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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted
and the President has proclaimed the following Law:

Law on the Conservation of Species and Biotopes

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **biotopes** - terrestrial or aquatic areas distinguished by specific geographic, abiotic and biotic features, whether entirely natural or semi-natural;
- 2) **habitat** – an aggregate of certain specific abiotic and biotic factors in the territory, in which a species lives at any stage of its biological cycle;
- 3) **micro-reserve** – the territory, which is determined, in order to ensure the conservation of the specially protected species or biotope outside special areas of conservation, as well as in the special areas of conservation, if any of functional zones fails to ensure that;
- 4) **population** – a group of individuals of one species, which inhabits a specific territory or biotope;
- 5) **species** – species of wild fauna, birds, plants, mushrooms and lichens (also subspecies) within the scientific meaning thereof;
- 6) **introduction of species** – introduction of species non-characteristic to the nature of Latvia;
- 7) **re-introduction of species** – re-population of previously disappeared species.

Section 2. Purposes of this Law

The purposes of this Law are:

- 1) to ensure bio-diversity through the conservation of fauna, flora and biotopes characteristic to Latvia;
- 2) to regulate the conservation, management and supervision of species and biotopes;
- 3) to promote the preservation of populations and biotopes in accordance with economic and social preconditions, as well as cultural and historical traditions; and
- 4) to regulate procedures for the determination of the specially protected species and biotopes.

¹ The Parliament of the Republic of Latvia

Section 3. Scope of Application of this Law

This Law shall regulate the matters that are related to:

- 1) species of plants, mushrooms and lichens, the habitats thereof, individuals of these species in all stages of the development thereof, as well as the recognisable parts of individuals of the species;
- 2) animal species, the habitats thereof, individuals of these species in all stages of the development thereof, as well as birds' eggs and perennial nests, as well as dead individuals or the parts thereof;
- 3) the specially protected biotopes.

Chapter II

State Administration in the Conservation of Species and Biotopes

Section 4. Competence of the Cabinet

The Cabinet shall determine:

- 1) the lists of the specially protected species and the specially protected species whose use is limited;
- 2) the lists of the specially protected biotopes;
- 3) recompense for the destruction or deterioration of individuals of the specially protected species and biotopes;
- 4) procedures for the establishment of micro-reserves and regulations for the conservation and management thereof;
- 5) procedures for the issuance of the permits specified in this Law;
- 6) procedures by which the amount of such damages for users of land, which are connected with significant damage caused by the specially protected non-huntable species and migratory species of animals, shall be determined;
- 7) the list of priority species and biotopes of the European Union encountered in Latvia.

[15 September 2005]

Section 5. Competence of the Ministry of Environment and Institutions Subordinated Thereto

The Ministry of Environment and institutions subordinated thereto shall in accordance with this Law:

- 1) ensure supervision of the conservation of the specially protected species and biotopes;
- 2) perform the necessary measures in order to maintain the populations of the specially protected species in such a state that complies with the conditions of Latvia;
- 3) promote preservation of all local species and biotopes, as well as, if necessary, the restoration thereof and maintenance of optimal areas of the biotopes;
- 4) determine procedures for the development of plans for the conservation of the specially protected species and biotopes, and promote the introduction of these plans;
- 5) may propose to restrict, suspend or prohibit the use of species and biotopes, if it could endanger the existence of populations and biotopes;

- 6) issue the permits specified in this Law, as well as cancel them, if the relevant actions endanger the state of local wild species and biotopes;
- 7) prepare the report referred to in Section 16 of this Law and publish it in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia];
- 8) ensure monitoring of the specially protected species and biotopes and keep records of the cases of accidental capture and killing of individuals of the specially protected species;
- 9) determine micro-reserves (except for forest lands and the spawning places of the specially protected fish species);
- 10) determine micro-reserves in the nature reserves and national parks specified in laws; and
- 11) ensure provision of reports to the European Commission.

[15 September 2005]

Section 6. Competence of Other State Authorities

- (1) The Ministry of Education and Science shall promote the researches and development of scientific works necessary for the implementation of this Law.
- (2) The State Forest Service shall determine the micro-reserves in the forest lands (except for the forest lands, which are located in the territories referred to in Section 5, Clause 10 of this Law) and ensure the supervision thereof in accordance with the regulatory enactments regulating forest management and use.
- (3) The National Board of Fisheries shall determine the micro-reserves at the spawning places of the specially protected fish species.

Chapter III

Requirements for the Conservation of Species and Biotopes

Section 7. Favourable Conservation Status of Species and Biotopes

- (1) The conservation of species and biotopes is a series of measures required for the preservation or restoration of populations and biotopes in an optimal state.
- (2) The task of the conservation of species shall be to ensure the conditions, which favourably influence the species and promote an optimal distribution of the populations thereof and the number of specimens in the populations. The conservation of a species shall be considered as favourable, if its:
 - 1) population dynamics data indicate that the species ensures its existence on a long-term basis as a viable component of the characteristic biotope;
 - 2) the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
 - 3) there is, and will probably continue to be, sufficiently large habitats to maintain an optimal number of specimens in populations on a long-term basis;
- (3) The task of the conservation of a biotope shall be to ensure the set of such factors, which favourably influence the biotope and its typical species and promote the natural distribution, structure and functions of the biotope, as well as long-term survival of its typical species. The conservation of a biotope shall be considered as favourable when:
 - 1) its natural range and the areas that it covers within that range are stable or increasing;
 - 2) the specific structure and functions which are necessary for the long-term existence of the biotope exist and are likely to continue to exist for the foreseeable future; and

- 3) the favourable conservation of its typical species is ensured.
- (4) The priority in special areas of conservation and micro-reserves is ensured for that species or biotope for the conservation of which the relevant territory or micro-reserve has been established.

[15 September 2005]

Section 8. The Conservation of the Specially Protected Species, Biotopes and Species of Migratory Birds

(1) Endangered, disappearing or rare species and biotopes or species, which inhabit specific biotopes shall be included in the lists of the specially protected species and biotopes. The specially protected species and biotopes shall be under the special protection of the State.

(2) In order to ensure the favourable conservation of the specially protected species and biotopes, the micro-reserves may be determined in the habitats thereof in accordance with the procedures for the establishment of micro-reserves.

(3) The authority responsible for the determination of micro-reserves in accordance with the regulations regarding the conservation and management of micro-reserves, shall notify the owners and permanent users of land regarding the determination of micro-reserves.

(4) The norms of this Law shall be applicable also to encountered migratory bird species, which are not included in the lists of the specially protected species.

[15 September 2005]

Section 9. Duties of Owners and Permanent Users of Land

Owners and permanent users of land have the following duties:

1) to promote the preservation of the diversity of species and biotopes;

2) to notify the relevant regional environmental board of the State Environmental Service (hereinafter – the regional environmental board) regarding the changes and factors of the specially protected species and biotopes which deteriorate the state thereof, as well as regarding the non-observance of conservation requirements;

3) not to restrict research, record keeping and control of the specially protected species and biotopes; and

4) to ensure undisturbed rest and feeding of migratory animals (also bird species, which have not been included in the lists of the specially protected species) during the migration season, to introduce ecologically sound methods in order to prevent damage caused by animals.

[15 September 2005]

Section 10. Right of Owners and Permanent Users of Land for Compensation

(1) Owners and permanent users of land have the right to receive compensation from the resources of the Latvian Environmental Protection Fund regarding the significant damages caused by animals of the specially protected non-huntable and migratory species.

(2) Land owners have the right to receive the compensation specified in regulatory enactments regarding the restrictions on economic activities in micro-reserves.

(3) A land owner may receive compensation only in such amount as is not covered by other State, local government or European Union payments that are already granted to him or her and that are directly or indirectly provided for the same restrictions on economic activities or significant damages caused by animals of the specially protected non-hunttable and migratory species, for which compensation is provided for in regulatory enactments.

[15 September 2005]

Section 11. Prohibited Activities with Animals of the Specially Protected Species, including Birds

The following activities are prohibited in respect of animals of the specially protected species, including birds, in all stages of the development thereof:

- 1) all forms of deliberate capture or killing;
- 2) deliberate disturbance (particularly during the period of breeding, rearing, moulting, hibernation and migration) and devastation of habitats;
- 3) deliberate destruction or taking of eggs from nests or collection;
- 4) destruction or deterioration of breeding sites; and
- 5) keeping in captivity, transport, presenting as a gift, sale or exchange, offering for sale or exchange.

Section 12. Prohibited Activities with Plants, Mushrooms and Lichens of the Specially Protected Species

The following activities are prohibited in respect of plants, mushrooms and lichens or the parts thereof in all stages of the development thereof:

- 1) picking, plucking and uprooting, as well as destruction of the habitats;
- 2) growing, collection, transport, presenting as a gift, sale or exchange, as well as offering for sale or exchange of plants taken in the wild.

Section 13. Acquiring of Individuals of the Specially Protected Species

In acquiring individuals of the specially protected species the favourable conservation of this species shall be ensured and the provisions for acquiring specified in this Law shall be observed. The individuals of non-hunttable species are allowed to be taken only by means of a permit issued for each case.

[15 September 2005]

Section 14. Provisions for the Acquisition or Disturbing of Individuals of the Specially Protected Species

It is allowed to acquire or disturb individuals of the specially protected species in exceptional cases, if alternatives are not acceptable and it does not damage the favourable conservation of the relevant populations in the natural range thereof for the following purposes:

- 1) in the interests of protecting wild fauna and flora and the preservation of biotopes;
- 2) to prevent serious damage to agriculture, stock-farming, forestry, fisheries, hunting management and other types of land utilisation, as well as water quality;
- 3) in the interests of public health and public safety;
- 4) for the purpose of scientific research and education (including the needs of museums).

Section 15. Specially Protected Species Whose Use is Limited

All the norms specified in this Law, except the conditions referred to in Section 13, 14, 22 and 23, shall be applicable in respect of individuals of the specially protected species whose use is limited. It is allowed to acquire individuals of the specially protected species whose use is limited in restricted amounts in accordance with the procedures specified in regulatory enactments, if it does not damage the preservation of the population of the relevant species at the favourable conservation status in the natural range thereof.

[15 September 2005]

Section 16. Information of Public Regarding the Acquisition of Individuals of the Specially Protected Species

(1) Not less than once in 2 years the Nature Protection Board shall prepare a report available to the public regarding the acquisition of individuals of specially protected species.

(2) The following information shall be included in the report referred to in Paragraph one of this Section:

- 1) species that are subject to the exception and the reasons for the exception;
- 2) a risk assessment, as well as a reference to the alternatives offered and rejected, and the scientific data used;
- 3) the means, devices or methods with which frightening away, capture or killing of animals or birds has been committed;
- 4) the place and time of the application of the exception;
- 5) the authority authorised to declare and check how the provisions are being observed, and to decide what means, devices or methods may be used, within what limits and by what authorities it may be done, and which persons are to carry out this task;
- 6) the supervisory measures performed and the results obtained.

(3) The Nature Protection Board shall place the report referred to in Paragraph one of this Section on its Internet home page and ensure the availability of the report to the public.

[15 September 2005]

Section 17. Conservation Plans of Species and Biotopes

If any species or biotope requires special conservation measures, the conservation of the relevant species or biotope shall be ensured in accordance with the conservation plan. The minister responsible for environmental protection shall approve conservation plans of species and biotopes.

Chapter IV. Introduction and Re-introduction of Species

Section 18. Provisions for the Introduction of Species

(1) The introduction and release into nature of species uncharacteristic to the nature of Latvia is prohibited.

(2) In order to satisfy emergency economic or social needs, the introduction of species is permissible only with a permit, which is issued after the assessment of the impact on the environment has been carried out.

(3) The initiator of introduction shall carry out the monitoring of the introduced populations and research regarding the ecological effects of the introduction and shall submit the results of the monitoring research to the Nature Protection Board every 2 years.

[15 September 2005]

Section 19. Conditions for the Re-introduction of Species

If the re-introduction of a species is required for the preservation or restoration of the species, the re-introduction may be carried out upon the receipt of an each time permit issued by the Nature Protection Board the basis of which is the opinion of the expert in the relevant sector.

[15 September 2005]

Section 20. Provisions for the Re-introduction of Species

The re-introduction of species is allowed, if:

- 1) the structure of the donor population and self-regeneration ability is preserved;
- 2) the ecological suitability of the selected territory (region) for the re-introduction is scientifically justified and the population to be restored will be ensured the conservation regime;
- 3) the most ecologically and genetically kindred populations have been selected for the re-introduction;
- 4) the initiator of the re-introduction carries out the monitoring of the re-introduced populations and research regarding the ecological effects of the re-introduction and submits the results of the monitoring research to the Nature Protection Board every 2 years.

[15 September 2005]

Section 20.¹ Time Period for Taking a Decision and Procedures for the Contestation Thereof

(1) The Nature Protection Board shall take a decision regarding the issuance of a permit for the introduction or re-introduction of a species within 90 days after the receipt of the submission of the initiator of the introduction or re-introduction or regarding the refusal to issue such permit.

(2) A decision taken by the Nature Protection Board regarding the issuance of the permit for the introduction or re-introduction or the refusal to issue such permit may be contested in the Environmental State Bureau within a month after coming into effect of the decision.

(3) The decision taken by the Environmental State Bureau may be contested in a court in accordance with the procedures specified by the Administrative Procedure Law. An application to the court shall not suspend the operation of an administrative act.

[15 September 2005]

Chapter V. Monitoring and Record Keeping

Section 21. Necessity to Perform Monitoring

In order to control the conservation of species and biotopes, permanent monitoring and other research shall be performed in order to obtain:

- 1) lists where the species in danger of disappearing or especially endangered species are included, taking into account their natural range;
- 2) lists in which the sites especially important for migratory species in the migration route thereof, as well as wintering sites and nesting sites of migratory species and the ecological characterisation thereof are included;
- 3) data regarding the population volume of migratory species in the migration route, as well as during wintering and nesting;
- 4) data regarding the volume of species of migratory birds using the ringing method;
- 5) data regarding the impact of hunting on the volume of the animal population;
- 6) data regarding the introduction of ecologically sound methods in order to prevent damage caused by animals;
- 7) data regarding the role of separate species as indicators of pollution; and
- 8) data regarding the reverse impact of pollution on the volume of animal populations.

Section 22. Record Keeping of Animals Perished Incidentally or Illegally Captured Animals

Each person has a duty to notify the relevant regional environmental board of the case of illegal capture or incidental killing of an animal or bird of the specially protected species. The regional environmental board shall keep the records of animals perished incidentally or captured illegally in accordance with the information received and shall hand over the information compiled to the Nature Protection Board once a year.

[15 September 2005]

Section 23. Dead Animals

(1) Any dead mammal or bird of the specially protected species shall be property of the State and shall be handed over to the State agency *Natural History Museum of Latvia*. Stuffed animals created from the referred to mammals or birds shall not be sold or to be used otherwise commercially.

(2) Stuffed animals may be made for personal keeping from game obtained legally or fish obtained legally.

[15 September 2005]

Transitional Provision

By 1 March 2006 the Cabinet shall issue the regulations referred to in Section 4, Clause 7 of this Law.

[15 September 2005]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

2) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

(15 September 2005)

This Law has been adopted by the *Saeima* on 16 March 2000.

President V. Vīķe-Freiberga

Rīga, 5 April 2000