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ENVIRONMENTAL POLICY IN LATVIA

The opinions expressed in this paper do not necessarily represent the official view of the European Parliament.

Summary

A consequence of Latvia's secession from the economic grouping of the Soviet Union and its shift towards a market economy, has been major downturns in the economy in past years. As environmental policy had already been neglected during the Soviet era it was quite natural for the development of a forward-looking policy in this area to be given a low priority in this difficult economic and political transitional period.

In recent years, however, not least with support from the European Union, efforts have been stepped up to improve the environmental situation markedly and to bring legislation up to EU standards.

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ENVIRONMENTAL POLICY IN LATVIA

I. Foreword

Latvia covers an area of 64 589 km² and is thus the second largest of the three Baltic States. In 1996 the population was 2.48 million (38 inhabitants per km²) of whom about 826 000 lived in Riga, the capital city.

In 1991 Latvia, like Lithuania and Estonia, split from the Soviet Union and it has been an independent republic since 21 August 1991.

II. Environmental policy

1. Legal developments

1.1. Constitutional position

Environmental protection was incorporated into the constitution in 1991. As the 1922 constitution, which became valid once again following independence, had contained no provisions on this subject.

1.2. Framework legislation on environmental protection

The first framework laws on environmental protection date from 1959 and 1968. In 1991 a completely revised framework law on environmental protection was adopted.

In April 1995 the Latvian National Environmental Policy Plan (NEPP) was adopted and was intended to guarantee the consistent further development of Latvian environmental policy. It lists ten priority areas for environmental policy action. These include, waste disposal, transport and agriculture, drinking water quality and the generally more efficient use of natural resources. In 1995/96 a detailed action plan for environmental protection and nature conservation was drawn up.

In 1990 a tax for the conservation of natural resources was introduced as an environmental management instrument so that the revenue raised could be channelled into an environmental project fund. In addition, since 1996 an energy use tax has been in place, the revenue from which is also to be used for improvement measures in the environmental sector.

1.3. Principles of environmental law

The fundamental principles of environmental law, such as the polluter pays principle, the principle of the prudent use of natural resources and the right of free access to environmental information are now embodied in the legislation.

As part of the Task Force studies on the enlargement of the EU, a separate working document has been published on environmental policy and enlargement (PE 167.402) which deals with the environmental policy questions arising in the context of enlargement.

2. Administrative structures

2.1. State institutions

Since 1993 the ministry with responsibility for environmental protection has been the Ministry of Environmental Protection and Regional Development (MEPRD). This Ministry was created in order to improve the integration of environmental policy matters with the goal of the economic development of individual regions. In addition to nine regional subordinate authorities, a number of institutions such as the State Environment Impact Assessment Board, the State Environment Inspectorate, the Environment Consulting and Monitoring Centre and the Environment Data Centre all come under this Ministry.

There are also plans to set up an environmental protection agency to take over the functions of some of the institutions associated with the Environment Ministry in order to make the division of work more effective in future.

2.2. Non-governmental organizations (NGOs)

Since the beginning of the 1990s some NGOs have also been active in the environmental sector in Latvia their activities being mainly supported by organizations from the Scandinavian area. Efforts are being made to improve collaboration with government bodies in the future.

III. The environmental situation

1. General

In general the environmental situation in Latvia can be considered to be relatively good, in particular because of the low density of heavy industries.

However there are some 'hot spots' which are particularly badly affected by environmental pollution, in particular the largest industrial areas, the major traffic intersections and the former Soviet military bases.

The whole country is affected by certain environmental problems. These include damage to aquatic eco-systems through eutrophication, uncontrolled urban development, rising amounts of industrial and domestic waste and an increasingly excessive use of natural resources.

On the other hand Latvia has a relatively untouched natural environment, large areas of forest, undeveloped beaches and low levels of soil pollution.

2. Air

2.1. Situation

The main sources of air pollution are road traffic, industrial plants and thermal power stations.

The considerable increase in the number of motor vehicles registered in the 1990s led to an increase in pollutant emissions (by 11% between 1992 and 1993 alone). This applies in particular to ozone and nitrogen oxide concentrations in conurbations. Motor vehicles in Latvia are mainly Soviet produced vehicles and, increasingly, imported second-hand vehicles from Western Europe. The quality of the fuel used is already to a large extent in line with the relevant EU guidelines.

The total quantity of pollutant emissions from industry has fallen by about 40% between 1991 and 1995, as a result of the dramatic collapse of industrial production. During the same period emissions from thermal power plants declined by 25%.

Up to now SO₂ concentrations, measured using EU standards, have not been a matter for concern. However increasing use is being made of cheaper sulphurous fuels in the thermal power stations instead of the more environmentally friendly, but more expensive, natural gas. Latvia does not have a reliable monitoring system which would be able to provide short-term measurement results for specific areas and types of pollutants in addition to an assessment of the overall situation.

2.2. Legal position

The basic 1981 law on protection of the atmosphere is still in force more or less unchanged. The 1995 environment plan provides for a comprehensive revision of the legal bases and in particular differentiated tax provisions relating to the nature and scale of energy consumption are to be introduced in order to encourage the use of more environmentally-friendly energies. At the beginning of 1997 a provision entered into force for a gradual move towards more favourable taxation of lead-free as opposed to leaded fuels.

The Latvian system of setting air quality standards does not yet completely match that of Western European states. In particular there are no limit values for dust and carcinogens. New standards based on WHO guidelines are currently in preparation.

3. Water

3.1. Situation

Most of Latvian waters must be considered to be slightly or moderately polluted. The main cause is the discharge of organic substances from untreated waste water and runoff from intensively cultivated agricultural land with the associated reduction in the oxygen content (eutrophication). However, in the period 1991 to 1994 there was a marked drop in waste water quantities (27%) and thus also of water pollution. This circumstance was due to the noticeable decline in industrial production and the putting into operation of some sewage treatment plants. The reduced agricultural activity in recent years led to a decline in nitrate emissions.

The Gulf of Riga and the coastal waters of the Baltic are affected by the discharges from the rivers flowing into them, which leads to a constant rise in phosphorous and nitrogen concentrations. The problem of eutrophication causes a reduction in the oxygen content, in

particular in the summer months. As a whole this area can be classified as moderately polluted, with the level of pollution being particularly high at certain points, for example in the immediate vicinity of estuaries, ports and mineral workings. For these reasons bathing restrictions have been required repeatedly.

Latvia has a natural wealth of ground water resources which, with the exception of a few areas, can guarantee water supplies of acceptable quality. The pollution of ground water is caused chiefly by industrial plants, waste disposal sites and agricultural activities.

Recent studies have shown that 30% of the drinking water in local water supply systems does not satisfy the relevant Latvian quality standards because of high levels of chemical pollution and 8% because of excessive bacteriological pollution. This situation is mainly caused by the lack of sewage treatment plants and the generally poor technical condition of the waste water systems.

3.2. Legal position

Until now there has been no properly functioning water management legislation in Latvia. The current water law was adopted during the Soviet period.

Since 1991 there has been a provision which specifies that the authorities which are subordinate to the Environment Ministry must issue permits for water consumption and the discharge of waste water. As this provision was not considered adequate to achieve an improvement in water quality, work is proceeding on a system to lay down precise quality standards, geared towards the existing EU directives. The 1995 Environment Plan gives priority to action against transboundary water pollution, eutrophication of water courses and improvement of inadequate drinking water quality. To this end a target has been set of a 50% reduction of nitrogen discharges by 2010.

4. Waste

4.1. Situation

In past years there has been an increase in the quantity of waste, chiefly because of packaging waste following the growth in imports of products from Western countries. The considerable changes in government administrations and other industrial production processes have involved a smaller percentage of recycling and re-use. Nonetheless, the amounts of waste per capita are still well below those of the EU Member States (only about 50%). There has been a considerable increase in hazardous waste from the industry and energy sectors.

In Latvia most waste is dumped and only a very small proportion of hazardous waste is incinerated. In 1995 there were about 600 registered dumps for domestic and industrial waste, although their technical standard only partly satisfied the necessary environmental requirements and they were therefore responsible for the pollution of soil and ground water in the immediate vicinity. The dumps are under the supervision of local environmental protection and health authorities. It is also suspected that because of inadequate controls during the economic transition process several hundred illegal dumps were established. A particular problem is presented by the hazardous waste abandoned without any controls by the Soviet or Russian army on previous military sites.

4.2. Legal position

In Latvia there is no framework legislation on the treatment of domestic waste and non-hazardous industrial waste. The current local district law states only that the local authorities are responsible for the collection, transport and safe disposal of the waste occurring in their area. In 1993 a law on hazardous waste was adopted which sets out general definitions and the framework conditions for dealing with hazardous waste. It is basically in line with EU guidelines.

Since 1996 the government has been working on a comprehensive waste management system which should also cover the scale of investment needed and changes to organizational processes in this sector.

5. Nature conservation

5.1. Situation

Latvia has a great diversity of natural habitats and landscapes. Because land use is relatively non-intensive, plant and animal species can still be found in the country which are severely endangered or are already extinct in other parts of Europe. In 1995 17 000 animal and 8 000 plant species were recorded.

Some wetland and moorland areas, which in total cover more than 10% of the country's territory, are recognized as being of international value. In addition a large part of the coastal area is largely untouched as during the Soviet era for military reasons it could not be used for economic purposes. 44% of the territory is wooded and the biological diversity of the forests could be maintained because there was no intensive forestry exploitation.

Nature and biological diversity have, however, been affected by the dramatic economic and social changes of recent years. Economic problems have led to a more intensive exploitation of natural resources, such as the clear felling of forests for the timber trade, illegal hunting and fishing activities and uncontrolled building in the coastal area in relation to tourist activities. A considerable proportion of the forests is slightly or moderately damaged by air pollution. Soils show a relatively low level of heavy metals pollution but are affected by nutrient inputs from agriculture, although fertilizer consumption has recently declined sharply. In addition part of the coastal region is affected by erosion.

5.2. Legal position

The basic nature conservation law was enacted in 1989 before independence and it is still in force. It governs the conservation of endangered species and the establishment of reserves. Since 1993 there has been a further more detailed provision in this latter area which was set out the powers and responsibilities of authorities and land owners. In 1994 a new law on forestry management entered into force.

The protection and conservation of biological diversity and natural landscapes is an important objective of the Environment Plan (NEPP) adopted in 1995. Lists of endangered species and measures for their conservation have already been drawn up. In addition, in view of the unsatisfactory current situation, a system is to be set up which monitors and assesses the situation of and changes in natural habitats. Local authorities are to be given greater powers in this area. However further steps are needed to bring provisions into line with the relevant EU guidelines.

In total 6.8% of Latvia's territory has the status of a protected area or nature reserve. In 1995 areas included one national park (Videzeme north), 11 nature reserves and five protected areas.

6. Nuclear safety

6.1. Situation

Latvia operates a research reactor at Salaspils which the government agreed to close down in 1996 and for which there is a decommissioning plan. There is no nuclear energy programme.

In 1994 the country's three monitoring stations measured no harmful radioactive pollution in

excess of current limit values. The higher caesium levels measured near the coast are considered to be persistent long-term consequences of the 1986 Chernobyl disaster.

6.2. Legal position

As it has no nuclear energy programme, Latvia has as yet not joined any of the international organizations active in this field. However a series of domestic legal provisions have been adopted to implement the relevant provisions and others are in preparation. Latvia has also concluded a complete monitoring agreement with the IAEA. A law regulating radiation protection and nuclear safety has been in force since 1994.

IV. Latvia and the European Union

Since gaining independence in 1991 Latvia has had European integration as a foreign policy objective and considers full membership of the EU to be a priority. As part of its integration strategy Latvia has formed a European Integration Council to which the main specialist ministers belong and which is meant to coordinate the implementation of the national programme for EU integration.

1. Europe Agreement and White Paper

Following a trade and cooperation agreement (1992) and a free trade agreement (1994) Latvia, together with other central and eastern European countries, signed the Europe Agreement (Association Agreement) with the European Union on 12 June 1995 and ratified it on 31 August 1995.

The Europe Agreement with Latvia provides that Latvia and the EU will cooperate in the following areas of environmental protection:

- effective measurement and monitoring of environmental pollution.
- action against local, regional and transboundary air and water pollution,
- classification and safe use of chemicals,
- reduction of wastage of resources, improvement of the recycling system and safe disposal,
- environmentally appropriate agriculture.

In order to achieve these objectives the agreement includes the following instruments:

- transfer of technology and know-how,
- exchange of information and experts,
- training programmes
- harmonization of environmental legislation.

Latvia submitted its application for accession to the European Union on 13 October 1995 and the Council of Ministers decided on 30 October 1995 to start the procedure pursuant to Article O of the Treaty on European Union, which provides for consultation of the Commission. The Commission's opinion was published in July 1997.

Part of the accession strategy is the White Paper on the preparation of the associated countries of central and eastern Europe for integration into the internal market of the Union. The annex to the White Paper lists the core legislation constituting the *acquis communautaire* to be transposed prior to accession, including 70 pieces of environmental legislation in relation to the internal market. On 25 August 1997 in the guidelines on the approximation of European environmental law the Commission added to this listing the legislation not already included in the White Paper.

2. The PHARE programme

The PHARE programme, which is geared towards the preparation of the CEEC for accession and mainly implements practical measures to support the applicant countries, is also one of the most important Community programmes in the environmental sector.

The EU's technical and financial aid for Latvia was started in 1991 under the TACIS programme and extended from 1992 under the PHARE programme. In the period 1995 to 1997 Latvia was allocated a total of ECU 112 million from PHARE funds. Subject to approval of the PHARE budget for the remaining period, the Commission will confirm the allocations for 1998 and 1999. In addition Latvia can receive assistance from the 'catch-up facility' planned for 1998¹.

The environmental protection and nuclear safety sectors received a total of ECU 6.6 million between 1992 and 1997.

The table below shows the allocation of PHARE funds in the environmental sector for the CEEC:

Table 1

Environment and nuclear safety Funds allocated by country 1990-1997 (ECU million)						
	1990-93	1994	1995	1996	1997	Total
Albania	3,3	0	0	1,5	6,7	11,5
Bosnia and Herzegovina	0	0	0	0	0	0
Bulgaria	49,1	5	7	6	0	67,1
Czech Republic	0	0	0	5	0	5
Estonia	0	2,5	0	1	0	3,5
FYROM	0	0	0	0	2	2
Hungary	47	15,5	12	0	0	74,5
Latvia	0	5,5	0	1,1	0	6,6
Lithuania	0	1	0	2,5	0	3,5

¹ Council Decision 98/263/EC, 30.3.1998, OJ L 121, 23.4.1998, p. 21-25.

Environment and nuclear safety Funds allocated by country 1990-1997 (ECU million)						
Poland	75	12	22	5	0	114
Romania	5	0	0	8,4	35	48,4
Slovakia	0	0	1	0	0	1
Slovenia	0	0	0	0	4	4
Multi-country programmes	88,5	13	20	10	17	148,5
Other	20	23	20	15	11,7	89,7
Czechoslovakia	35	0	0	0	0	35
TOTAL	322,9	77,5	82	55,5	76,4	614,3

Source: European Commission, DG IA, F6 (19.3.1998).

In Latvia PHARE concentrates mainly on passing on know-how. In 1992 a project was started in Liepaja and Daugavpils, two towns particularly affected by water pollution, to establish modern waste water disposal plants. PHARE will also continue to concentrate on the areas of water pollution and waste disposal through its involvement with the development of an Environmental Fund to enable the government to implement, for example, waste water treatment programmes. Support from PHARE is to be used to improve effective use of resources in the energy sector.

3. Progress in the approximation of legislation

According to the Latvian authorities² the following legal measures which are listed in the White Paper have now been adopted in Latvia:

Table 2

White Paper -Environment chapter-	Directives		Regulations		total
	stage I*	stage II/III*	stage I	stage II/III	
Latvia	4	0	2	0	6
Number of White Paper measures	31	7	7	0	45

* Directives and regulations from stage I take priority over stage II and III in transposition.

² Agenda 2000, Commission opinion on Latvia's application to join the European Union, 1997. Annex to the opinion. The Commission points out specifically that the inclusion in the table does not mean that it concurs with the analysis of the Latvian authorities.

According to the Commission³ on the basis of current plans and achievements, considerable progress on the approximation of legislation is probable in the next few years.

All new environmental protection legislation is to be compatible with Community law as quickly as possible. A working party on environmental protection was set up under the overall responsibility of the European Integration Office to guarantee compatibility with EU legislation. All the laws listed in the Commission's White Paper are to be implemented in the next two to three years. An accession strategy is to be developed for the remaining laws during 1998. Latvia is planning its complete transposition of the *acquis communautaire* by 2005. To this end harmonized laws must be adopted and they must be applied in relation to air pollution, chemical usage and nature conservation. In the case of radiation protection there is a general lack of any safety culture. Latvia is preparing laws on the protection of water quality. Of particular importance is the rapid transposition of the framework directives on air, waste and water and the directive on integrated pollution prevention and control (IPPC) and also the development of financing strategies in sectors where considerable investment is required.

With regard to compatibility with the *acquis* on the environmental protection, long-term infrastructure investments, in particular in relation to water and waste water outside the major towns, and the consistent implementation of legal provisions are needed. A serious problem is the lack of specialist staff and funding for the preparatory process. The strategy as regards environmental protection should include a timetable for full transposition of the *acquis* and a start must be made with incorporating the directives to which reference has been made.

With the current pattern and pace of reforms in Latvia it should be possible to achieve a complete assimilation of the *acquis* in the environmental sector in the medium-term. The efficient implementation of some legal provisions (e.g. with regard to waste water treatment, drinking water, aspects of waste management and air pollution) will, however, only be able to be achieved in the longer term and will require considerable investment and major administrative efforts.

V. Multilateral and bilateral relations

1. Multilateral relations

Latvia signed the Baltic Sea Protection Treaties of 1974 and 1992 in Helsinki and thereby undertook to participate in the cleaning up of the Baltic Sea. In addition a number of international conventions including the Rio Convention on Biodiversity (1995) and the Ramsar Convention on the Conservation of Wetlands of International Importance (1995) have been signed and ratified.

2. Bilateral relations

Relatively close bilateral cooperation in the environmental sector has already existed for some time

³ Agenda 2000, Commission opinion on Latvia's application to join the European Union, EU Bulletin, Supplement 10/97, p. 63-65.

with the neighbouring states of Estonia and Lithuania and with other states bordering on the Baltic.

Since 1990 there have been agreements between the Baltic states on the protection and use of natural resources.

Agreements on cooperation in the field of environmental protection have been signed with some western European states (for example with the Federal Republic of Germany in 1993).

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Annex

Map of Latvia:



Source: Microsoft, Encarta