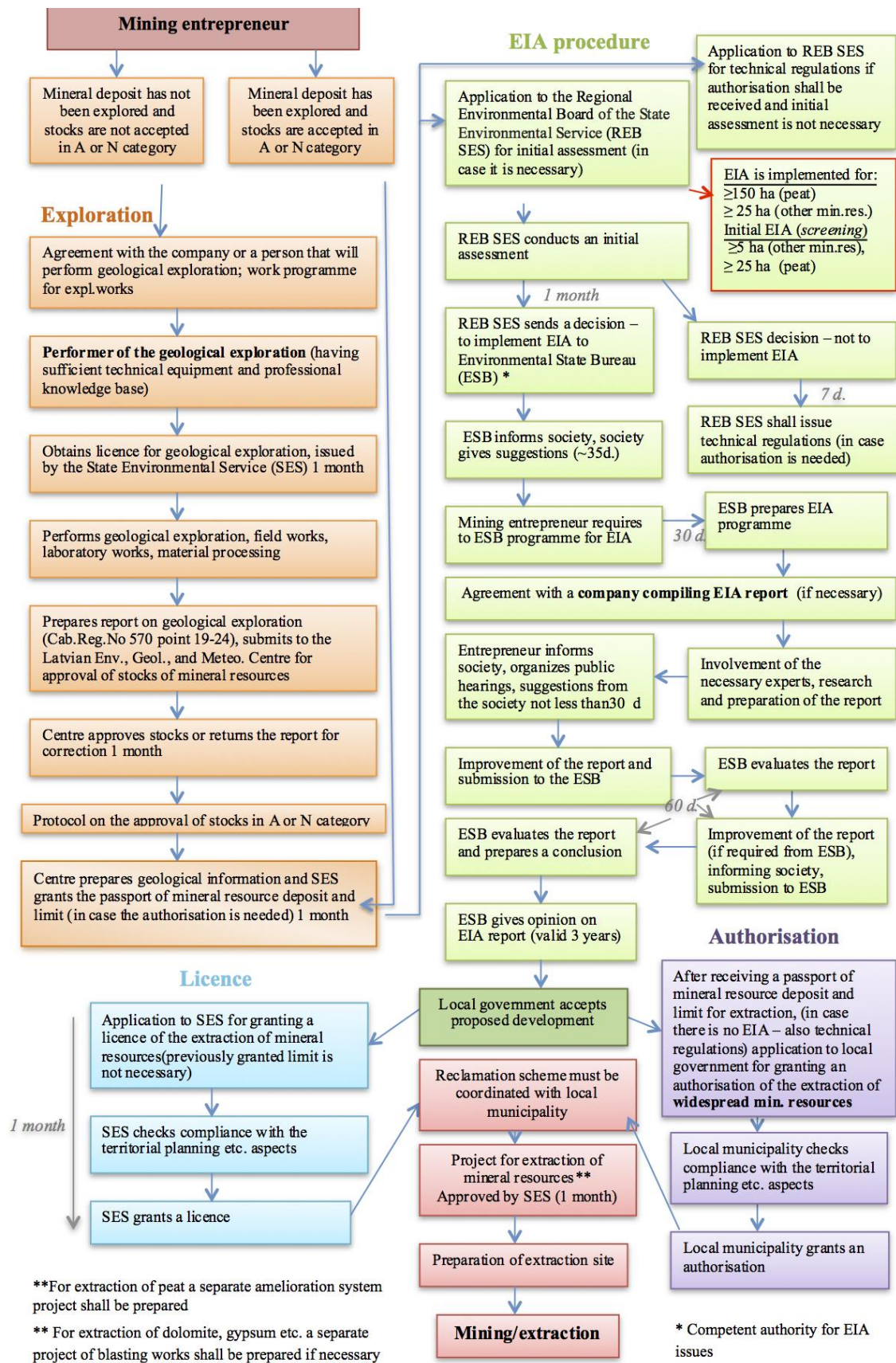
Before the geological exploration, a work program shall be developed. The following information shall be included within the work program:

- the area to be explored, location and coordinates thereof, and geomorphological characterization;
- the possible type, volume or amount, quality of mineral resources, and the intended depth of exploration;
- the methodology of the exploration work and the equipment necessary thereof to conform to the type of mineral resources and features of the territory to be explored;
- activities, which shall be performed during the geological research, listed in chronological order;
- the preferable engineering geological conditions for extraction; and
- the storage of borehole cores and samples and term periods for retention of the duplicates of processed and analysed samples.

The results of the geological exploration shall be compiled in a report on geological exploration and submitted to the State Ltd Latvian Environment, Geology and Meteorology Centre. The content of the report also is regulated by the Cabinet Regulations No.570 *Procedures for the Extraction of Mineral Resource*.

The report shall contain all data that ensures the assessment of the reliability of the obtained results, a compilation of a project for extraction of the mineral resources and utilization of mineral resources.

Fig. 2: Latvia. Steps necessary to start exploring and extracting.



Source: Ilze Ozola, revised by K. Gāga.

The report shall include:

- the information regarding the purpose of works, commissioning party, performer, and deadlines;
- general information regarding the explored territory:
 - administrative belonging;
 - geographical location (map reference);
 - boundaries and area;
 - the land ownership rights or rights of use; and
 - the information regarding discovering of deposit, earlier exploration works (also data related to the amount of explored stocks), utilization of the deposit (if it is ongoing or has been used earlier);
- description of the methodology of the exploration work:
 - the composition of the exploration work, the sequence and characterization thereof (methods used, technical resources, depth of exploration, network of exploration and density thereof);
 - the topographical materials used, topographical work performed, coordinate and height system;
 - the usage of geophysical and other specialized methods (justification, methodology, technique of performance, results and the usage thereof);
 - types of exploration sites (for example, boreholes, soundings, test pits), the number, depth, diameter or cross-section thereof, constructions, the technology of performance, coordinates and absolute altitude above sea level. The obtained core of the borehole in percent and the condition thereof shall be indicated;
 - the types, methodology, a volume of hydrogeological work, technical resources of performance, information regarding show of boreholes;
 - the types, methodology, volumes of sampling, schemes of sample processing, a location of samples, the intervals thereof; and
 - the research on the composition and properties of the mineral resources, nature, amounts and control thereof;
- the characterization of geological conditions of the explored territory:
 - the situation in the overall geological structure of the region;
 - the section and geological age of the layers;
 - the conditions of deposition of the strata, dimensions, shape and composition of the mineral deposit; and
 - the characterization of the rocks of the usable strata, overburden, and sub-layer;
- the characterization of the composition and technological properties of the mineral resources:
 - types and sub-types of mineral resources;
 - composition, texture, structure, and other features; and
 - the possibilities of selective extraction;
- the characterization of hydrogeological conditions of the explored territory:
 - the calculation of the potential water inflow if such is requested by the commissioning party;
 - the possibilities for decreasing of the groundwater level; and
 - the potential influence of a dispersion hole caused by the decrease of the groundwater level upon the surrounding eco-system and economic activities;
- the characterization of the engineering geological conditions of the deposit utilization;
- the information regarding other types of mineral resources found in the deposit;
- the calculation of stocks of the mineral resources:
 - the requirements of the commissioning party for calculation of the stocks;

- the description of the method for stock calculation;
- the substantiation for categories of stocks, principles of block separation for calculation of stocks, the method of interpolation and extrapolation, deviation from the accepted requirements when forming blocks for calculation of the stock;
- the data regarding the use of the results of geophysical, technological, engineering geological and other investigations for the formation of stock calculation blocks;
- the data regarding exploration wells and test pits which shall not be included in the blocks for calculation of stocks (the exclusion of such pit from the calculation of stocks shall be substantiated);
- the methodology of determination of the average size of the parameters of calculation of stocks and the volumes of stocks;
- the classification of stocks into categories, the amount thereof in separate deposits of sediment and the deposit as a whole;
- the results of the stock calculation;
- the results of the calculation of stocks of other extractable mineral resources within the boundaries of the territory explored; and
- the results of the calculation of the volume and amount of overburden.

The calculation of stocks shall be performed in such a manner as to make it possible to verify the calculation without personal participation of the person who performed the calculation.

The methodology of calculation of stocks shall be selected in accordance with the deposit characteristics, the research methodology and the intended use of mineral resources.

The report shall include the following text annexes:

- the licences for use of subterranean depths and the copies of attachments thereof;
- the passports of technological samples;
- the list of coordinates of the pit, mineral deposit, land property, the licence area and other border tipping point, as well as list of coordinates of the geological exploration points;
- the geological documentation of the pits;
- the results of laboratory tests and analyses (for example, chemical composition, parameters of physically mechanical properties) of samples;
- the calculations of average parameters (for example, the content of components, average thickness, density) necessary for the calculation of stocks; and
- the tables of calculations of the area of stock blocks, mineral resources and the volume or amount of overburden.

Job descriptions and results of the specialized studies (such as hydrogeological, geophysical, technological, engineering), but in the research report only a summary and the final results have to be included.

The report shall include the following graphical annexes:

- the location of the explored territory on a 1:10 000 or 1:50 000 scale topographic map;
- the 1:500 to 1:10 000 scale topographic plan;
- the plan of stock calculation and vertical sections with boundaries of stock blocks, geological sections and places of sample obtaining. Sample number, altitude, and thickness of the overburden and mineral resource layer. The stock calculation plan has to be made on the topographic plan;

- geological sections that show stock calculation borders, intervals between exploration points and sampling points. The scale of the section must comply with the scale used in the stock calculation plan.
- land ownership plan or boundary plan of the area intended for use of subterranean depths. If the area is located 20 meters from the land border or within the property boundary, property border must be instrumentally surveyed in the Latvian 1992 geodetic coordinate system (coordinate system LKS-92 TM).

The plan of the stock calculation shall be of the same scale as the topographic plan of the deposit. The geological map with sections of the explored territory shall be combined with the plan of the explored territory or the calculation of stocks.

The addressee of the licence shall submit to the **Latvian Environment, Geology, and Meteorology Centre the report for approval of stocks of mineral resources.**

Within a period of one month the **Centre** shall evaluate the submitted report on geological exploration of the deposit and shall perform one of the following actions:

- shall approve the submitted calculation of stocks and grant a category conforming to the level of detail of the geological exploration of deposit; or
- shall return the geological report not complying with the requirements of these Regulations to the developer thereof for the necessary corrections to be made.

Mineral resources (except for groundwater) are divided into the following categories:

- Category A – explored stocks of mineral resources. The level of detail of the explored stocks of mineral resources (the level of reliability of research of geological, hydrogeological and engineering geological conditions) shall ensure rational extraction and utilization of the mineral resource, as well as the maximum possible protection of the environment and subterranean depths from the negative impact of extraction works;
- Category N – assessed stocks of mineral resources. The boundaries of mineral resource stocks of this category, the volume and structure of the deposit is determined by using incomplete geological and geophysical data that has been obtained in prospection work or from incomplete geological research. The properties and quality of mineral resources, as well as engineering geological and hydrogeological conditions of deposit may be characterized by analogy with the explored deposits in the immediate vicinity; and
- Category P – predicted stocks of mineral resources. This category is assigned to the stocks of mineral resources which have been calculated on the basis of results of geological mapping, mineral resource prospection and other geological research, as well as the stocks found in territories with beneficial geological preconditions for genesis of the relevant mineral may be assessed by analogy with other explored deposits of the same genesis.

Public entities involved in the process

For the granting of exploration licences the public entity involved in the SES.

Average length to get an exploration permit

A person or company applying for a licence for exploration of mineral deposits may start work within 1 – 3 months (depends on the location of exploration – whether additional authorisations from other co-authorities are necessary). In case of prospecting for minerals

a licence throughout the territory of Latvia shall be received (the time for issuing is 1 month, validity is of 1 year).

1.6. Licensing procedures for extraction

Extraction phase - Who can use mineral resources?

Subterranean depths in Latvia may be used by:

- 1) a landowner or legal possessor;
- 2) an authorized person of the landowner;
- 3) a person who has entered into a contract with the landowner or his or her authorized person, in which the type of use of subterranean depths is indicated. This contract is a mandatory precondition for the receipt of the licence for the use of subterranean depths or the authorisation for the extraction of widespread mineral resources. If in cases specified by the Cabinet the licence for the use of subterranean depths is issued for the use of subterranean depths throughout the territory of Latvia, the contract with the landowner or authorized person thereof shall be entered into prior to the commencement of the use of subterranean depths;
- 4) in inland public water – a person who has received the licence for the use of subterranean depths or the authorisation for the use of natural resources; and
- 5) in internal maritime water, territorial sea and exclusive economic zone of the Republic of Latvia in the licence areas specified by the Cabinet – a person who has received the licence for the use of subterranean depths or the authorisation for the use of natural resources.

Acquisition of the mineral deposit (Step 1)

If the person/company wants to deal with mining activities, one must first obtain land ownership or acquire lease rights (as the subsoil belongs to landowner). There are three options for ownership: land belongs to an individual, the state or self-government (local municipality). In the case of state and self-government's land licence for extraction could be issued through competition or tendering. In Latvia about 33% of land belongs to the state or local governments.

In case of private land the landowner or person having a relevant agreement with landowner can apply for a licence for the use of subterranean depths or authorisation for the extraction of mineral resources.

In case of state or self-government's land a landowner or legal possessor **shall organise a competition or tender** for land lease rights and the receipt of a licence or authorisation for the extraction of mineral resources (except ground water), if the land area owned by the State or local government or the land area adjacent to the State or local government, where it is intended to extract mineral resources is:

- **for peat – larger than 150 hectares; or**
- **for other mineral resources – larger than 25 hectares.**

If the land is leased without a tender or auction of subsoil use, the lessor shall determine the rent fee following the land rent market assessment conducted by a certified evaluator.

If the unclaimed area of the deposit has been geologically explored, and mineral resources of A or N category have been confirmed and if the unclaimed area of the deposit is smaller than 100% of the existing licence area, and this is adjacent, then, when extending the

licence area of a deposit of mineral resources, a competition or tender need not be organised.

The organizer of competition should develop the regulations of the competition and establish a competition commission. The following information shall be included in the regulations of competition:

- general information (the type of use of subterranean depths, the name and description of the competition object and the details of the competition organizer);
- the rights and duties of the competition commission;
- information regarding the submission of tenders and the place, date, time and procedures of the opening;
- requirements for the drawing-up and submission of tenders;
- the criteria and procedures for the evaluation of tenders submitted;
- the draft land lease agreement;
- the procedure of auction;
- the procedure for the appeal of the competition results;
- the initial leasing fee

The following evaluation criteria is specified for applicants in the competition regulations:

- financial possibilities;
- the qualification of staff and technical equipment;
- experience in the extraction of mineral resources;
- rational production of the deposits of mineral resources;
- environmental protection measures;
- labour protection measures; and
- other criteria which the competition commission considers as necessary.

The competition organizer shall place an invitation in the mass media (in the official publisher of the Republic of Latvia) and on his or her website.

The following shall be indicated in the invitation:

- the name of the organizer of the competition;
- the information about property for lease;
- the type of use of the subterranean depths and name of the competition object;
- the initial leasing fee;
- the link to the competition regulation
- the time, place, procedure for the submission of tenders;
- the address and telephone number of a contact person to receive additional information; and
- another information, which the competition organizer considers to be necessary.

The competition organizer can use different means to ensure the opportunity of becoming acquainted with the invitation.

The deadline for the submission of tenders may not be shorter than 10 working days following the publication of the invitation in the mass media and placement on the website.

So that the competition organizer may evaluate the applicants according to the Regulation No. 696 "Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources, and Leasing Procedure for the Land Owned by Public Person" (LV-L7) the applicants shall submit the following documents:

- information regarding qualification of staff and technical equipment for the extraction of mineral resources;
- information regarding the experience in the extraction of mineral resources;

- the work program which includes the description of the processing technology of the deposit of mineral resources, environmental and labour protection measures; and
- documents regarding financial situation.

The competition organizer shall be assured that the applicant has not been declared as being insolvent, is not in the process of liquidation or the economic activity thereof has not been suspended or terminated.

The competition organizer, if necessary, shall request geological information from State Ltd "**Latvian Environment, Geology and Meteorology Centre**" for competition needs in which compilation of the data regarding the structure of the subterranean depths, properties of mineral resources and stocks in the object transferred for competition or tendering is provided.

Tenders shall be evaluated by the competition commission in accordance with the five point system regarding each criterion specified in the competition regulations..

A competition commission is entitled to request additional information which is necessary to evaluate the tender. If the applicant fails to provide it or provides false information, the applicant shall be deleted from the list of competition participants.

If one applicant is participating in a competition, the competition commission may recognize this applicant as the winner of the competition, if the average final score of the applicant's tender exceeds 60% of the maximum possible amount of points.

The rights of extraction of mineral resources shall be granted in tendering if the organization of a tender is anticipated in the regulations of the competition and several applicants have been selected during the competition, whose average final score of tenders submitted by them exceeds 60% of the maximum possible amount of points. A competition shall be considered as not having taken place if no applicants have applied or the average final score of any of the tenders does not exceed 60% of the maximum possible amount of points.

The competition organizer shall publish the competition results in the mass media (in the official publisher of the Republic of Latvia) and place them on his or her website within ten working days following the coming into effect of the commission's decision.

The decision of the competition organizer regarding the competition results may be disputed and appealed in accordance with the procedures specified in the Administrative Procedure Law.

If Land is leased on the tender or auction, the rent fee is the highest offered price or highest bid. Tender or Auction starting price is determined according to a certified appraiser of the land rent market assessment. Lessee additionally to the rent fee shall also pay other taxes according to normative acts. In both cases, the lessee shall also pay other taxes according to normative acts.

Period for the use of subterranean depths is linked with land lease period:

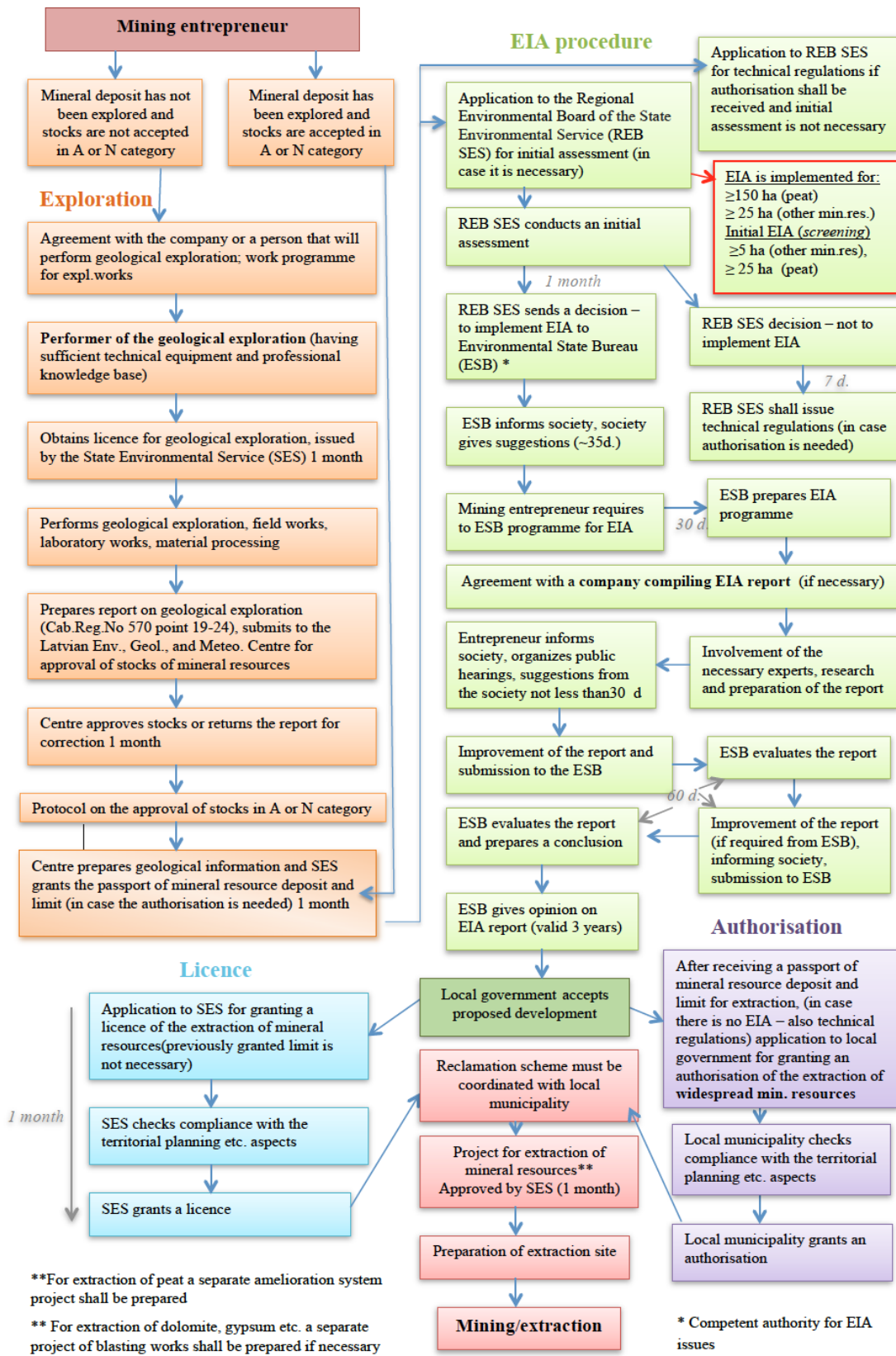
- for prospecting or exploration - up to 5 years,
- for extraction - up to 25 years, peat – 75 years,
- geological exploration with the following extraction - up to 30 years.

Is the mineral deposit explored? (Step 2)

When the person or company has acquired a deposit or lease rights (the next steps are shown in Fig. 3) it is necessary to clarify whether the geological survey has been carried out and whether the stocks are accepted A (accepted) or N (assessed) category as it is possible to extract minerals just in case the stocks are accepted A or N category. This information can be found in the State Limited Liability Company "Latvian Environment, Geology and Meteorology Centre" Geology Funds (archive).

If the territory intended for the extraction of mineral resources has not been previously explored or stocks are not accepted then, before commencement of the extraction of mineral resources, geological exploration thereof shall be performed in accordance with the requirements specified in the Cabinet Regulations Nr.570. (LV-L5) report of the geological exploration should be submitted to the Latvian Environment, Geology and Meteorology Centre for approval.

Fig. 3: Latvia. Action plan to receive a licence or authorisation.



Source: Ilze Ozola.

Passport of the deposit and extraction limit (Step 4)

When the exploration has been carried out, and stocks of mineral resources approved, person or company should submit an application to the State Environmental Service for granting a passport of the deposit and separate extraction limit (in case of obtaining the authorisation from municipality).

Procedure is described in Cabinet Regulation No. 696 Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources, and Leasing Procedure for the Land Owned by Public Person (LV-L7).

For the extraction of mineral resources (except ground water), the State Environmental Service shall:

- issue a valid passport of the deposit of mineral resources (except ground water), which shall contain the basic information regarding the deposit of mineral resources acquired during geological exploration, the accepted stocks, the quality of the stocks of mineral resources and the opportunities for use; and
- determine the limit for the extraction of mineral resources – the maximum permitted amount of the extraction of mineral resources in a specified time period in a deposit of mineral resources or a part of the deposit.

To receive a passport of the deposit of mineral resources or a determined limit for the extraction of mineral resources, the appropriate application shall be submitted to the Service. The following information shall be included in the application:

- the date and place of submitting the application;
- the given name, surname and personal identity number of the applicant or the merchant firm and registration number in the Commercial Register, the telephone number, and e-mail address;
- the name of the document being requested;
- the administrative affiliation of the deposit of mineral resources and the address (if possible); and
- the name of the deposit of mineral resources in accordance with the register of deposits of mineral resources.

The following shall be appended to the application:

- if the application is not submitted by the landowner – a copy of the contact entered into with the land owner, legal possessor or authorized person regarding the extraction of mineral resources; and
- if a limit is being requested for part of a deposit – a scale plan of 1:10000 or other appropriate scale in which the depicted borders and border points of the territory anticipated for the extraction of mineral resources can be seen, as well as an appended list of the coordinates of the border points in the form of a table.

If all the information is not submitted, the Service shall request the missing information in writing, not later than 10 working days following the receipt of the application.

The State Environmental Service issues a valid passport of the deposit of mineral resources and determines the limit for the extraction of mineral resources within 1 month from application submission.

Environmental Impact Assessment (Step 5)

Environmental impact assessment is a multi-stage procedure performed in accordance with the requirements of law "On environmental impact assessment" and Cabinet Regulations No. 18 *The procedure for assessing the environmental impact and acceptance of the intended activity* (LV-L26).

When the passport and the limit have been received, the application must be submitted to the Regional Environmental Board to perform initial EIA in case it is necessary. If the decision is not to apply EIA, the applicant receives technical rules in case the authorisation shall be received at municipality. If the competent authority (Environment State Bureau) decide to implement an EIA procedure, the applicant will be required to submit an EIA report, the contents of which corresponds to the program developed by the Environment State Bureau.

The electronic version of the EIA report is placed on the website of the initiator of the intended activity or his/hers authorized representative, and submitted in the printed form to the municipality, in which territory the intended activity is planned to be implemented, as well as to the institutions and organizations specified in the programme. At the same time the initiator also publishes on the internet and at least in one local newspaper a notice on possibilities to access the prepared report and associated documents, and to submit written recommendations and participate in the public discussion, which is to take place for the duration of 30 days and during which a public hearing is being held.

Following the public hearing, the report is supplemented by the review on public participation and submitted recommendations and commentaries. In if necessary the report is accordingly updated.

The final version of the report is submitted to the Environment State Bureau, which examines the report and issues an opinion setting out the conditions under which the proposed activity is to be implemented or not allowed. In accordance with the legislation, the opinion on the report has to be issued within 60 days, yet the deadline can be extended following the Administrative Procedure Law or in case if the Environment State Bureau asks for additional information from the initiator.

The decision on acceptance of intended activity is made by the governmental institution, municipalities, or other institutions in accordance with the law, or Cabinet of Ministers. The decision has to be made within 60 days, taking into consideration contents of the report, results of the public discussion and Environment State Bureau's opinion on the EIA report.

Obtaining a licence or authorisation (Step 6)

Scheme below (Fig. 4) explains when a licence and when an authorisation is necessary.

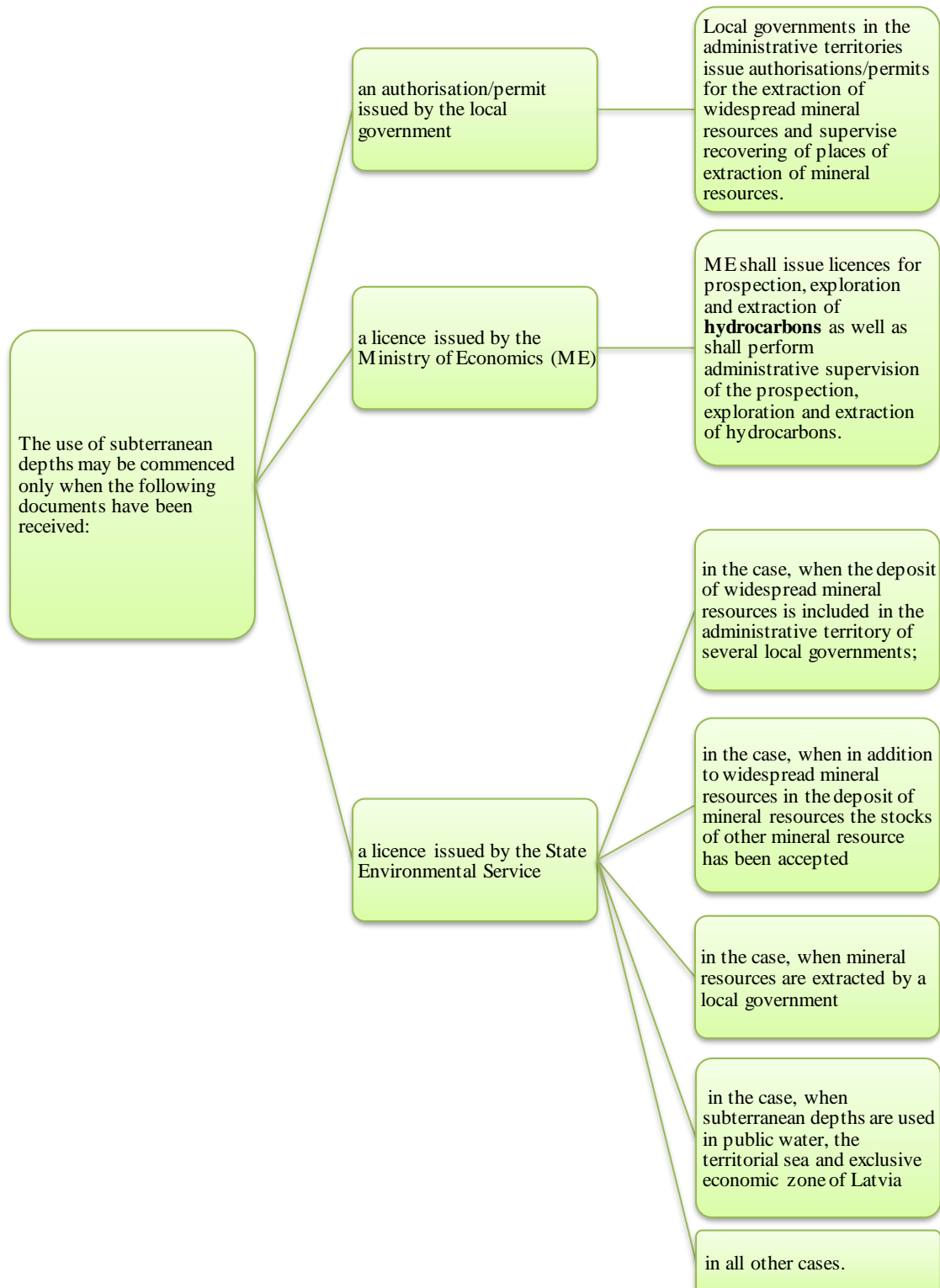


Fig. 4: Latvia. Explanation when a licence or authorisation is necessary.

Source: Ilze Ozola.

According to the Section 9 of the Law On Subterranean Depths a licence for the use of subterranean depths or an authorisation for the extraction of widespread mineral resources shall be issued, as well as State or local government land shall be leased for the use of subterranean depths or transferred for the use for the following periods of time:

- for geological, hydrogeological, engineering geological, geo-ecological or geophysical exploration, exploration of mineral resources, establishment of a monitoring system of subterranean depths or performing of monitoring thereof – for the period of time up to 5 years;
- for prospection of mineral resources – for the period of time up to five years;
- for the extraction of mineral resources– for the period of time up to 25 years; and
- for geological exploration and extraction of mineral resources which follows to it – for the period of time up to 30 years;
- For extraction of peat – for the period of time up to 75 years.

Usually, person or company applies for the extraction licence the same time period as the land lease agreement is, but if they don't ask any term, State Environmental Service clarifies the term (as it has to be indicated in application). In all the cases (except for peat) the term cannot exceed 25 years, for exploration with the following extraction – 30 years.

To receive a licence application for the receipt of a licence shall be submitted to the State Environmental Service. The following information shall be included in the application:

- the date and place of submitting the application;
- the given name, surname and personal identity number of the applicant or the merchant firm and registration number in the Commercial Register, the telephone number, and e-mail address;
- the type of use of subterranean depths;
- the administrative affiliation of the territory intended for the use of subterranean depths and the address (if possible); and
- **the time period for which the licence is requested.**

The following shall be appended to the application:

- if a person who is not the owner of the land requires a licence or authorisation – a copy of the agreement entered into with the owner of the land, the legal possessor or authorized person regarding the use of subterranean depths. In order to receive a licence for the liquidation of a borehole, a copy of the agreement entered into with the owner of the borehole shall also be submitted, if the borehole does not belong to the owner of the land. If a licence is being requested for one of the types of use of subterranean depths referred to in Paragraph 4 of this Regulation, the agreement with the owner of the land need not be submitted;
- information regarding the qualifications of personnel and the technical facilities anticipated for the performance of the work in conformity with the type of use of subterranean depths indicated in the application;
- the work program coordinated with the commissioning party of the work (**except where a licence or authorisation is being requested for the extraction of mineral resources**);
- a map with a scale of 1:10000-1:50000 or another appropriate scale in which the territory intended for the use of subterranean depths is clearly depicted, except for cases where a licence is being requested for the types of use of subterranean depths referred to in Paragraph four of this Regulation. **If a licence is being requested for geological exploration, the coordinates of the border points of the anticipated territory shall be indicated.** If a licence is being requested for the installation or liquidation of a borehole, a border plan of the land on which the location of the boreholes is depicted shall be submitted;
- if a competition or tender has been organised for the rights of land lease and the receipt of a licence - the decision regarding the competition or tender results; and

- if the territory intended for the use of subterranean depths is located within the protection zone of State protected cultural monuments – written consent of the State Inspection for Heritage Protection.

The addressee of a licence shall enter into an agreement with the landowner regarding the rights to use subterranean depths during the term of validity of the licences before the commencement of the work, prepare a work program and notify the Service regarding the intended works and the time for fulfilment thereof in case the licence is received for prospecting minerals throughout territory of Latvia.

In order to receive an authorisation, an application for the receipt of an authorisation shall be submitted to the self-government. The following information shall be included in the application the same information as for the licence is necessary, except the time period for which the authorisation is requested, because the **authorisation shall be issued for the period of time specified in the limit for the extraction of mineral resources.**

The following shall be appended to the application for authorisation:

- the passport of deposits of mineral resources;
- the limit for the extraction of mineral resources issued by the Service;
- the technical regulations issued by the relevant regional environmental board of the Service;
- if a person who is not the owner of the land is requesting a licence or authorisation – a copy of the agreement entered into with the owner of the land, the legal possessor or authorized person regarding the use of subterranean depths;
- information regarding the qualification of the personnel and technical equipment intended for the performance of works;
- if a competition or tender has taken place for the rights of land lease and the receipt of an authorisation and the organiser of the competition is not a local government - the decision regarding the competition or tender results; and
- if the territory intended for the use of subterranean depths is located within the protection zone of State protected cultural monuments – written consent of the State Inspection for Heritage Protection.

If all the information mentioned above is not submitted, the issuer of the licence or authorisation shall request the missing information in writing, not later than 10 working days following the receipt of the application.

The Service or self-government may issue the licence or authorisation in the form of an electronic document in accordance with the procedures specified by the regulatory enactments regulating the circulation of electronic documents, if the applicant has expressed such a request.

If it transpires that the applicant has provided false information, the issuer of the licence or authorisation shall take a decision not to issue the licence or authorisation.

The licence or authorisation shall have the following annexes:

- the conditions for use of subterranean depths (requirements to be observed when using subterranean depths);
- a map or plan in which the borders of the land parcels and the borders of the licence area with border points in the ownership or possession of the addressee of the licence or the authorisation are delineated and to which is appended a table with the co-ordinates of the border; and

- the limit for extraction of mineral resources specified by the Service.

A licence or authorisation could be extended until the time periods indicated in Section 9 of the Law On Subterranean Depths (listed at the beginning of this chapter) counting from the day of issue, if this is permitted by the agreement entered into by the land owner, the legal possessor or the authorised person.

A local government shall notify the Service regarding the authorisations issued and canceled once a quarter up to the twentieth day of the month following thereof.

If information has changed during the term of validity of a licence or authorisation which is indicated in the issued licence or authorisation (the merchant name (company) or legal address), within 10 working days following the coming into effect of the relevant changes the merchant shall submit an application to the issuer of the licence or authorisation regarding the necessary amendments to the licence or authorisation. Documents certifying the facts referred to therein shall be appended to the application. The issuer of the licence or authorisation shall re-register the licence or authorisation in the name of the new addressee of the licence or authorisation in accordance with the changes registered in the Commercial Register.

The issuer of issued licences or authorisations shall place information regarding them on his or her website. An issuer of a licence or authorisation shall also place information on his or her website regarding the restriction or suspension of use of subterranean depths or the cancellation of licences or authorisations.

A licence can be appealed in Environment State Bureau.

A person may receive a licence for the use of subterranean depths for up to one year throughout the territory of Latvia, or a part thereof, if it is intended to use the subterranean depths for:

- geological engineering exploration for the needs of group II structures, for geological or geophysical exploration;
- the establishment of a monitoring system of subterranean depths or for the performance of monitoring; or
- **prospecting for mineral resources.**

If within 3 years after obtaining a licence extraction of mineral deposits is not started, the licence may be cancelled.

To extract minerals at deposit of mineral resources of national significance a **licence** (not authorisation) shall be obtained.

Fee for a licence, an authorisation and a passport of the deposit

The State fee shall be paid for a licence for use of subterranean depths, an authorisation for the extraction of widespread mineral resources and a passport of the deposit. The amount of the State fee and procedures for payment shall be determined by the Cabinet

According Cabinet Regulation No. 1055 (adopted 19 December 2006) *Regulations regarding the State Fee for a Licence for Use of Subsoil, an Authorisation for the Extraction of Widespread Mineral Resources and a Passport of the Deposit (LV-L16)*, the State fee for licences for use of subsoil shall be the following:

- for geological, hydrogeological, geological engineering, geocological and geophysical research for a time period up to five years – 106,72 euro;

- for geological, hydrogeological, geological engineering, geoecological and geophysical research and for the construction of structures of geo-technical category for a time period up to one year – 142,29 *euro*;
- for geological research and further extraction of mineral resources – 284,57 *euro*;
- for extraction of mineral resources (for the licence that is issued by the State Environmental Service in the cases specified by the Law On Subsoil) – 213,43 *euro*;

The State fee for the passports of deposits of mineral resources shall be the following:

- for the passports of deposits of mineral resources (except for groundwater) that have been prepared, using the materials of the State Geology Fund – 213,43 *euro*;
- for the passports of deposits of mineral resources (except for groundwater) that have been prepared, using materials belonging to the commissioning party – 142,29 *euro*;

The State fee for the authorisation for the extraction of widespread mineral resources shall be 142,29 *euro*.

There is no state fee for preparing a separate limit (in case of obtaining an authorisation at municipality) and approval of project for extraction of mineral resources/project of blasting works.

The State fee for the licence for use of subsoil and the passport of the deposit shall be included in the State basic budget, but the State fee for the authorisation for the extraction of widespread mineral resources – in the budget of the local government, in the administrative territory of which the widespread mineral resources are located.

For the use of **subterranean depths in public water**, the territorial sea and exclusive economic zone of the Republic of Latvia, the licences for the use of subterranean depths shall be issued in accordance with the competition procedures.

Subterranean depths and the construction of underground and surface structures

If as a result of the construction of underground and surface structures, including the installation ponds and other bodies of water, cleaning of surface bodies of water or deepening, mineral resources are obtained and it is intended to realise them, then an authorisation for the use of the natural resources issued by the regional Environmental Board shall be required.

Performing construction of surface and underground structures, cleaning and deepening works of surface bodies of water as a result of which mineral resources in an amount of less than 1 000 cubic meters are obtained, the authorisation specified in Paragraph one of this Section is not required.

If as a result of establishment, cleaning or deepening of surface water bodies mineral resources are extracted, the licence (and all the other documentation (passport, project etc.) for the use of subterranean depths shall be received in cases when:

- a surface water body is established, cleaned or deepened within a territory of a deposit of mineral resources included in the register of deposits of mineral resources;
- during establishment of one or several surface water bodies it is intended to extract the mineral resources referred to in Annex to this Law in amount of not exceeding 20 000 cubic meters; and
- during the establishment of a surface water body it is intended to extract mineral resources, which are not referred to in Annex to this Law.

State Environmental Service issue permits for storage of **waste from extraction**. The State Environmental Service examine a submission on a permit for storage of waste from extraction and take a decision within a time period which is no longer than 60 days.

It is prohibited to pledge, sell, give as present, change or otherwise alienate licences for the use of subterranean depths and the authorisations for the extraction of widespread mineral resources. If the user of the subterranean depths changes, a licence or authorisation issued previously shall lose its effect, but the new user of the subterranean depths has the right to receive a new licence or authorisation without competition (tender), if he or she undertakes the duties specified in the licence or authorisation issued previously.

Average length to get an extraction permit

To start to extract mineral deposits it can take 1-2 years (if EIA is necessary).

1.7. Court cases on permitting procedures

The procedural and institutional framework of court appeals

Latvia has a three-tier court system:

- **district (city) courts**
- **regional courts**
- **the Supreme Court**

The current three-tier judicial system secures the option to appeal court decisions adopted by the court of the first instance, and the repeated hearing of a case in appeal and cassation instances.

District (city) courts are courts of the first instance in which civil cases, criminal cases, and administrative cases are heard.

Regional courts are courts of the first instance for civil cases and criminal cases which fall under the jurisdiction of a regional court in accordance with the law. Regional courts are also *De Novo* appeals in criminal cases, civil cases, and administrative cases, which have been heard by the district (city) court.

The Supreme Court is composed of two separate instances – the Senate and two Court Chambers – the Chamber of Civil Cases and the Chamber of Criminal Cases representing *De Novo* appeals in cases, which have been tried by regional courts as courts of the first instance. Conversely, the Senate is the cassation appeal for all cases and the court of the first instance for cases on the decisions of the State Control Council adopted under the procedure set forth in Section 55 of the State Control Law. The Senate is the highest and final instance in the country.

Land Registry Offices form a part of the district (city) court system. They secure the registration of immovable property and related title in the land registers, as well as reviewing applications regarding the undisputable coercive enforcement of obligations and coercive enforcement of obligations under a warning procedure. All data in the computerized land registries of the Land Registry Offices are aggregated in the State Unified Computerized Land Register.

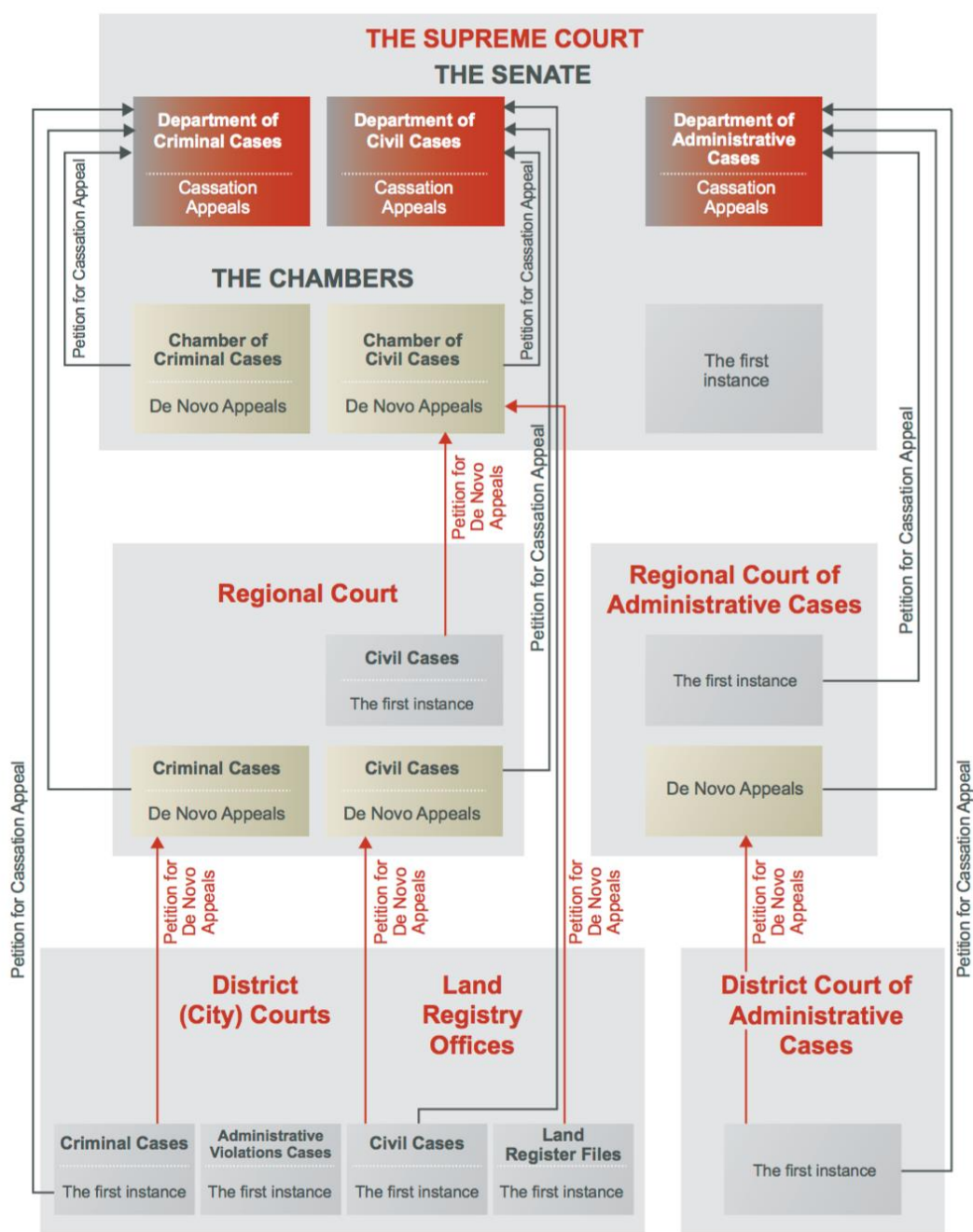


Fig. 5: Latvia. Court system.

Source: https://www.ta.gov.lv/UserFiles/TA_buklets_ENG.pdf

Most decisive and representative court judgements

Only court case regarding licenses

The only conflict that has gone to the court level (from 2010 to 2019) was the case when the State Environmental Service on 6th July 2011 issued a license to *Company ABC* for extraction of subterranean depths (in this case – peat). *NGO XXX* and three neighbouring landowners disputed and asked to cancel a license issued by the State Environmental Service.

Company ABC planned to excavate pond in total area 9.8 ha, then discovered peat deposits in the area, therefore applied for a license.

The applicants in the appeal application indicated that the license area is in conflict with the land use plan because by the land use plan and building regulations in this area is allowed partly forestry activities and partly recreation in nature and historical environment. The applicants' opinion was that the license has been issued unlawfully and is contrary to the Regulations No. 280 Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources and general procedure for use of geological information of April 24, 2007. On 6th September 2011 new version of these regulations was approved and thus changed the number of the Regulations – No.696.

The first institution where the license can be appealed is the State Environment Bureau and on 25 November 2011, decided (decision No. 24-s) to cancel the license issued by the State Environmental Service on July 6, 2011, because it is contrary to the land use plan. Later on - in January 2012 Company ABC appealed this decision to Administrative Court.

Appeal was based on following arguments:

- Company ABC is planning to excavate pond on its private land. According to the land use plan in the zone called "Forest". The company received a letter from local government with an explanation that it is allowed to use land, buildings, create new structures according to planned land use, it is also authorized to perform extra activities if they do not conflict with the landscape and environmental protection requirements. With this local government approves that pond extraction is not contrary to the land use plan. Besides one of the points in land use plan of particular district says that it is allowed to make ponds according to detailed land use plan or building design.
- According to the Law on Subterranean Depths Section 111 point 1 and three licenses in such and similar cases is necessary. As it was mentioned above peat will be excavated in approx.9.8 ha.

Citation from Law on Subterranean Depths:

Section 11. Use of Subterranean Depths Without an Authorisation for the Extraction of Mineral Resources or a License for the Use of Subterranean Depths

(1) Landowners or their authorized persons shall use the subterranean depths, except hydrocarbons, within the boundaries of their property without a license for the use of subterranean depths or authorisation for the extraction of mineral resources in the following cases:

- 1) for the extraction of the widespread mineral resources specified in Annex to this Law in the total area up to 0.5 hectares and in depths up to 2 metres, if the mineral resources extracted are used within the boundaries of their land property; and
- 2) in installing and using concrete ring wells and boreholes of water abstraction in depths up to 20 meters if it is intended to abstract not more than ten cubic meters ground water per day.

Section 111. Use of Subterranean Depths when Acquiring Mineral Resources as a Result of the Construction of Underground and Surface Structures

- (1) If as a result of the construction of underground and surface structures, including the installation ponds and other bodies of water, cleaning of surface bodies of water or deepening, mineral resources are obtained, and it is intended to realise them, then an authorisation for the use of the natural resources issued by the Regional Environmental Board shall be required.
- (2) Performing construction of surface and underground structures, cleaning and deepening works of surface bodies of water as a result of which mineral resources in

an amount of less than 1 000 cubic meters are obtained, the authorisation specified in Paragraph one of this Section is not required.

- (3) If as a result of establishment, cleaning or deepening of surface water bodies mineral resources are extracted, the license for the use of subterranean depths shall be received in cases when:
- 1) a surface water body is established, cleaned or deepened within a territory of a deposit of mineral resources included in the register of deposits of mineral resources;
 - 2) during establishment of one or several surface water bodies it is intended to extract the mineral resources referred to in Annex to this Law in amount of not exceeding 20 000 cubic meters; and
 - 3) during the establishment of a surface water body it is intended to extract mineral resources, which are not referred to in Annex to this Law.

Annex

List of Widespread Mineral Resources

1. Clay.
2. Sand, sand-gravel.
3. Loose freshwater rocks.
4. Peat deposits up to the area of 5 hectares within the borders of the property owned by one owner.
5. Loam, sandy loam, aleirite.

Four other institutions based their decisions on the same documents Environmental State Bureau issued and then cancelled the license. Thus, leads to the conclusion that four institutions issued unlawful documents in this case and also in other similar cases.

Company ABC does not agree that pond excavation will result in a harmful impact on surrounding environment, lead to increased and faster water runoff and develop soil erosion, as well will create other hydrological changes. Pond project conforms to the environmental protection requirements and because the area is smaller than 25 ha EIA is not necessary.

On 3rd September 2012 State Environmental Bureau decided (Decision No.31-s) to cancel decision No.24-s and to leave the decision of State Environmental Service to issue a license to Company ABC unchanged.

On 9th October 2012 Administrative District Court received an application from person A.V. (landowner of the neighbouring land) to cancel decision No.31-s, due to following reasons:

- State Environmental Bureau should take into account stakeholder opinion and issue a new license and not renew the old one.

- In the land use plan of the district is not mentioned pond management activities, not mentioning even peat extraction.
- By allowing mineral extraction in real estate is unreasonably violated the applicant's rights to a favourable environment and the rights to a property because
- peat extraction works can increase a noise level, an amount of dust due to the peat transportation and changes in the ground water levels.

The court decided to cancel decision No.24-s about license cancellation and to reject third persons A.V. appellation.

- According to the Law on Subterranean Depths Section 111, Environmental State Bureau must issue a license to the Company ABC.
- Regulations No. 280 of 24 April 2007 Procedure for the Issue of Licenses for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources and general procedure for use of geological information has following requirements for license issue:
 - the area has been geologically explored and mineral resources of A or N category have been confirmed,
 - if the use of subterranean depths is defined as planned land use of the area in the land use plan of the local government.

While the regulations No. 696 Procedure for the Issue of Licences for the Use of Subterranean Depths and Authorisations for the Extraction of Widespread Mineral Resources, and Leasing Procedure for the Land Owned by Public Person (new version of the Regulations No.280) does not require the second point anymore. That means that until 1 September 2011 license could be received only if the use of subterranean depths were included in the Land use plan. After 29 September 2011, such a requirement no longer exists. The license was cancelled on 25 November 2011 when the requirement for land use plan no longer existed.

Court from the submitted materials concluded that area had been geologically explored and mineral resources of A or N category have been confirmed, therefore at the decision-making moment, there were (and still are) preconditions for issuance of a license.

Regarding person, A.V. application Court decided to reject it, because in the materials submitted to the court all person A.V. arguments has justified counter-arguments.

1.8. Success rates of exploration and extraction permits

With regard to permitting success rates, in 2017 and 2018 for extraction and exploration the rate reached an 84% and 99% respectively. Mining is more limited with normative acts (greater impact on the environment, society, etc.), therefore the success rate is lower than for exploration licences.

1.9. EU legislation impacting permits and licenses for exploration and extraction

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

In Latvia, there are no restrictions regarding who can perform the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights. To receive a permit the private or legal entities has to prove that they have all necessary equipment and knowledge.

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

For the extraction of mineral resources (except ground water), it is necessary to have permit, but to get permit miner should receive:

- passport of the deposit of mineral resources (except ground water), which shall contain the basic information regarding the deposit of mineral resources acquired during geological exploration, the accepted stocks, the quality of the stocks of mineral resources and the opportunities for use;*
- the limit for the extraction of mineral resources – the maximum permitted amount of the extraction of mineral resources in a specified time period in a deposit of mineral resources or in a part of the deposit.*

To start geological exploration a person or company have to receive a licence for the use of subterranean depths. To receive license person or company should prove that:

- they have an appropriate education (at least BSc in Geology) or long experience in geological works,*
- have all necessary equipment for geological surveys.*

Report of the geological survey requires a signature of a geologist.

- 3) Do you have a legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

A procedure of financial guarantees is described in Cabinet Regulations No.470 (2011) "The Procedure for Management of Mining Waste" in paragraph IX.

Citation: (90) Before starting operations related to accumulation or deposit of mining waste in mining waste facility, the operator shall submit to the State Environmental Service copies of relevant documents (original document presented at the request of the State Environmental Service), which proves the existence of the financial guarantee in the form of financial security, security deposit, liability the execution of the insurance policy or credit guarantee.

Point No.92 describes that the decision on the amount of financial guarantees is determined by the State Environmental Service, taking into account several factors. One of them is (92.7.) assessment of the costs related to the remediation of the extractive waste facility closure and the implementation of measures following the closure of the facilities, including the potential for monitoring after closure or removal of pollutants. (93) This assessment is done by an independent expert with appropriate qualification.

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

The same regulations mentioned in previous answer Cabinet Regulations No.470 (2011) "The Procedure for Management of Mining Waste" paragraph I, point 7 lists criteria to determine inert mine waste. None of the regulations lists inert mine waste.

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and

of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Not known by the respondent

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

Not known by the respondent

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

There are following widespread mineral resources in Latvia:

- *clay,*
- *sand, sand-gravel,*
- *loose freshwater rocks,*
- *peat deposits,*
- *loam, sandy loam, alerite.*

Extraction of these mineral resources doesn't create mine waste; therefore there are isn't any company in Latvia that has mine waste management plan. But if there would be any in the future, they would prepare a separate plan for mine waste. Rules for general waste management are described in technical provisions in an authorisation/permit issued by the local government or in a license issued by the State Environmental Service.

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

Accounting Directive regarding extractive industry is transposed with a law On Statements by Commercial Companies Engaged in Mining or Logging of Primeval Forests on Payments to Administration Institutions (available <http://likumi.lv/doc.php?id=278004> look for translation on the right side of the page under "Tulkojums").

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

The Transparency Directive regarding extractive industry is transposed with a law On Statements by Commercial Companies Engaged in Mining or Logging of Primeval Forests on Payments to Administration Institutions (available <http://likumi.lv/doc.php?id=278004> look for translation on the right side of the page under "Tulkojums").

According to Section 4: A commercial company engaged in mining or logging of primeval forests has an obligation to draw up a statement each reporting year, within the meaning of Section 14 of the Law On Accounting, on the payments made to administration institutions, if it conforms to at least one of the following conditions:

- 1) *it is a large commercial company within the meaning of Section 5 of the Law On Annual Accounts and Consolidated Annual Accounts;*
- 2) *it is a public-interest commercial company.*

Currently, in Latvia we don't have any mining company that conforms to requirements set out in the Directive and above mentioned law. This Law also regulates where information on payments made to administration institutions can be found.

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

The State Environmental Service doesn't check CE marks of the exploration or extraction equipment when permitting or when having on-site inspections.

EC Regulation 765/2008 defines the main requirements of EU Member States' national accreditation bodies. According to Art. 12, Paragraph (2) of LLC "Standardization, Accreditation and Metrology Centre" Department of the Latvian National Accreditation Bureau has been notified to the European Commission as the Republic of Latvian National Accreditation Body.

- 11) Do you have national or regional guidance document or a piece of legislation specific to the Environmental Impact Assessment (EIA) on mineral extraction (incl. mineral processing, waste management, closure)? If yes, please provide link and/or text in English and/or in original language.

In Latvia environmental impact assessment is a multi-stage procedure performed in accordance with the requirements of law "On environmental impact assessment" (link: <https://likumi.lv/ta/id/51522-par-ietekmes-uz-vidi-novertejumu>, available also in English) and Cabinet Regulations No. 18 The procedure for assessing the environmental impact and acceptance of the intended activity (link: <https://likumi.lv/doc.php?id=271684>). The law and regulations only specify the cases when the EIA is necessary for mineral exploration and extraction. The procedure of EIA is not specific to the mineral exploration/extraction.

- 12) Could you please specify that at which permitting stage (value chain stage, e.g. non-penetrative prospection, exploration, setting mining plot, approving technical operation plan, starting extraction) is a detailed EIA is required in your country?

EIA is implemented in the earliest stage possible – before receiving the licence for exploration or extraction. EIA is usually implemented for mineral extraction, therefore is required after prospection and exploration. EIA is mandatory if the area for peat extraction is ≥ 150 ha, for other minerals: ≥ 25 ha. In other cases the initial EIA can be implemented to assess whether the EIA is necessary.

- 13) Does your country apply the option of Article 4(b) of the EIA Directive (2011/92/EU) („... for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10 ... through thresholds or criteria set by the Member State”) for mining projects? If yes, under what criteria?

Yes, Latvia applies the option of Article 4(b) of the EIA Directive (2011/92/EU). According to the law "On environmental impact assessment" EIA is mandatory if the area for peat extraction is ≥ 150 ha, for other minerals: ≥ 25 ha. In other cases the initial EIA can be implemented to assess whether the EIA is necessary. The initial EIA is implemented if the area for peat extraction is ≥ 25 ha, for other minerals: ≥ 5 ha.

- 14) Was there any case in your country when Article 10 of the EIA Directive (2011/92/EU) was applied („limitations ... with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest“)? Which were these exclusions, if any?

Such case is not known by the respondent.

- 15) Do competent authorities in your country apply the IPPC permit and the Extractive Waste BREF for mining under the scope of the Industrial Emissions Directive?

There are no underground mines in Latvia, the subsoil resources are mostly extracted in open pits (except hydrocarbons and groundwater). Individual limits of emissions from open pits can be set in licence and environmental permit provisions, technical regulations. During environmental impact assessment it is mandatory to determine the waste, emission type, calculate its amount and assess its predicted impact on environment.

- 16) Do you have national BREF(s) (Best Available Technique Reference Document(s)) specific to the whole (or stages or subsectors) minerals extractive sector?

No.