

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

16 December 2010 [shall come into force from 1 January 2011];

29 March 2012 [shall come into force from 1 May 2012];

6 December 2012 [Judgement of the Constitutional Court shall come into force from 11 December 2012];

19 September 2013 [shall come into force from 1 January 2014];

6 November 2013 [shall come into force from 1 January 2014];

27 March 2014 [shall come into force from 3 April 2014].

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

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

## Waste Management Law

### Chapter I General Provisions

#### Section 1.

The following terms are used in this Law:

1) **waste** ó any object or substance which the holder discards or intends or is required to discard;

2) **hazardous waste** ó waste which displays one or more of the properties which make it hazardous;

3) **municipal waste** ó waste produced in a household, trade, in the process of provision of services or waste produced in other places which, because of its properties, is similar to domestic refuse;

4) **production waste** ó waste produced as a result of production process or construction;

5) **waste holder** ó any natural or legal person who complies with at least one of the following conditions:

a) is a waste producer,

b) is a natural or legal person in the actual possession of which is the waste;

6) **waste producer** ó any natural or legal person whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the composition or nature of the waste;

7) **waste management** ó the collection, storage, transport, recovery and disposal of waste (including incineration in municipal waste incineration facilities), the supervision of such activities, the after-care of disposal sites after their closure, as well as trade with waste and mediation in waste management;

8) **waste collection** ó the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste recovery or disposal facility where preparation of waste for recovery or disposal is performed;

9) **separate waste collection** ó the collection where a waste stream is kept separately by type and nature so as to facilitate preparation of waste for recovery or disposal, as well as the recovery or disposal;

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

10) **landfill site** ó a specially constructed and equipped site for the disposal of waste on the ground or in the ground, in which all the measures for environmental protection prescribed in regulatory enactments are ensured;

11) **waste dump** ó a site for the disposal of waste, which does not conform to the requirements regarding landfill sites;

12) **storage of waste** ó the storage of waste in specially applicable and equipped sites for further recovery or disposal thereof [except short-term storage (of less than three months) at the sites of the creation, sorting and collection thereof in quantities, which do not cause harm to the environment or threats to human health];

13) **recovery of waste** ó any operation the principal result of which is waste serving a useful purpose in the production processes or in the national economy by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function;

14) **recycling of waste** ó any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes, including the reprocessing of organic materials but excluding recovery of energy present in waste and the reprocessing into materials that are to be used as fuels or for backfilling operations;

15) **preparing of waste for re-use** ó checking, cleaning or repairing operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

16) **re-use** ó any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

17) **disposal of waste** ó any other operation performed with waste which is not considered as waste recovery even where the operation has as a secondary consequence the reclamation of substances or energy;

18) **preparation of waste for disposal** ó separation of waste to be recovered or composted, as well as hazardous waste produced in a household prior to disposal thereof in a landfill site;

19) **waste dealer** ó any person acting on the behalf thereof to purchase and subsequently sell waste, including such a person which does not take physical possession of the waste;

20) **waste management broker** ó any person arranging the recovery or disposal of waste on behalf of other persons, also such a person which do not take physical possession of the waste;

21) **waste manager** ó a merchant, also waste dealer and waste management broker who has received the relevant permit for waste management in accordance with the procedures specified in this law or the regulatory enactments regarding pollution;

22) **electrical and electronic equipment** ó equipment which is dependent on electric currents or electromagnetic fields and equipment for the generation, transfer and measurement of electric currents and electromagnetic fields designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current and falling under the categories determined by the Cabinet;

23) **waste electrical and electronic equipment** ó electrical or electronic equipment which is considered as waste, including all components, subassemblies and consumables which are part of the product at the time of discarding;

24) **waste electrical and electronic equipment from private households** ó waste electrical and electronic equipment which comes from private households or trade, the process of provision of services, industrial, institutional and from other sources which, because of its nature and quantity, is similar to waste electrical and electronic equipment produced from a private household. Waste from waste electrical and electronic equipment likely to be used by

both private households and users other than private households shall in any event be considered to be waste electrical and electronic equipment from private households.

25) **prevention of waste electrical and electronic equipment** ó aggregate of measures aimed at reducing the quantity, as well as the harmfulness to the environment of electrical and electronic equipment and materials and substances contained therein;

26) **producer of electrical and electronic equipment** ó any person who, irrespective of the selling technique used, also irrespective of a distance contract:

a) within the framework of its economic activity manufactures electrical and electronic equipment under his own name (firm) or trademark, or has electric and electronic equipment designed or manufactured and markets it under his name (firm) or trademark within the territory of Latvia;

b) within the framework of its economic activity resells within the territory of Latvia, under his own name (firm) or trademark, equipment produced by other suppliers, except the cases if the name (firm) or trademark of the producer appears on the equipment;

c) within the framework of its economic activity places on the market of Latvia electrical and electronic equipment from a third country or from other Member State of the European Union supplying them for a charge or free of charge for distribution, consumption or use;

d) carries out its economic activity in other Member State of the European Union or third country and, using a distance contract, sells electrical and electronic equipment in Latvia by means of a distance contract directly to private households or to users other than private households;

27) **a distributor of electrical and electronic equipment** - any person who within the framework of its economic activity makes an electrical and electronic equipment available on the market. A distributor of electrical and electronic equipment may be at the same time a producer of electronic and electrical equipment within the meaning of this Law.

[27 March 2014]

## Section 2.

The purpose of this Law is to prescribe the procedures for waste management in order to protect the environment, human life and health by preventing the generation of waste, ensuring separate collection and regeneration of generated waste in the territory of Latvia, as well as by facilitating efficient use of natural resources and by reducing the amount of waste to be disposed of.

## Section 3.

(1) This Law shall not apply to:

- 1) gaseous effluents emitted into the atmosphere;
- 2) carbon dioxide caught and transported for geological storage and stored geologically in compliance with the regulatory enactments regarding storage of carbon dioxide;
- 3) radioactive waste;
- 4) useless explosives;
- 5) unexcavated land, also contaminated soil and buildings;
- 6) uncontaminated soil and other mineral resources excavated in the course of construction activities and which will be used for the purposes of construction in their natural state on the site from which they were excavated;

7) faecal matter, if not covered by Paragraph two, Clause 2 of this Section, straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from biomass not endangering the environment or human health;

8) ground relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation if the ground is not considered as hazardous in compliance with the regulatory enactments regarding the procedures for the cleaning and deepening of surface water bodies and port basins;

9) batteries and accumulators used in equipment intended for the state security and which are used in arms, munitions and war material, as well as in equipment designed to be sent into space with the exclusion of products that are not intended for specifically military purposes.

(2) The provisions of this Law shall not be applied if other regulatory enactments determine other procedures for the waste management and they apply to:

1) waste waters;

2) animal by-products and derived products not intended for human consumption and to which the regulatory enactments regarding animal by-products and derived products not intended for human consumption apply, except those by-products which are destined for incineration, landfilling or use in a biogas or composting plant;

3) carcasses of animals that have died other than by being slaughtered;

4) carcasses of animals killed to eradicate epizootic diseases, which are disposed of in accordance with the regulatory enactments regarding animal by-products and derived products not intended for human consumption; and

5) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries and to which the regulatory enactments regarding the management of waste from extractive industries apply.

*[29 March 2012; 27 March 2014]*

#### **Section 4.**

(1) Waste management shall be performed in such a way as not to threaten human life and health.

(2) Waste management shall not negatively affect the environment, including:

1) cause threats to the water, air, soil, as well as plants and animals;

2) cause a nuisance through noise or odours;

3) negatively affect the countryside and specially protected nature territories; or

4) pollute or litter the environment.

#### **Section 5.**

(1) In the organisation, planning and performing of waste management the following requirements shall be observed (in the following priority order) by the State administration institutions, local governments and waste managers:

1) causes of waste production must be prevented;

2) the amount (volume) and hazardousness of waste must be reduced;

3) waste for re-use must be prepared;

4) appropriately prepared waste must be re-used;

5) recycling of waste must be promoted;

6) recovery of waste must be performed in other ways, for example, by acquiring energy;

7) waste must be disposed of in a way that the environment, human life and health are not threatened; and

8) waste dumps must be closed in accordance with waste management plans, as well as re-cultivation of closed waste dumps and landfill sites must be ensured.

(2) The Cabinet, if necessary, shall determine the types of the waste in the management of which the priority order of requirements referred to in Paragraph one of this Section need be not observed on the basis of life-cycle of the products, general environmental protection principles and observing the overall impact on the environment, human health, economics and social conditions of the production and management of the relevant waste.

*[27 March 2014]*

## **Chapter II** **Competence of State and Local Government Authorities**

### **Section 6.**

The Cabinet shall determine:

1) waste classification and characteristics which make waste hazardous, criteria for by-products and termination of application of waste status;

1<sup>1</sup>) the procedures for application of criteria for by-products and for termination of application of waste status;

2) the procedures by which ferrous and non-ferrous metal cuttings and scrap shall be purchased and sold, as well as by which licences for the purchase of metal cuttings and scrap shall be issued in Latvia;

3) the rate of the State fee (in euro) to be paid for a licence for the purchase of ferrous and non-ferrous metal cuttings and scrap in Latvia and for a licence for the purchase of ferrous metal cuttings and scrap in Latvia, as well as the procedures by which such fee shall be paid;

4) the procedures for the collection and management of the packaging to which the deposit system is not applied and which is collected at the sales point or specially established packaging collection point, and the requirements to be set for the merchants which perform the collection of such packaging;

5) the types of waste collection points and waste sorting stations, the requirements to be set for the construction and management of waste collection points, waste sorting stations, as well as biodegradable waste composting sites; and

6) the requirements for the management of waste generated in medical treatment institutions.

*[29 March 2012; 19 September 2013; 27 March 2014]*

### **Section 7.**

(1) The Ministry of Environmental Protection and Regional Development shall:

1) co-ordinate the implementation of the State waste management plan;

2) prepare draft regulatory enactments in the field of waste management;

3) co-ordinate and organise the management of hazardous waste in accordance with this Law and other regulatory enactments; and

4) co-ordinate the construction of municipal landfill sites.

(2) The State limited liability company ūLatvian Environmental, Geology and Meteorology Centreö shall:

1) organise the management of ownerless hazardous waste in accordance with this Law and other regulatory enactments;

2) compile information regarding waste management;

3) organise the construction and management of hazardous waste recovery or disposal facilities and landfill sites of national significance; and

4) ensure the provision of information related to the waste management to the public as well as to European Union institutions and international institutions.  
*[16 December 2010]*

## **Section 8.**

(1) A local government shall:

1) organise the management of municipal waste, including municipally produced hazardous waste, in conformity with the binding regulations of the local government regarding management of municipal waste, taking into account the State waste management plan and regional plans within the administrative territory thereof;

2) take decisions on placement of new municipal waste recovery or disposal facilities and landfill sites within the administrative territory thereof in compliance with the State waste management plan and regional plans;

3) issue binding regulations regarding the management of municipal waste within the administrative territory thereof, determining the division of such territory into municipal waste management zones, the requirements for the waste collection, also for the minimum frequency of municipal waste collection, transport, reloading and storage, as well as the procedures by which payments for such waste management shall be made;

4) take decisions on placement of new hazardous waste recovery or disposal facilities and landfill sites within the administrative territory thereof in compliance with the State waste management plan and regional plans;

5) may invest funding in the establishment and maintenance of waste management system in compliance with the State waste management plan and regional plans; and

6) organise a separate waste collection within the administrative territory thereof in compliance with the State waste management plan and regional plans.

(2) A local government shall send the binding regulations referred to in Paragraph one of this Section to the Ministry of Environmental Protection and Regional Development in writing within three working days after signing thereof for the provision of opinion. The Ministry of Environmental Protection and Regional Development shall, not later than within two weeks after receipt of the binding regulations, assess the compliance of these regulations with the regulatory enactments regarding waste management, the State waste management plan and regional plans. If the binding regulations of the local government comply with regulatory enactments and planning documents, the Ministry of Environmental Protection and Regional Development shall inform the relevant local government thereof.

(3) If the Ministry of Environmental Protection and Regional Development has objections in respect of the binding regulations referred to in Paragraph one of this Section, it shall send a relevant opinion to the local government. The local government shall send adjusted draft binding regulations to the Ministry of Environmental Protection and Regional Development, attaching information regarding the objections expressed in the opinion of the Ministry of Environmental Protection and Regional Development with which the local government does not agree.

*[16 December 2010]*

## **Chapter III** **Waste Management Plans and Waste Prevention Programme**

## **Section 9.**

(1) Waste management shall be performed in conformity with State, regional and local government waste management plans.

- (2) The Cabinet shall approve the State waste management plan, in which the State waste prevention programme is included, and regional waste management plans with an order.
- (3) The Ministry of Environmental Protection and Regional Development together with the Ministry of Economics shall develop the State waste management plan, including the State waste prevention programme.
- (4) The Cabinet shall determine the content of the State waste management plan and regional plans and the procedures for the co-ordination, public discussion, implementation, assessment and review thereof.

*[16 December 2010]*

#### **Section 10.**

- (1) The Cabinet shall determine the waste management regions.
- (2) The Ministry of Environmental Protection and Regional Development, in co-operation with the local governments included in the relevant waste management region, shall develop regional waste management plans.
- (3) A local government, if necessary, shall, in compliance with the relevant regional waste management plan, organise the development of a municipal waste management plan for its own administrative territories and approve it. The local government shall submit a decision on the approval of the local government waste management plan to the relevant regional environmental board of the State Environmental Service.

*[16 December 2010]*

#### **Section 11.**

- (1) Waste prevention is a complex of such measures which are applied while substance, material or product is not considered as waste and as a result of application of which the following reduce:

- 1) the quantity of generated waste, including through the re-use of products or the extension of the life span of products;
- 2) the adverse impacts of the generated waste on the environment, human life and health, as well as persons' property; or
- 3) the content of harmful substances in materials and products.

- (2) The State waste prevention programme shall determine the objectives of waste prevention and measures for achievement of such objectives. The Cabinet shall determine the content of the State waste prevention programme, the procedures for public discussion, implementation and review thereof, as well as qualitative and quantitative indicators of waste prevention.

### **Chapter IV Waste Management Permits and Inspections**

#### **Section 12.**

- (1) Prior to the performance of the relevant activities the waste manager shall obtain a permit from the State Environmental Service for the collection, transport, reloading, sorting and storage of waste, digging up of re-cultivated waste dump and resorting of waste.

(1<sup>1</sup>) Prior to digging up of the re-cultivated waste dump a waste manager shall co-ordinate such activities with a land owner on the land of which the relevant re-cultivated waste dump is located, and with a local government in the administrative territory of which the referred-to waste dump is located.

- (2) The Cabinet shall determine:

- 1) the procedures for the issue and cancellation of permits for the collection, transport, reloading, sorting or storage of waste;
  - 2) the requirements to be set in the waste management permits;
  - 3) the forms for the permits for the collection, transport, reloading, sorting or storage of waste;
  - 4) an association which joins not less than two thirds of waste management merchants performing their activity in Latvia and the commission of independent experts established by which issues an opinion regarding technical ability to perform the collection, transport, reloading, sorting or storage of waste by such merchant who has intended to perform the referred to activities;
  - 5) the procedures by which the opinion referred to in Clause 4 of this Paragraph shall be provided; and
  - 6) the procedures for the issue and cancellation of permits for the digging up of the re-cultivated waste dump and resorting of waste, the requirements to provided for in the permit, the requirements for repeated re-cultivation of the waste dump after its digging up and resorting of waste (including the requirements for the monitoring of the repeatedly re-cultivated waste dump after re-cultivation), as well as the requirements in respect of the information to be submitted to the State Environmental Service regarding the waste types and amounts acquired upon digging up the re-cultivated waste dump and resorting of waste.
- (3) The waste manager referred to in Paragraph one of this Section shall pay the State fee for issue of the permit for collection, transport, reloading, sorting or storage of waste. The amount for the State fee and the procedures for payment thereof shall be determined by the Cabinet.
- (4) Legal persons which store hazardous waste or production waste for more than three months shall receive a permit specified in Paragraph one of this Section for storage of waste for a period of time which does not exceed one year prior to disposal of waste in a landfill site or for a period of time which does not exceed three years before recovery of waste.
- (5) A manager of hazardous waste or production waste shall:
- 1) receive the permit referred to in Paragraph one of this Section for the collection, transport, reloading, sorting or storage of hazardous waste or production waste;
  - 2) receive a permit for the recovery or disposal of hazardous waste or production waste in accordance with the regulatory enactments regarding pollution.
- (6) The permits referred to in Paragraph one of this Section shall not be required for collection points of portable batteries and accumulators which are placed at the sales points.
- [27 March 2014]*

## **Section 12.<sup>1</sup>**

Prior to the commencement of the relevant activities a waste dealer or a waste management broker shall register with the State Environmental Service. The Cabinet shall determine the procedures for the registration of waste dealers and waste management brokers by the State Environmental Service, as well as the procedures for providing of the information by waste dealers and waste management brokers to the State Environmental Service regarding the activities carried out with waste, and the content of such information.

*[29 March 2012; 27 March 2014]*

## **Section 13.**

(1) A decision taken by the State Environmental Service in relation to a waste management permit may be disputed in the Environment State Bureau in accordance with the procedures specified in the Administrative Procedure Law. A decision of the Environment State Bureau may be appealed in the Administrative District Court in accordance with the procedures



specified in the Administrative Procedure Law. An application to the court shall not suspend the operation of an administrative act.

(2) If in accordance with the conditions of a waste management permit it is possible to commence or continue such polluting activities which may cause significant negative impact on the environment or endanger human life or health, the conditions of the permit may be disputed at any time while it is in effect.

(3) If a decision is disputed in the Environment State Bureau in accordance with Paragraphs one and two of this Section, the operation of the relevant permit shall not be suspended. If the continuation of the operation of the permit may cause significant negative impact on the environment, the Environment State Bureau shall take a decision to suspend the operation of the relevant permit.

(4) If a decision is disputed on the operation of such existing facilities, for which it is necessary to extend the time period of the waste management permit or another type of permit is necessary, the operation of the facilities shall not be suspended, except the case where the operation of the facilities is suspended in accordance with the procedures specified in the regulatory enactments regarding pollution.

#### **Section 14.**

(1) The State Environmental Service shall, on regular intervals accordingly, control the operation of a waste manager, as well as the operation of such merchant which generates waste, in accordance with the regulatory enactments in the field of waste management and the relevant permit, particularly in respect of origin, properties, quantity of the collected and transported waste and destination of transport thereof.

(2) The Health Inspectorate within the competence thereof shall control the waste management referred to in Section 6, Clause 6 of this Law in medical treatment institutions.

*[29 March 2012; 27 March 2014]*

### **Chapter V**

#### **Duties of Waste Producers, Holders, and Waste Managers**

#### **Section 15.**

(1) The collection, reloading, sorting, storage, recovery or disposal of waste shall be permitted only in places intended therefor.

(2) An owner or a lessee within whose property municipal waste has been produced has a duty to ensure a place for a waste container and an access to the waste collection point for the vehicle of the waste manager who has entered into a contract with a local government regarding municipal waste management.

(3) The local government may determine other techniques for waste collection in binding regulations, if a land owner within whose property municipal waste are produced cannot observe the provision of Paragraph two of this Section due to objective reasons.

(4) A land owner within whose property municipal, hazardous and production waste is placed illegally in a place not intended for that purpose shall transfer such waste to a waste manager who has received a permit for the relevant waste management, shall cover the management costs for such waste and is entitled to request compensation for losses from the producer of such waste. If the producer of the relevant waste is established, the waste management costs shall be covered by the producer of the relevant waste.

#### **Section 16.**

(1) The initial producer or holder of municipal waste shall:

1) participate in the management of municipal waste organised by a local government, observing the regulatory enactments regarding waste management (also the binding regulations issued by the local government) and entering into a contract regarding collection and transport of municipal waste with the waste manager who has entered into a relevant contract with the local government; and

2) cover all costs related to the management of municipal waste generated by him, including municipally produced hazardous waste.

(2) The owner, possessor, user of a summer cottage or a summer residence (including summer cottages and summer residences situated within the territory of a horticultural association) or another building of temporary residence or a person authorised by him or her shall, observing the regulatory enactments regarding waste management (also the binding regulations issued by the local government) and in accordance with Paragraph one of this Section, enter into a contract regarding collection, transport, reloading and storage of municipal waste with the waste manager who has entered into a relevant contract with the local government, as well as cover all costs related to the management of municipal waste generated by him, including municipally produced hazardous waste.

(3) A municipal waste manager who has been selected by the local government in accordance with the procedures provided for in this Law shall enter into a contract with waste producers and holders present within the administrative territory of the local government regarding municipal waste management, determining a time period of the contract which is not longer than the time period of the contract which has been entered into by and between the municipal waste manager and the local government.

## **Section 17.**

(1) The initial producer or holder of hazardous waste or production waste shall:

1) separate hazardous waste or production waste from other types of waste;

2) store hazardous waste or production waste so that it does not threaten the environment, human life and health, as well as the property of persons;

3) deliver the hazardous waste or production waste to specially equipped collection sites of hazardous waste or production waste or enter into a contract with the relevant waste manager regarding hazardous waste or production waste management; and

4) cover the costs of hazardous waste or production waste management.

(2) A producer of production waste may enter into a contract with the waste manager referred to in Section 18, Paragraph one of this Law regarding management of the generated production waste.

(3) Recovery or disposal facilities of the relevant waste shall be specified in the contract referred to in Paragraph one, Clause 3 and Paragraph two of this Section.

(4) A manager of hazardous waste or production waste shall organise specially equipped hazardous waste or production waste collection sites.

(5) The Cabinet shall determine the procedures by which a producer or manager of hazardous waste (except for municipal hazardous waste) shall ensure identification, record keeping, packing, marking of generated or managed hazardous waste and keeping of transport records.

(6) The Cabinet shall determine the procedures by which keeping of transport records shall be performed by an institution authorised by the Ministry of Environmental Protection and Regional Development or a merchant which has been delegated such task by the Ministry of Environmental Protection and Regional Development, by entering into delegation contract in accordance with the procedures specified in the State Administration Structure Law, as well as the fee for keeping of transport records of hazardous waste and the procedures for payment thereof.

(7) The merchant referred to in Paragraph six of this Section shall, in relation to the fulfilment of the task ó to perform keeping of transport records of hazardous waste ó be subordinated to the Ministry of Environmental Protection and Regional Development.

(8) The Cabinet shall determine the procedures for the management of certain types of waste, for the management of which special requirements are to be set because of their hazardousness or other properties, including waste oil products, waste containing polychlorinated biphenyls and polychlorinated terphenyls, waste batteries and accumulators, waste from the titanium dioxide industry and asbestos waste.

(9) The Cabinet shall determine the procedures for ensuring of record keeping of construction waste produced or managed and transport thereof by a construction waste producer or manager.

(10) The Cabinet shall determine the procedures for record keeping of construction waste transport to be performed by the institution authorised by the Ministry of Environment Protection and Regional Development or by a merchant to whom such tasks is delegated by the Ministry of Environment Protection and Regional Development upon entering into a delegation contract in accordance with the procedures laid down in the State Administration Structure Law, as well as fee for the record keeping of construction waste transport and payment procedures thereof.

(11) A merchant referred to in Paragraph ten of this Section in respect of performance of tasks ó to perform record keeping of construction waste transport ó shall be under subordination of the Ministry of the Environment Protection and Regional Development.

*[16 December 2010; 6 November 2013]*

## **Section 18.**

(1) A local government shall, in accordance with the procedures specified in the regulatory enactments regulating public procurement or public-private partnership, select a waste manager, who will perform the collection, transport, reloading and storage of municipal waste in the relevant municipal waste management zone.

(2) The local government shall include in the work task the requirements in relation to the qualification of the employees of the tenderer, the ability to perform the management of municipal waste and the technical or financial capacity to perform the management of municipal waste in a concrete zone, as well as specify a landfill site where the municipal waste generated in the administrative territory of this local government shall be disposed in compliance with the regional waste management plan.

(3) Local governments, upon mutual agreement, may determine a joint municipal waste management zone in which administrative territories of several local governments of one waste management region are included.

(4) The local government shall organise a public procurement or public-private partnership procedure for municipal waste management within a certain zone in such term so as to ensure the continuity of the provision of municipal waste management services.

(5) Within the scope of the public procurement or public-private partnership procedure a tenderer (candidate) shall submit the local government an extended calculation of the payment regarding municipal waste management.

(6) The local government shall enter into a contract with the waste manager, which has been selected in accordance with the procedures specified in the regulatory enactments regulating public procurement or public-private partnership and which will perform the collection of municipal waste, including separate collection, transport, reloading and storage in the relevant municipal waste management zone after the end of the term of validity of the preceding contract. Each local government shall enter into a contract with the selected waste manager separately in the case specified in Paragraph three of this Section.

(7) The local government and the waste manager shall enter into the contract referred to in Paragraph six of this Section for a time period which is not less than three years and not more than five years. The contract in accordance with the procedures specified in the regulatory enactments regarding public-private partnership may be entered into for a time period which does not exceed 20 years.

(8) The local government shall inform the waste producers, also the persons referred to in Paragraph nine of this Section, within the administrative territory thereof, regarding the division of such territory into municipal waste management zones and regarding the municipal waste manager with which it has entered into a contract regarding the collection, transport, reloading and storage of municipal waste in the relevant municipal waste management zone within a month after the day of entering into such contract. Contracts regarding the collection, transport, reloading and storage of municipal waste, which have been entered into by a waste producer or holder and a municipal waste manager that has not entered into a contract with the local government, shall become invalid within three months from the day when the local government has entered into a contract with a municipal waste manager regarding the collection, transport, reloading and storage of municipal waste within the administrative territory thereof.

(9) Persons, which are the contracting authority within the meaning of the regulatory enactments regarding public procurement or public partners within the meaning of the regulatory enactments regarding public-private partnership, shall not perform a public procurement or public-private partnership procedure for municipal waste collection and transport but rather enter into a contract regarding the collection, transport, reloading and storage of municipal waste with the waste manager which has been selected by the local government in accordance with the procedures specified in this Section.

(10) A waste producer which in accordance with the regulatory enactments regarding application of natural resources tax is exempted from paying the natural resources tax and which complies with the criteria specified by the Cabinet, is entitled to enter into a contract with the merchant selected by the waste producer itself and which has received the relevant permit regarding the collection, transport, reloading and storage of waste generated at the place of performance of commercial activity thereof. In such case the waste producer shall inform the local government regarding the waste manager with which he or she has entered into a contract and regarding the term of validity of this contract.

## **Section 19.**

(1) It is prohibited to mix hazardous waste of different categories, as well as to mix hazardous waste with municipal waste or production waste.

(2) In order to ensure the management of hazardous waste in conformity with the requirements of Section 4 of this Law, a hazardous waste producer, owner or manager in the case when hazardous waste is mixed without conforming to the requirements of Paragraph one of this Section, may perform separation of mixed waste, if it is possible, taking into account technical and economic possibilities.

*[27 March 2014]*

## **Section 20.**

(1) The initial waste producer or holder may:

1) perform recovery or disposal of the generated waste or waste in the possession thereof, if he or she has received the relevant permit for the performance of Category A or B polluting activities in compliance with the regulatory enactments regarding pollution;

2) ensure that recovery or disposal of the generated waste or waste in the possession is performed by a waste manager, which has received the relevant permit for the performance of

Category A or B polluting activities in compliance with the regulatory enactments regarding pollution;

3) ensure that recovery or disposal of the generated waste or waste in the possession is organised by waste managers which perform the collection and transport of waste in compliance with the provisions of Section 16 of this Law regarding municipal waste or the provisions of Section 17 of this Law regarding hazardous waste and production waste;

4) collect himself or herself separately the waste generated by himself or herself or waste in his or her possession and deliver separately the collected waste for recycling to the merchant which has received the relevant permit for the performance of Category A or B polluting activities in compliance with the regulatory enactments regarding pollution.

(2) Taking into account the requirements of Section 4 of this Law, waste managers, which are performing the collection and transport of waste, shall ensure the delivery of the collected and transported waste to the facilities in which waste is recovered or disposed, as well as the preparation of waste for recovery or disposal, and the operator of which has received the relevant permit for the performance of polluting activities in accordance with the regulatory enactments regarding pollution.

(3) Recovery of waste shall be performed, taking into account the requirements of Sections 4 and 5 of this Law. The waste shall be collected separately for the purpose of recovery, if it is technically and economically justifiable and complies with the environmental protection requirements. Mixing of separately collected waste with other waste or materials having different properties is not permissible.

(4) In compliance with the State waste management plan and regional waste management plans, as well as the environmental protection requirements, local governments shall, in co-operation with the waste managers referred to in Section 18, Paragraph one of this Law, organise separate collection of municipal waste, including, paper, metal, plastic and glass waste, within administrative territories of local governments in accordance with the categories and periods of time specified by the Cabinet.

(5) Waste managers, which are performing preparation of waste for re-use, recycling or recovery by retrieving materials, shall ensure the preparation of waste referred to in Paragraph four of this Section for re-use, recycling and material recovery thereof in compliance with the purposes of preparation of waste for re-use, recycling and material recovery determined by the Cabinet.

(6) The activities referred to in Paragraph five of this Section may be performed by the owner or manager of landfill site, if the relevant permits have been received.

(7) Merchants, as a result of economic activity of which construction and building destruction waste is produced which is not harmful, shall ensure preparation for re-use, recycling or material recovery of construction and building destruction waste, including use for filling of dug reservoirs, determined by the Cabinet regulations within amount and time period specified by the Cabinet.

(8) The Cabinet shall determine the procedures, time period and form in which the persons referred to in Paragraphs four, five, six and seven of this Section, as well as merchants which use waste as fuel or raw material in the production within the framework of economic activity, shall submit a report regarding the amount and types of waste prepared for re-use, recycled and recovered waste in the previous calendar year.

(9) Waste, which is not recovered, shall be disposed in a landfill site where it is allowed to dispose waste, or dispose it in another way for which a permit has been issued in compliance with the regulatory enactments regarding pollution, taking into account the State waste management plan and regional plans.

(10) In accordance with the State waste management plan and regional plans production waste shall be disposed in a municipal landfill site, but the production waste which is considered as hazardous is in a hazardous landfill site.

*[29 March 2012; 27 March 2014]*

## **Section 21.**

(1) Municipal waste generated in the administrative territories of such local governments which are located in the relevant waste management region shall be disposed only in the municipal landfill site of the relevant waste management region or transferred to the relevant reloading stations. The local government shall enter into a contract with the manager of such landfill site regarding disposal of municipal waste collected in the administrative territory thereof

(2) All municipal landfill sites in the administrative territories of such local governments which are located in the relevant waste management region shall be closed not later than within 30 days after commencement of the operation of the regional municipal waste landfill site. The closed landfill sites shall be recovered in accordance with the State waste management plan and regional plans.

## **Section 22.**

(1) The owner or manager of a waste landfill site, waste dump, other waste disposal or waste recovery facility shall:

1) prior to the commencement of operation of the landfill site, other waste disposal or waste recovery facility, obtain permits specified in the regulatory enactments regarding polluting activities regulating the field of environmental protection;

2) manage the landfill site, waste dump, other waste disposal or waste recovery facility in accordance with the permit for the performance of Category A or B polluting activities, this Law and other regulatory enactments regulating the field of environmental protection; and

3) take measures and cover the expenditure associated with the closure of the landfill site or waste dump, as well as the termination of the operation of the waste disposal or waste recovery facility.

(2) The Cabinet shall determine:

1) the types of waste recovery and disposal;

2) the requirements for the arrangement of landfill sites, management of landfill sites and waste dumps and closure and re-cultivation of such landfill sites and waste dumps, as well as the procedures by which landfill sites shall be closed and re-cultivated; and

3) the requirements for the incineration of waste, including hazardous waste, and for the operation of waste incineration facilities.

(3) The owner or manager of a municipal landfill site shall ensure that municipal waste or production waste is prepared for disposal in the relevant landfill site, or that waste prepared for disposal is accepted in the landfill site, if preparation of municipal waste is not performed in the relevant landfill site.

(4) The owner or manager of a landfill site, when obtaining the permit prior to the commencement of operation of the landfill site, shall provide financial or equal security with a view to ensuring the fulfilment of the requirements specified in the relevant permits, also requirements regarding the closure of a landfill site and environmental monitoring to be performed after the closure of the landfill site.

## **Section 23.**

(1) Waste managers who are performing preparation of waste for recovery or disposal, recovery or disposal of waste, collection or transport of hazardous waste, hazardous waste dealers and hazardous waste management brokers, producers of hazardous waste, except producers of municipal hazardous waste shall:

1) record the amount (volume), type, origin, frequency of collection, transport, type of recovery and disposal, and place of recovery and disposal of the relevant waste under management or generated waste in chronological order, shall submit the compiled information to the authority authorised by the Ministry of Environmental Protection and Regional Development in accordance with the procedures specified in the regulatory enactments regarding environmental statistics, as well as to the relevant local government, and shall store such documents at least for three years;

2) upon their request, provide information to State authorities and local governments regarding waste management, including the information referred to in Clause 1 of this Paragraph and other environmental information.

(2) Waste managers which are collecting or transporting hazardous waste shall store the information referred to in Paragraph one of this Section at least for three years.

(3) Managers of hazardous waste shall, upon the request of the previous holder of hazardous waste, issue a certification regarding the collection, storage, reloading and transport, preparation for recovery or disposal of the relevant waste.

*[16 December 2010]*

## **Chapter VI**

### **Requirements for the Management of Certain Types of Waste**

#### **Section 24.**

(1) The Cabinet shall determine the categories of electrical and electronic equipment.

(1<sup>1</sup>) Foreign producers of electrical and electronic equipment may authorise in writing a person who carries out a commercial activity in Latvia to take over the commitments in Latvia of the relevant foreign producer of electrical and electronic equipment in respect of the conformity with the requirements for the management of waste electrical and electronic equipment laid down in this Law. A producer of electrical and electronic equipment established in Latvia who is carrying out a commercial activity in Latvia and, using a distance contract, sells electrical and electronic equipment in other Member State of the European Union where it does not carry out the commercial activity, shall authorise in writing a person established in the relevant Member State of the European Union to take over the commitments of the producer of electrical and electronic equipment in respect of the management of waste electrical and electronic equipment in the relevant Member State of the European Union.

(2) The Cabinet shall determine the procedures for the registration of producers of electrical and electronic equipment and authorised representatives thereof. Producers of electrical and electronic equipment or authorised representatives thereof shall be registered with the institution authorised by the Ministry of Environmental Protection and Regional Development or an association founded by producers of electrical and electronic equipment and which has been delegated such task by the Ministry of Environmental Protection and Regional Development. Producers of electrical and electronic equipment or authorised representatives thereof shall provide to the institution authorised by the Ministry of Environmental Protection and Regional Development or the referred to association of persons information regarding the quantity and categories of electrical and electronic equipment supplied to the market of Latvia, as well as regarding the quantity and categories of the collected, reused, recycled, recovered and exported waste electrical and electronic equipment.

(3) The association founded by persons who are producers of electrical and electronic equipment, referred to in Paragraph two of this Section:

1) shall be under subordination of the Ministry of Environmental Protection and Regional Development in relation to the fulfilment of the State administrative task to perform registration of producers of electrical and electronic equipment; and

2) in performing the registration of producers of electrical and electronic equipment, is entitled to issue administrative provisions regarding registration of a producer of electrical and electronic equipment, refusal to register a producer of electrical and electronic equipment and exclusion of a producer of electrical and electronic equipment from the register of producers of electrical and electronic equipment.

(4) Maintaining of the data of producers of electrical and electronic equipment shall be performed for a fee, the amount and procedures for payment of which shall be determined by the Cabinet.

*[16 December 2010; 29 March 2012; 27 March 2014]*

## **Section 25.**

A producer of electrical and electronic equipment shall co-operate with merchants which carry out recycling of waste electrical and electronic equipment in order to facilitate the development and manufacture of electrical and electronic equipment so that it is possible to dismantle and recover them, as well as to reuse, separate and recycle such equipment, and the components and materials thereof. The requirements laid down in the laws and regulations regarding the requirements of eco-design shall be used in the development and manufacture of electrical and electronic equipment not using methods, which make difficult the reuse of the referred-to equipment waste, except cases where the use of such methods significantly improve the application of environmental protection or safety requirements.

*[27 March 2014]*

## **Section 26.**

(1) A producer of electrical and electronic equipment shall ensure the collection, acceptance, processing, reuse, recycling, recovery and disposal of electrical and electronic equipment waste, using the best available techniques.

(2) A producer of electrical and electronic equipment may himself or herself perform the measures referred to in Paragraph one of this Section or enter into a contract with an electrical and electronic equipment waste manager (commercial company, which on the basis of the contract entered into with the producer of electrical and electronic equipment, shall organise and co-ordinate the management of such equipment waste).

(3) A producer of electrical and electronic equipment shall ensure that the acceptance of household electrical and electronic equipment waste in the established collection system is free of charge.

(4) A distributor of electric and electronic equipment who supplies new electric and electronic household equipment directly to a user thereof shall ensure the acceptance of waste electrical or electronic equipment without asking payment for this if the relevant electrical and electronic equipment is of equivalent type of electrical and electronic equipment and has fulfilled the same functions as the supplied electrical and electronic equipment.

(4<sup>1</sup>) A distributor of electrical and electronic equipment shall provide for the collection, at retail shops with sales areas relating to electronic and electrical equipment of at least 400 square metres, or in their immediate proximity, of such electrical and electronic equipment, external dimension of which is not more than 25 centimetres, free of charge to end-users and with no obligation to buy electrical and electronic equipment of an equivalent or similar type. The distributor of electrical and electronic equipment shall ensure the management of electrical and electronic equipment in conformity with Paragraph five of this Section.

(5) The collected electrical or electronic equipment waste shall be transferred to operators of processing undertakings (facilities) if they have received the permits specified in regulatory enactments, except for whole electrical or electronic equipment, which are intended for reuse.



(6) Separately collected waste electrical and electronic equipment which has not undergone the treatment may not be accepted for disposal at landfill sites.

*[27 March 2014]*

## **Section 27.**

(1) Until 13 August 2005, all producers of electrical and electronic equipment shall cover the costs of the waste management of household electrical and electronic equipment placed on the market.

(2) Until 13 August 2005, the costs of the waste management of such electrical and electronic equipment placed on the market, which are not deemed to be household electrical and electronic equipment, shall be covered by users of such equipment. The manufacturer of such equipment shall cover the costs of the referred to waste management if the equipment is replaced with new identical equipment or new equipment which performs equivalent functions.

(3) The manufacturers of household electrical and electronic equipment placed on the market prior to 13 August 2005 may, at the time of selling new equipment, provide the purchasers with information regarding the expenditure related to the collection, recovery and disposal of such equipment in a safe manner.

(4) At the time of selling of household electrical and electronic equipment placed on the market of Latvia after 13 August 2005 information regarding the expenses related to the collection, processing and disposal of such equipment in a safe manner shall not be separately provided to the purchasers.

(5) After 13 august 2005 the costs of the collection and recovery of waste electrical and electronic equipment and waste household electrical and electronic equipment manufactured or placed on the market by a producer of electrical and electronic equipment itself, as well as costs related to preparation of such waste for recovery, preparation for disposal and disposal in environmentally friendly way.

*[27 March 2014]*

## **Section 28.**

A manufacturer which places electrical and electronic equipment on the market after 13 August 2005 and has not chosen the types of electrical and electronic equipment waste management referred to in Section 26, Paragraph two of this Law shall, for the performance of the measures referred to in Section 26, Paragraph one of this Law, provide a guarantee with a bank guarantee or civil liability insurance.

## **Section 29.**

The Cabinet shall determine:

- 1) the requirements for the labelling of electrical and electronic equipment;
- 2) the requirements for the collection and processing of electrical and electronic equipment waste;
- 3) the volume and time periods for the collection, reuse, processing and recovery of electrical and electronic equipment waste, as well as the requirements for the provision of a report regarding the implementation of such operations; and
- 4) the requirements to be observed for the provision of information to consumers, electrical and electronic equipment waste processing, reuse, recycling and recovery equipment operators, as well as the requirements for informing the general public and the European Commission.

## **Section 30.**

(1) A battery or accumulator is a source of electrical energy in which energy is generated by direct transformation of chemical energy and which consists of one or several primary (non-rechargeable) battery cells or secondary (rechargeable) battery cells.

(2) Batteries and accumulators are divided into the following categories:

1) a battery pack is a set of batteries or accumulators that are connected together or are encapsulated within an outer casing to form a complete unit, and the end user is not expected to split it up or to open it.

2) a portable battery or accumulator is any sealed battery, button cell, battery pack or accumulator that can be hand-carried and that is neither an industrial battery or accumulator nor a battery or accumulator designed for use in vehicles or other self-propelled machinery;

3) button cells are any small, round portable batteries or accumulators with a diameter greater than its height and which are used for special purposes such as in hearing aids, wrist watches, small portable equipment and back-up source for saving of data;

4) a battery or accumulator designed for use in vehicles or in other self-propelled machinery is a battery or accumulator that is used in order to operate the automotive starter, lighting or ignition of a vehicle or other self-propelled machinery (hereinafter ó batteries and accumulators of vehicles); and

5) an industrial battery or accumulator is any battery or accumulator designed for exclusively industrial or professional use or that is used in any type of electric vehicle.

(3) The provisions of this Law shall apply to batteries and accumulators of all types regardless of their use, shape, volume, and weight or material composition.

(4) Battery or accumulator waste is any battery or accumulator that qualifies as waste within the meaning of the term ōwasteö as specified in Section 1, Clause 1 of this Law.

## **Section 31.**

(1) A producer of batteries and accumulators is any person in the European Union Member State that, irrespective of the selling technique used and irrespective of the distance contract, within the scope of his or her commercial activities or economic activity, places on the market for the first time batteries or accumulators, including batteries and accumulators incorporated into appliances or vehicles in accordance with the commercial activities of the producer.

(2) A distributor of batteries and accumulators is any person that, within the scope of his or her commercial activities or economic activity, supplies batteries and accumulators to direct users.

(3) The Cabinet shall determine the procedures for the registration pertaining to producers of batteries and accumulators and the holder of the register. Producers of batteries and accumulators shall provide information for the register regarding the amount and the types of batteries and accumulators placed on the market, regarding the amount and the types of collected and processed, as well as exported batteries and accumulators.

(3<sup>1</sup>) The association founded by persons who are producers of electrical and electronic equipment, referred to in Paragraph three of this Section:

1) shall be under subordination of the Ministry of Environmental Protection and Regional Development in relation to the fulfilment of the State administrative task ó to perform registration of producers of batteries or accumulators; and

2) in performing the registration of producers of batteries or accumulators, is entitled to issue administrative provisions regarding registration of a producer of batteries or accumulators, refusal to register a producer of batteries or accumulators and exclusion of a producer of batteries or accumulators from the register of producers of batteries or accumulators.

(4) Maintaining of the data of producers of batteries or accumulators shall be performed for a fee, the amount and procedures for payment of which shall be determined by the Cabinet.  
*[29 March 2012]*

### **Section 32.**

Placing on the market means that batteries and accumulators are supplied or be made available, for a charge or free of charge, to third persons within the territory of the European Union, also importing in the customs territory of the European Union.

### **Section 33.**

(1) A producer of batteries and accumulators shall ensure the acceptance, collection, processing and recycling of battery and accumulator waste, using the best technical methods available in compliance with the health and environmental protection principles and the regulatory enactments regarding pollution.

(2) A producer of batteries and accumulators may perform the measures referred to in Paragraph one of this Section himself or herself, or may enter into a contract with a merchant which, on the basis of the concluded contract, shall organise and co-ordinate battery and accumulator waste management.

(3) Any producer of batteries and accumulators, distributor or waste manager who performs collection, processing and recycling of batteries and accumulators, as well as State and local government institutions may participate in the measures referred to in Paragraphs one and two of this Section.

(4) The measures referred to in Paragraphs one and two of this Section shall apply to batteries and accumulators for the importation of which from third countries discriminating provisions have not been applied, without limitation of selling of the referred to batteries and accumulators and preventing activities restricting competition.

*[29 March 2012]*

### **Section 34.**

(1) Waste from portable batteries and accumulators shall be collected or accepted free of charge, without obligating the direct users to purchase a new battery or accumulator, even if collection or acceptance is ensured by the distributor of batteries and accumulators.

(2) A producer or distributor of batteries and accumulators for vehicles shall ensure the waste collection from such batteries and accumulators, also using collection points that are located in the proximity of direct users, or ensure the acceptance of such batteries from private land vehicles or other self-propelled machinery not intended for commercial purposes (non-commercial vehicles) free of charge without obligating to purchase a new battery or accumulator.

(3) A producer or distributor of industrial batteries and accumulators shall ensure the collection and acceptance of waste from such batteries and accumulators regardless of the chemical composition and origin of such batteries and accumulators.

*[29 March 2012]*

### **Section 34.<sup>1</sup>**

(1) Producers of batteries or accumulators or authorised representatives thereof shall ensure that all costs for the collection, processing and recycling of portable batteries and accumulators, batteries and accumulators for vehicles, as well as batteries and accumulators

used in industry collected within the framework of the measures referred to in Section 33, Paragraphs one and two of this Section are covered.

(2) Paragraph one of this Section shall not be applied to waste from batteries and accumulators that were collected in compliance with the regulatory enactments regarding electrical and electronic equipment waste management or regarding management of end-of-life vehicles in order to prevent double payment for the collection, processing and recycling of the referred to waste.

(3) Producers of batteries or accumulators or authorised persons thereof shall ensure that all costs for those measures of informing of the public are covered which refer to collection, processing and recycling of all types of portable batteries and accumulators.

(4) The costs for collection, processing and recycling of the relevant battery and accumulator waste shall not be specified separately for direct users of batteries and accumulators at the time of selling.

(5) Producers of batteries or accumulators for vehicles, as well as producers of batteries and accumulators used in industry, or authorised persons thereof may enter into agreements that provide for other procedures for covering of costs than specified in Paragraph one of this Section.

(6) The requirements of this Section shall apply to all types of battery and accumulator waste regardless of the time of placing on the market.

*[29 March 2012]*

### **Section 35.**

Waste from industrial batteries and accumulators and waste from vehicle batteries or accumulators shall neither be accepted for disposal at landfill sites, nor incinerated. Residues from the processing and recycling of battery or accumulator waste may be disposed of in landfill sites or may be incinerated.

### **Section 36.**

The Cabinet shall determine:

1) the requirements to be set for the collection, processing and recycling of battery and accumulator waste;

2) the volumes and time periods for the collection and recycling of batteries and accumulators, as well as the requirements in relation to how a report on the performance of such activities is to be given.

### **Section 37.**

(1) Bio-waste means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants.

(2) The measures which facilitate the use of environmentally safe materials produced from bio-waste, the separate collection of bio-waste with a view to the recovery, composting and recycling, as well as measures for treatment of bio-waste in compliance with the requirements of Section 4 of this Law shall be provided for in the State waste management plan and regional plans.

(3) Bio-waste shall be composted in municipal landfill sites or places which are specially constructed for composting of bio-waste.

## **Chapter VII**

### **Payment for the Waste Management**

#### **Section 38.**

- (1) Payment for the collection, transport, reloading, storage and recovery of hazardous waste or production waste, or for the disposal of production waste in a municipal landfill site shall be determined by the producer or holder of hazardous waste or production waste in agreement with the waste manager which performs the relevant waste management activities.
- (2) Payment for the disposal of hazardous waste shall be determined in accordance with the procedures specified by the Cabinet.
- (3) Payment for the disposal of production waste in a hazardous landfill site shall be the same as payment for the disposal of hazardous waste in the relevant hazardous landfill site.

#### **Section 39.**

(1) The procedures for the determination of payment for municipal waste management (except for municipal waste recovery) to be paid by waste producers or waste holders (except the waste producers referred to in Section 18, Paragraph ten of this Law) shall be approved by the local government with binding regulations. On the basis of the procedures provided for in the binding regulations, the local government shall determine the payment for municipal waste management (except municipal waste recovery) with a decision thereof, and such payment shall incorporate the following:

- 1) the payment for the collection, transport, reloading, storage, maintaining of separate waste collection, sorting and reloading infrastructure objects in compliance with a contract which has been entered into by an between the local government and the waste manager referred to in Section 18, Paragraph one of this Law;

- 2) the tariff for the municipal waste disposal in landfill sites and waste dumps, which has been approved by the Public Utilities Commission; and

- 3) natural resources tax for disposal of waste in the amount specified in regulatory enactments.

(2) The waste manager which has been selected by the local government in accordance with Section 18 of this Law shall ensure the collection, transport, reloading, storage of municipal waste, maintaining of separate waste collection, sorting and reloading infrastructure objects for the same charge for all municipal waste producers in the relevant waste management zone in accordance with the contract entered into with the local government in accordance with the procedures specified in this Law, except the cases referred to in Section 18, Paragraph ten of this Law.

(3) Waste composting costs shall be included:

- 1) in the tariff for the disposal of municipal waste, if bio-waste is composted in the municipal landfill site;

- 2) in the payment for the municipal waste management, if bio-waste is composted at places which are specially constructed for composting of bio-waste.

#### **Section 40.**

The tariff for the disposal of municipal waste in landfill sites shall be regulated in accordance with the procedures prescribed in the Law On Regulators of Public Utilities.

*[27 March 2014]*

## **Section 41.**

(1) The tariff for the disposal of municipal waste shall include:

1) expenses related to the arrangement and exploitation of a landfill site, expenses related to reloading station of a landfill site and expenses for the conveyance of accepted waste or municipal waste prepared for disposal from reloading station of a landfill site to a landfill site;

2) expenses related to the preparation of waste for disposal, regular covering of waste layer with inert coating;

3) expenses for the financing of such educating measures of the public which are aimed at educating of waste producers of the relevant waste management region in the field of waste management;

4) expenses related to the financial guarantee or equal guarantee by the landfill site manager;

5) landfill site closure and re-cultivation expenses; and

6) expenses related to the monitoring of a closed landfill site at least for 30 years subsequent to the closure of the landfill site.

(1<sup>1</sup>) Within the meaning of this Section a reloading station of a landfill site is a reloading station related to the infrastructure of the landfill site where the owner or manager of a landfill site accepts waste collected within the relevant waste management region in order to convey them to the landfill site for disposal or prepare for disposal.

(1<sup>2</sup>) The Cabinet shall lay down the procedures for determining the expenses for closing and re-cultivation of a landfill site and expenses for monitoring of a closed landfill site, as well as the procedures for supervision of accumulation and use of funds transferred in the account in the Treasury for closing of a landfill site .

(2) A manager of landfill site shall pay that part of income from the tariff for the disposal of waste in a landfill site, which is intended for covering of expenses for landfill site closure, re-cultivation and monitoring of a closed landfill site, in the account of the landfill site closer in the Treasury for the preceding quarter until the fifteenth date of the first month of the following quarter.

(3) After the State Environmental Service has taken a decision on the landfill site closure, the resources referred to in Paragraph two of this Section shall be received by the owner or manager of the landfill site or the State or local government institution in accordance with the procedures specified by the Cabinet for the covering of expenses for landfill site closure, re-cultivation and monitoring of a closed landfill site.

*[27 March 2014]*

## **Chapter VIII Transboundary Movements of Waste**

## **Section 42.**

(1) Exportation of hazardous waste for recovery or disposal to states which have acceded to the Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is permitted in compliance with the procedures prescribed in the Convention referred to.

(2) It is prohibited to bring in the territory of Latvia any waste for disposal, also incineration, if the referred to activity is to be classified as disposal of waste, or for long-term storage.

(3) It is allowed to bring in waste for recovery or incineration, if incineration is to be classified as waste recovery, only in such case, if waste recovery facilities having appropriate capacity are operating in the territory of the State and their owner has received a permit for recovery of the relevant waste, and recycling or recovery of waste produced in the territory of

Latvia, which is specified in the State waste management plan or regional plans, is not endangered as a result of bringing in of waste.

(4) The State Environmental Service shall take a decision on prohibition of bringing in of waste, if it is determined that the provisions of Paragraph three of this Section are not observed. The State Environmental Service shall, prior to bringing in of the relevant waste, assess the capacity of waste incineration facilities and the amount and type of waste planned to be incinerated, taking into account the information regarding amount of such municipal waste produced in the territory of the State, which is suitable for incineration in the relevant incineration facilities in compliance with a permit for Category A or B polluting activity issued for the operation of such facilities.

(5) A waste manager who brings in the territory of Latvia or brings out of the territory of Latvia the waste referred to in Article 3 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (hereinafter – Regulation No 1013/2006) or in Basel Convention for the purposes provided for in Paragraph three of this Section, shall submit a report on waste for the previous calendar year until 1 March of the current year in accordance with the provisions regarding forms of reports on environmental protection State statistics.

(6) The owner of the incineration facilities referred to in Paragraph three of this Section shall, by 20 December of the relevant year, submit information to the State Environmental Service regarding the amount and type of waste planned to be incinerated in the next year.

(7) A waste manager, which in compliance with an issued permit for Category A or B polluting activity prepares waste for incineration in waste incineration facilities, shall, by 20 December of the relevant year, submit the information to the State Environmental Service regarding the amount and type of waste planned to be incinerated in the next year.

(8) The State Environmental Service shall fulfil the duties of the competent authority and correspondent referred to in the Regulation No 1013/2006 and issue an approval or a consent for transboundary movement of waste.

(8<sup>1</sup>) The State Environmental Service shall control shipments of waste electrical and electronic equipment in accordance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, as well as shipments of used electrical and electronic equipment regarding which there are substantial suspicions that waste electrical and electronic equipment is sent. The State Environmental Service is entitled to request a manufacturer of electrical and electronic equipment and receive free of charge from him or her, a third person representing such manufacturer or other person who is organising the relevant shipment of used electrical and electronic equipment, information regarding the performed analyses of functionality and chemical content of used electrical and electronic equipment.

(8<sup>2</sup>) The Cabinet shall determine the requirements for inspection of such shipments of electrical and electronic equipment regarding which there are suspicions that waste electrical and electronic equipment is sent.

(9) A State fee shall be paid for the issue of approval or consent for transboundary movement of waste. The amount for the State fee and procedures for payment thereof shall be determined by the Cabinet.

(10) Waste, the preparation for re-use, re-use, recovery or disposal of which in Latvia is not possible due to economical or technical reasons, may be brought out to other states for performance of the relevant activities in compliance with the Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and Regulation No 1013/2006.

*[29 March 2012; 27 March 2014]*

## Transitional Provisions

1. With the coming into force of this Law, the Waste Management Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2001, No. 3; 2004, No. 7, No. 10; 2005, No. 2, No. 15; 2006, No. 24; 2008, No. 9; 2009, No. 21) is repealed.

2. Section 6, Clause 3, Section 12, Paragraph three and Section 42, Paragraph five of this Law shall come into force on 1 January 2011.

3. The Cabinet shall, not later than until 31 December 2010, issue the regulations referred to in Section 6, Clause 1, Section 9, Paragraph four, Section 11, Paragraph two, Section 12, Paragraph two, Section 17, Paragraphs five, six and eight, Section 18, Paragraph ten, Section 20, Paragraphs four, five and seven, Section 22, Paragraph two, Clause 1, Section 24, Paragraphs two and four and Section 31, Paragraph four of this Law.

4. The Cabinet shall, not later than until 30 November 2011, issue the regulations referred to in Section 6, Clauses 2, 4, 5, Section 20, Paragraph eight, Section 22, Paragraph two, Clauses 2 and 3, Section 24, Paragraph one, Section 29, Section 31, Paragraph three, Section 36, Section 38, Paragraph two of this Law.

[29 March 2012]

5. Until the day of the coming into force of the relevant Cabinet Regulations, but not later than until 30 November 2011, the following Cabinet Regulations shall be applicable:

1) Cabinet Regulation No. 323 of 17 July 2001, *Requirements for Incineration of Waste and Operation of Waste Incineration Plants*;

2) Cabinet Regulation No. 371 of 8 July 2003, *Procedures for the Determination of Payment for Disposal of Hazardous Waste*;

3) Cabinet Regulation No. 365 of 20 April 2004, *Regulations Regarding Waste Recycling, Recovery and Disposal Types*;

4) Cabinet Regulation No. 624 of 27 July 2004, *Regulations Regarding Categories of Electrical and Electronic Equipment*;

5) Cabinet Regulation No. 736 of 24 August 2004, *Requirements for Marking of Electronic and Electrical Equipment and Provision of Information Thereon*;

6) Cabinet Regulation No. 923 of 9 November 2004, *Regulations Regarding the Management of Electrical and Electronic Equipment Waste*;

7) Cabinet Regulation No. 985 of 30 November 2004, *Regulations Regarding Waste Classification and Characteristics Making Waste Hazardous*;

8) Cabinet Recommendations No. 1 of 26 July 2005, *Recommendations for Local Governments Regarding the Binding Regulations Regulating Municipal Waste Management*;

9) Cabinet Regulation No. 874 of 22 November 2005, *Procedures for the Purchase and Sale of Ferrous and Non-ferrous Metal Cuttings and Scrap*;

10) Cabinet Regulation No. 1002 of 27 December 2005, *Procedures for the Registration of Electrical and Electronic Equipment Manufacturers*;

11) Cabinet Regulation No. 3 of 3 January 2006, *Regulations Regarding the State Fee for the Issue of Licence for the Purchase of Ferrous and Non-ferrous Metal Cuttings and Scrap and the Procedures for Payment of the State Fee*;

12) Cabinet Regulation No. 332 of 25 April 2006, *Regulations Regarding Environmental Pollution from Production of Asbestos and Asbestos-based Products and Management of Asbestos Waste*;



13) Cabinet Regulation No. 474 of 13 June 2006, *Regulations Regarding the Construction of Landfill Sites, the Management, Closure and Re-cultivation of Landfill Sites and Waste Dumps*;

14) Cabinet Regulation No. 613 of 29 July 2008, *Procedures for the Issue, Extension, Review and Cancellation of Waste Management Permits*;

15) Cabinet Regulation No. 782 of 22 September 2008, *Procedures for the Submission of Reports on Volumes and Types of Recycled Waste*;

16) Cabinet Regulation No. 789 of 22 September 2008, *Procedures for the Management of Certain Types of Hazardous Waste*;

17) Cabinet Regulation No. 977 of 25 November 2008, *Regulations Regarding Procedures for the Registration Pertaining to the Producers of Batteries and Accumulators and the Holder of the Register*;

18) Cabinet Regulation No. 1051 of 16 December 2008, *Procedures for the Recording, Identification, Storage, Packing, Labelling and Transport of Hazardous Waste*;

19) Cabinet Regulation No. 156 of 17 February 2009, *Regulations Regarding Procedures for the Registration of Foreign Electrical and Electronic Equipment Manufacturers and their Duties*;

20) Cabinet Regulation No. 985 of 1 September 2009, *Regulations Regarding Waste Collection, Sorting Points and Biodegradable Waste Composting Sites*; and

21) Cabinet Regulation No. 121 of 9 February 2010, *Regulations Regarding Procedures for the Collection and Management of the Primary Packaging to which the Deposit System is not Applied and which is Collected at the Sales Point or Specially Established Packaging Collection Point, and the Requirements for the Merchants which Perform the Collection of such Packaging*.

6. State waste management plan for 2006-2012 and regional waste management plans issued until the day of coming into force of this Law shall be in force until the end of the term thereof.

7. Cabinet Regulation No. 797 of 26 September 2006, *Regulations Regarding the Regional Waste Management Plan of Ziemeļvidzeme 2006-2013*, shall be in force until 31 December 2013.

8. Local governments shall, until 1 April 2011, assess the compliance of the binding regulations regarding municipal waste management in force with the requirements of this Law and the State waste management plan and regional plans, as well as the division of administrative territories local governments into waste management zones and, if necessary, issue new binding regulations until 1 October 2011.

9. The Ministry of Environmental Protection and Regional Development shall, in co-operation with local governments, develop and the Cabinet shall, until 1 July 2013, issue the regulations referred to in Section 10, Paragraph one of this Law.

[16 December 2010; 29 March 2012]

10. The Cabinet shall:

1) until 30 December 2012, approve the State waste management plan referred to in Section 9, Paragraph two of this Law, including waste prevention programme; and

2) until 30 December 2013, approve the regional waste management plans referred to in Section 9, Paragraph two of this Law.

11. Permits issued on the basis of the requirements of the Waste Management Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2001, No. 3; 2004, No. 7, No. 10; 2005,

No. 2, No. 15; 2006, No. 24; 2008, No. 9; 2009, No. 21) shall be valid until the expiry of the term of validity thereof.

12. Until 26 July 2005 the contract entered into by and between a local government and a municipal waste manager regarding collection, transport, reloading and storage of municipal waste shall expire within the term specified in the contract. If after 26 July 2005 the local government and the municipal waste manager have entered into or extended the contract regarding collection, transport, reloading and storage of municipal waste, not applying the regulatory enactments regarding public procurement or in non-compliance with the regulatory enactments regarding public procurement, the referred to contract shall be terminated not later than until 1 July 2013.

*[6 December 2012 /Judgement of the Constitutional Court - To find the first sentence of Paragraph 12 of the Transitional Provisions of the Law On Waste Management as non-compliant with Article 1 of the Constitution of the Republic of Latvia and invalid from 1 July 2013 insofar as it applies to contracts entered into not applying or applying inappropriately the laws and regulations regarding public procurement/]*

13. Until the entering into a contract regarding municipal waste management in the relevant zone with the merchant, which has been selected in accordance with the procedures specified in the laws and regulations governing public procurement or public-private partnership, the payment for municipal waste management shall comply with the last tariff approved by the Regulator for municipal waste management which has been determined prior to coming into force of this Law. The local government is entitled to review the referred to tariff for municipal waste management, if the tariff referred to in Section 39, Paragraph one, Clauses 2 and 3 of this Law or tax has changed, and to adjust in such amount in which it is affected by the relevant changes.

14. A contract entered into by and between a local government and a municipal waste manager regarding collection, transport, reloading and storage of municipal waste, in which the term of validity of the contract is not determined, shall be terminated not later than until 1 July 2013.

15. A local government, the contracts entered into of which are to be terminated in accordance with Paragraph 12 or 14 of Transitional Provisions of this Law, shall, until 1 July 2013, select a municipal waste manager in accordance with the procedures specified in Section 18 of this Law.

16. Until the end of the term specified in the contract, but not later than until 31 December 2015, a contract regarding municipal waste management which has been entered by a person who is the commissioning party of public procurements in compliance with the regulatory enactments regarding public procurement, and which has been entered into until the day of coming into force of this Law shall be in effect.

17. Until the end of the term specified in the contract, but not later than until 31 December 2015, a contract which a waste producer, which in compliance with regulatory enactments is exempted from payment of the natural resources tax for the management of certain types of waste or which participates in the management systems of certain types of waste, has entered into with a waste manager selected by him or her regarding separate collection, transport, reloading and storage of municipal waste and which has been entered into until the day of coming into force of this Law, shall be in effect.

18. Local governments, which until the day of coming into force of this Law have not entered into the contract regarding collection, transport, reloading and storage of municipal waste, shall select a municipal waste manager in accordance with the procedures specified in Section 18 of this Law until 31 December 2011.

19. The conditions of Section 27, Paragraph four of this Law shall not be applied in respect of large size household electrical and electronic equipment until 13 February 2013, but in respect of other household electrical and electronic equipment <sup>6</sup> until 13 February 2011. The expenses indicated to purchasers regarding the collection, processing and disposal of such equipment in safe manner may not exceed the actual expenses for waste electrical and electronic equipment management.

20. The Cabinet shall issue the regulations referred to in Section 6, Clause 6, Section 12.<sup>1</sup> of this Law not later than until 1 July 2013.

*[29 March 2012; 27 March 2014]*

21. If a local government has not entered into a contract regarding the collection, transport, reloading and storage of municipal waste, persons that are commissioning parties within the meaning of the regulatory enactments regarding public procurement shall carry out public procurement regarding collection and transport of municipal waste, taking into account the requirements of the binding regulations of the local government. In such case a contract entered into by a commissioning party shall be valid until the end of the term of validity of the contract determined therein, however, not longer than one month after coming into effect of the contract that the local government has entered into with a merchant selected in accordance with the procedures specified in Section 18, Paragraph one of this Law.

*[29 March 2012]*

22. The Cabinet shall:

1) until 1 July 2014, issue the regulations referred to in Section 6, Clause 1.<sup>1</sup>, Section 24, Paragraph two and Section 42, Paragraph 8.<sup>2</sup> of this Law;

2) until 30 December 2014, issue the regulations referred to in Section 12, Paragraph two, Clause 6, Section 12.<sup>1</sup>, Section 41, Paragraphs 1.<sup>2</sup> and three of this Law.

*[27 March 2014]*

23. Until the coming into force of the Cabinet Regulation referred to in Section 24, Paragraph two of this Law, but not later than until 1 July 2014 the Cabinet Regulation No. 323 of 26 April 2011, Regulations Regarding Procedures for the Registration of the Producers of Electrical and Electronic Equipment and Producers of Batteries and Accumulators and the Fee for Data Maintenance, shall be applied insofar as it is not in contradiction with this Law.

*[27 March 2014]*

24. Until the coming into force of the Cabinet Regulation referred to in Section 12.<sup>1</sup> of this Law, but not later than until 30 December 2014 the Cabinet Regulation No. 1172 of 22 October 2013, Procedures for the Registration of Waste Dealers and Waste Management Brokers, shall be applied insofar as it is not in contradiction with this Law.

*[27 March 2014]*

## Informative Reference to European Union Directives

This Law contains legal norms arising from:

- 1) Council Directive 75/439/EEC of 16 July 1975 on the disposal of waste oils;
- 2) Council Directive 75/442/EEC of 15 July 1975 on waste;
- 3) Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry;
- 4) Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry;
- 5) Council Directive 83/29/EEC of 24 January 1983 amending Directive 78/176/EEC on waste from the titanium dioxide industry;
- 6) Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils;
- 7) Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste;
- 8) Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances;
- 9) Council Directive 91/689/EEC of 12 December 1991 on hazardous waste;
- 10) Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment;
- 11) Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances;
- 12) Council Directive 94/31/EC of 27 June 1994 amending Directive 91/689/EEC on hazardous waste;
- 13) Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT);
- 14) Commission Directive 98/101/EC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (Text with EEA relevance);
- 15) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;
- 16) Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste;
- 17) Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);
- 18) Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE);
- 19) Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (Text with EEA relevance);
- 20) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC;
- 21) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;
- 22) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006;

23) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE).  
[27 March 2014]

This Law shall come into force on the day following the proclamation thereof.

This Law was adopted by the *Saeima* on 28 October 2010.

President

V. Zatlers

Rīga, 17 November 2010