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

11 March 2004 [shall come into force on 7 April 2004];

13 October 2005 [shall come into force on 1 June 2006];

12 June 2009 [shall come into force on 1 July 2009];

21 February 2013 [shall come into force on 8 March 2013];

16 September 2021 [shall come into force on 11 October 2021].

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

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**On the Safety of Hydrotechnical Structures of Hydroelectric Power Plants**

**Section 1.** The following terms are used in the Law:

1) **hydroelectric power plant** – structures and equipment used to transform the hydraulic power of water into electric power;

2) **hydrotechnical structures of a hydroelectric power plant** – a complex of structures required for the operation of a hydroelectric power plant, including locks, dams, hydroelectric power plant buildings, water drainage structures, canals, ducts, tunnels, pumping stations, drains, fish protection and transfer structures, protecting dikes, riverbank reinforcements, retaining walls, and other structures affected by water pressure;

3) **possessor of hydrotechnical structures** – owner, legal possessor, or holder – a natural or legal person who is constructing, using, or maintaining hydrotechnical structures of hydroelectric power plants and is capable of affecting their condition by his or her actions or failure to act;

4) **third party** – within the meaning of civil liability insurance for the possessors of hydrotechnical structures – any natural or legal person, except for the policy holder, the insured, the owner of the hydrotechnical structure, and the insurer. An employee of the insured and a person providing hydrotechnical structure operation services on the basis of another contract is considered a third party if the damages suffered by him or her are not related to the employment relationship.

[*13 October 2005*]

**Section 2.** The Law prescribes the legal grounds for the operation of the possessors of hydrotechnical structures of hydroelectric power plants (hereinafter – HPP), and also the organisational measures to be taken in order to achieve the safety of existing, renewable HPP hydrotechnical structures and HPP hydrotechnical structures to be newly constructed, and the authority controlling the existence of the safety programme, safety declaration, and civil liability insurance of the HPP hydrotechnical structures, and also the authority which is entitled to take the decision on decommissioning of HPP hydrotechnical structures, if violations of the rules on the operation thereof are detected.

[*16 September 2021*]

**Section 3.** (1) There are the following safety classes for HPP hydrotechnical structures:

1) Class A – structures where accidents result in a threat to the life and health of a natural person and cause significant damage to the property of natural and legal persons and significant environmental harm;

2) Class B – structures where accidents do not result in a threat to the life and health of a natural person but cause damage to the property of natural and legal persons and environmental harm;

3) Class C – structures where accidents do not result in a threat to the life and health of a natural person but damage to the property of natural and legal persons and environmental harm are insignificant.

(2) The intended safety class for HPP hydrotechnical structures shall be indicated in the design task.

[*11 March 2004; 12 June 2009; 21 February 2013; 16 September 2021*]

**Section 4.** (1) The possessor of HPP hydrotechnical structures shall be responsible for the safety of the hydrotechnical structures in his or her possession and shall maintain their operation in accordance with the requirements of laws and regulations. The possessor of HPP hydrotechnical structures shall take all the necessary measures to prevent threat caused by the hydrotechnical structures and the operating mode thereof, including the threat of flood in case of an emergency of the HPP hydrotechnical structures, threat to the life and health of a natural person, threat to the property of a natural or legal person, and also threat to the environment.

(2) The possessor of Class A or Class B HPP hydrotechnical structures has an obligation to insure his or her civil liability against any harm caused to the life and health of third parties, damage to the property of third parties, and damage to the environment as a result of his or her actions or failure to act during the operation (use and maintenance) of the hydrotechnical structures in his or her possession. The possessor of Class A HPP hydrotechnical structures shall submit a copy of the civil liability insurance policy of the HPP hydrotechnical structures to the State Construction Control Bureau, but the possessor of Class B HPP hydrotechnical structures – to the relevant local government in the territory of which the HPP hydrotechnical structure is located.

(3) The civil liability insurance contract of the possessor of Class A and Class B HPP hydrotechnical structures shall be valid throughout the entire operation period of the HPP hydrotechnical structures.

(4) The civil liability insurance contract of the possessor of Class A and Class B HPP hydrotechnical structures may include the deductible of the policy holder which is the amount of damage expressed as a cash equivalent or a percentage which the policy holder shall pay in each insurable event. The deductible of the policy holder may not exceed five per cent of the liability limit provided for in the insurance contract.

(5) Damage caused to the property of a third party shall be compensated in compliance with the principle of compensation. In accordance with the principle of compensation, compensation may not exceed the damage caused by the insurable event.

(6) Damages which occurred in relation to environmental harm and damages which occurred in relation to the harm caused to the health and life of a person shall be compensated in accordance with the procedures laid down in laws and regulations.

(7) The Cabinet shall determine the procedures by which the mandatory civil liability insurance of the possessors of Class A and Class B HPP hydrotechnical structures against any harm caused to the life and health of third parties, damage to the property of third parties, and environmental harm is implemented and shall determine the insurer’s liability limits.

(8) The possessor of HPP hydrotechnical structures may not operate the HPP if the mandatory civil liability insurance of the possessor of HPP hydrotechnical structures has not been implemented.

[*13 October 2005; 21 February 2013; 16 September 2021*]

**Section 5.** The possessor of HPP hydrotechnical structures has an obligation to develop a safety programme for HPP hydrotechnical structures (hereinafter – the safety programme). The possessor of Class A HPP hydrotechnical structures shall submit one copy of the programme to the State Construction Control Bureau, but the possessor of Class B and C HPP hydrotechnical structures – to the relevant local government in the territory of which the HPP hydrotechnical structure is located. The Cabinet shall determine the procedures for the submission of the security programme, the actions to be included in the security programme for the monitoring and examination of the condition of HPP hydrotechnical structures, and the criteria for safe operation, and also the procedures for the design, approval, and implementation control thereof.

[*16 September 2021*]

**Section 6.** The implementation of the security programme for Class A HPP hydrotechnical structures shall start at the beginning of the construction works; for Class B and Class C HPP hydrotechnical structures – after acceptance into operation thereof.

**Section 7.** The procedures for the protection of control and measuring instrumentation required for the implementation of the security programme shall be determined by the Cabinet.

**Section 8.** (1) The possessor of the HPP hydrotechnical structure may not operate the HPP hydrotechnical structure if the HPP hydrotechnical structure security programme has not been drawn up and the HPP hydrotechnical structure safety declaration has not been submitted. The presence of a security programme or the submission of the HPP hydrotechnical structure safety declaration shall not release the possessor of the HPP hydrotechnical structure from responsibility for any harm caused to the life and health of a natural person, damage to the property of a natural or legal person, or for environmental harm resulting from an accident at the HPP hydrotechnical structure.

(2) If the possessor of the HPP hydrotechnical structure has decided to discontinue the operation of the HPP hydrotechnical structure, he or she shall notify the State Construction Control Bureau, the relevant local government in the territory of which the HPP hydrotechnical structure is located, and the relevant regional environmental board of the State Environmental Service at least 30 days in advance by submitting an approved safety programme and a plan for measures to be taken after discontinuation of the operation of the HPP hydrotechnical structure in order to prevent any harm to the life and health of a natural person, damage to the property of a natural or legal person, or damage to the environment.

(3) The discontinuation of the operation of the HPP hydrotechnical structure and the discontinuation of electricity generation shall not release the possessor of the HPP from the fulfilment of the safety programme.

[*13 October 2005; 12 June 2009; 21 February 2013; 16 September 2021*]

**Section 9.** The possessor of the HPP hydrotechnical structures shall prepare the safety declaration of the HPP hydrotechnical structures which shall include a review of the fulfilment of the safety programme. The possessor of Class A HPP hydrotechnical structures shall, each year by 31 May, submit this declaration to the State Construction Control Bureau, but the possessor of Class B and C HPP hydrotechnical structures – to the relevant local government in the territory of which the HPP hydrotechnical structure is located. The Cabinet shall determine the content of the safety declaration of the HPP hydrotechnical structures and the procedures for the submission thereof.

[*16 September 2021*]

**Section 10.** If the monitoring of the condition of HPP hydrotechnical structures, control measurements, and inspections show that continued operation of these structures can cause their destruction, the possessor of the HPP, following the security programme, has the right to take the decision to lower the impounded water level and has the obligation to notify thereof the electric power transmission or distribution system operator, the central contact and control point of the State Fire and Rescue Service and the contact and control points of the State Fire and Rescue Service units in the endangered regions, and also the possessors of any hydrotechnical structures located downstream.

**Section 11.** If deviations from the safety criteria for hydrostructures have been established in any of the HPP hydrotechnical structures which may create a threat of catastrophe, the possessor of the HPP shall immediately notify the local government located downstream, the possessors of existing hydrotechnical structures located downstream, the electric power transmission and distribution system operators, and also the State Fire and Rescue Service thereof.

[*16 September 2021*]

**Section 12.**

[21 February 2013]

**Section 13.** (1) The State Construction Control Bureau may take a decision on the decommissioning of Class A HPP hydrotechnical structures, but the administrative commission of the local government – on the decommissioning of Class B HPP hydrotechnical structures, if the operation of such structures without the civil liability insurance of the possessor is detected.

(2) The State Construction Control Bureau may take the decision on the decommissioning of Class A HPP hydrotechnical structures, but the administrative commission of the local government – on the decommissioning of Class B and C HPP hydrotechnical structures, if the operation of such structures without a developed safety programme or without a submitted safety declaration of the HPP hydrotechnical structures is detected.

(3) The contesting and appeal of the decision referred to in Paragraphs one and two of this Section shall not suspend its operation.

[*16 September 2021*]

**Transitional Provisions**

1. The requirement to insure civil liability specified in Section 4 of this Law shall come into force on 1 January 2005.

2. [11 March 2004]

3. [11 March 2004]

4. The possessor of HPP hydrotechnical structures who has submitted the HPP hydrotechnical structure safety declaration, including the review of the fulfilment of the security programme, to the Public Utilities Commission in 2012 shall submit the next safety declaration to the Ministry of Economics not later than by 1 June 2014.

[*21 February 2013*]

5. The Cabinet shall, by 30 November 2021, issue the regulations referred to in Sections 5 and 9 of this Law. Until the day of the coming into force of this Regulation, but not longer than until 30 November 2021, Cabinet Regulation No. 70 of 26 January 2010, Regulations Regarding the Safety Programmes and Declarations of the Hydrotechnical Structures of Hydroelectric Power Plants, shall be applied, insofar as it is not in contradiction with this Law.

[*16 September 2021*]

The Law shall come into force on 1 April 2001.

The Law has been adopted by the *Saeima* on 7 December 2000.

President V. Vīķe-Freiberga

Rīga, 20 December 2000