The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Facilitated Procedures for the Construction of the Energy Supply Buildings Required for the Promotion of Energy Security and Autonomy**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in this Law**

The terms used in this Law correspond to the terms used in the law On Environmental Impact Assessment, the Spatial Development Planning Law, the law On Specially Protected Nature Territories, and the Construction Law unless it has been laid down otherwise in this Law.

**Section 2. Purpose of this Law**

The purpose of the Law is to promote generation of renewable energy, to facilitate the energy security and autonomy of the Republic of Latvia, and to mitigate adverse climate and environmental change processes.

**Section 3. Scope of Application of the Law**

The Law prescribes facilitated procedures for the following activities:

1) construction of wind power plants with the total capacity of at least 50 megawatts and the infrastructure required for these plants (hereinafter – the wind power plant);

2) installation of external engineering networks required for the operation of solar panels (equipment) and for the construction of other related buildings if the total capacity of solar panels (equipment) per object is at least 10 megawatts;

3) construction work required for the installation or replacement of thermal energy generation equipment if generation of thermal energy using renewable energy resources is planned, the capacity of the respective equipment is at least five megawatts, and thermal energy will be transferred to the centralised heating system;

4) construction of structures to be used in energy supply in the internal sea waters and territorial sea of the Republic of Latvia, and the distribution, transmission, or storage infrastructure required for these structures.

**Section 4. Territory in Which the Construction of Wind Power Plants is Permitted**

The construction of wind power plants shall be permitted outside cities, towns, and villages, in the industrial building territory, in the technical building territory, in the agricultural territory, on forest land specified in the local government spatial plan, taking into account that the distance from residential and public buildings to the border of the nearest planned wind power plant and wind park is at least 800 metres.

**Chapter II**

**Assessment and Acceptance of the Intended Activity**

**Section 5. Application of the Initial Assessment Process**

(1) The initial assessment shall be applicable to all wind power plants if they are planned outside:

1) specially protected nature territories, except for North Vidzeme Biosphere Reserve where the construction of wind power plants and the infrastructure required for such plants is allowed according to the procedures specified in the individual protection and use regulations of North Vidzeme Biosphere Reserve, and also outside protected nature territories of European importance (hereinafter – the Natura 2000 territory), micro-reserves, buffer strips of two kilometres in width surrounding the Natura 2000 territories as well as micro-reserves defined for the protection of bird species;

2) as at the moment when the construction of wind power plants is applied for to the State Environmental Service – the specially protected biotopes and the habitats of specially protected species registered in the nature data management system “Ozols”;

3) coastal protection zones of the Baltic Sea and the Gulf of Rīga;

4) protection zones of surface water bodies;

5) protection zones (protection areas) around cultural monuments.

(2) In accordance with the procedures laid down in this Law, the initial assessment shall be applicable to the construction of wind power plants if the voltage of the overhead high voltage power line intended for the construction of the required infrastructure is equal to or exceeds 220 kilovolts and its length is up to 15 kilometres.

**Section 6. Initial Assessment of the Construction**

(1) The initial assessment shall be applicable to the construction of wind power plants in accordance with the law On Environmental Impact Assessment if it meets the requirements of Sections 4 and 5 of this Law. Opinions provided by an expert of biotopes, bird species, and bat species, certified in at least the areas of species and biotope protection as well as noise assessment, shall be used for the assessment of the construction of wind power plants. An agreement of *valsts akciju sabiedrība “Latvijas gaisa satiksme”* [State joint-stock company Latvian Air Traffic] for the construction of wind power plants and the required infrastructure shall be appended to the submission.

(2) In carrying out the initial assessment of the construction of wind power plants, the State Environmental Service shall consult with the Nature Conservation Agency and, if necessary, other authorities. The authorities shall provide their opinion within seven working days after receipt of a request.

(3) If the initial assessment has been carried out for the construction of wind power plants and the decision not to apply the environmental impact assessment has been taken, the State Environmental Service may include in the technical regulations conditions regarding the required additional activities until the moment of submitting the building design for agreement if these activities do not have a significant impact on the result of the initial assessment.

(4) If, after issue of the technical regulations until the moment of submitting the building design for agreement, reconstruction of previously unforeseen elements of amelioration systems is required for the implementation of the intention to construct wind parks, the initiator of the construction of wind power plants shall submit a submission regarding amendments to the technical regulations.

(5) Contesting and appeal of the technical regulations of the State Environmental Service shall not suspend their operation.

**Section 7. Environmental Impact Assessment of the Construction of Wind Power Plants and Deadlines of the Process**

(1) Environmental impact assessment of the construction of wind power plants is carried out in accordance with the law On Environmental Impact Assessment unless it has been laid down otherwise in this Law.

(2) The initiator of the construction of wind power plants has the right to carry out the environmental impact assessment according to the general procedures in accordance with the law On Environmental Impact Assessment, applying the activity to the Environment State Bureau, or to carry out the initial assessment, applying the activity to the State Environmental Service if it meets the requirements of Sections 4 and 5 of this Law.

(3) If the construction of wind power plants is applied to the Environment State Bureau, the Bureau shall issue the decision on application of the environmental impact assessment procedure within 15 days after receipt of the submission of the initiator.

(4) The Environment State Bureau shall issue a programme of the environmental impact assessment within 15 days from receipt of the decision referred to in Paragraph three of this Section or the decision of the State Environmental Service on application of the environmental impact assessment procedure on the construction of wind power plants.

(5) Prior to issuing of the programme of the environmental impact assessment, the Environment State Bureau shall send the submission of the initiator to the local government and the authorities the competence of which includes assessment or monitoring of the respective impacts. The authorities shall, within seven days after receipt of the information, provide a written opinion to the Environment State Bureau on the extent and level of detail of the information to be included in the report.

(6) The Environment State Bureau shall issue an opinion on the report on the environmental impact assessment of the construction of wind power plants within 45 days after receipt of the report. If the Environment State Bureau requests information from the initiator in accordance with Section 20, Paragraph two of the law On Environmental Impact Assessment, the deadline for the provision of the opinion is extended for the period of time within which the initiator has provided such information. If necessary, the Environment State Bureau may extend the time period for the provision of the opinion in accordance with the procedures laid down in the Administrative Procedure Law, but not more than for one month.

**Section 8. Acceptance of the Activity**

If environmental impact assessment has been carried out for the activity provided for in Section 3, Clause 1 or 4 of this Law (hereinafter – the intended activity) in accordance with the law On Environmental Impact Assessment and an opinion of the Environment State Bureau has been received, the Cabinet shall, within 30 days, take a decision on acceptance of or refusal to accept the intended activity.

**Section 9. Conditions for the Construction of Wind Power Plants on Forest Land**

(1) If wind power plants are constructed on forest land, the adverse consequences caused by deforestation shall be compensated by afforestation.

(2) A public person may grant building the rights to an energy supply merchant for the construction of the wind power plant on forest land owned by the respective public person for a period not exceeding 35 years.

**Chapter III**

**Procedure for the Determination of the Status of an Object of National Interest**

**Section 10. Defining Objects of National Interest**

(1) The initiator of the intended activity shall address the Ministry of Environmental Protection and Regional Development (hereinafter – the Ministry) with a submission for the determination of the status of an object of national interest for the intended activity.

(2) The submission for the intended activity shall include:

1) an explanation of the intended activity, also specifying the parameters of the planned structures and land parcels (territories) on which construction of these structures is planned;

2) the technical regulations of the State Environmental Service or the results of the environmental impact assessment;

3) the technical regulations for the installation of connection, issued by the electricity transmission system operator;

4) the timetable of the implementation of the construction intention;

5) the information on the initiator of the intended activity and copies of the documents which confirm the rights of ownership or possession over the plot of land to be constructed, or a copy of the contract according to which the right of construction on the land owned by another person is granted;

6) a document of financial security for the wind power plant;

7) such permission for the introduction of new production equipment at the wind power plant the period of validity of which is not less than three years;

8) a certification that the initiator or the group of companies to which the initiator belongs has implemented one or several construction or reconstruction projects of energy supply structures with the total installed capacity of at least five megawatts.

(3) The following may not be the applicant referred to in Paragraph one of this Section:

1) the Russian Federation or the Republic of Belarus, its citizens or legal persons registered in the Russian Federation or the Republic of Belarus (hereinafter – the persons belonging to Russia or Belarus);

2) capital companies in which the persons belonging to Russia or Belarus have a direct or indirect decisive influence or a qualifying holding;

3) partnerships members of which are the persons belonging to Russia or Belarus, or such persons have a decisive influence or qualifying holding over the members;

4) associations members of which are the persons belonging to Russia or Belarus.

(4) The concept “qualifying holding” in this Law corresponds to the concept of qualifying holding within the meaning of the Financial Instrument Market Law.

(5) Prior to granting the status of an object of national interest to the intended activity, the Constitution Protection Bureau shall provide an opinion on whether the initiator of the intended activity does not pose risks to national security.

(6) If the intended activities provided for in Section 3, Clauses 1 and 4 of this Law are granted the status of an object of national interest, the applicant and the person representing the applicant or planning to obtain decisive influence or qualifying holding in the applicant shall, during implementation of the intended activities, receive a permit of the Cabinet in the cases referred to in Section 38, Paragraph one, Clauses 1 and 2 of the National Security Law and in accordance with the procedures laid down in Sections 40, 41, and 42 of the National Security Law. The application for the receipt of the permit shall be submitted to the Ministry.

**Section 11. Financial Security**

(1) After receipt of an opinion on conformity with the requirements laid down in the laws and regulations regarding national security, the initiator of the construction of wind power plants shall submit a financial security to the Ministry to guarantee the fulfilment of the conditions provided for in the decision of the Cabinet referred to in Section 12, Paragraph two of this Law. The financial security shall be the first demand guarantee letter issued by a credit institution or an insurance policy issued by an insurer which includes irrevocable commitment of the insurer to disburse the insurance indemnity upon the first request of the institution, and also incontestability of such request.

(2) The Ministry is entitled to request indemnity of the financial security. The Ministry shall use the received indemnity to cover expenditures in the cases when that specified in the decision of the Cabinet referred to in Section 12, Paragraph two of this Law has not been fulfilled.

**Section 12. Competence of the Cabinet**

(1) The Cabinet shall determine the status of an object of national interest for the intended activity and the conditions for using the status.

(2) When deciding on the status of an object of national interest, the Cabinet shall determine:

1) the territory required for the functioning of the intended activity;

2) the conditions for the commencement of energy generation and use of territory;

3) the deadline for the completion of the construction work and the minimum term of operation;

4) the deadline for the commencement of energy generation;

5) the conditions for the cancellation of the status of an object of national interest;

6) the measures to be implemented for elimination or mitigation of impact and, if necessary, the compensatory measures in accordance with the technical regulations of the State Environmental Service or the opinion on the report by the Environment State Bureau.

(3) Monitoring of the fulfilment of the conditions referred to in Paragraph two of this Section shall be implemented by and violations shall be notified:

1) in the field of construction and energy – to the State Construction Control Bureau (hereinafter – the Bureau);

2) in the field of environmental protection – the State Environmental Service.

(4) The Cabinet shall determine the amount and period of operation of the financial security, and also the procedures for claiming, extending, and restoring the indemnity of financial security.

**Chapter IV**

**Organisation of the Construction Process**

**Section 13. Initiation of the Construction**

(1) A person shall initiate the intended activity and submit the information and documents required for the implementation of the construction intention to the Bureau which shall carry out the functions of the building authority specified in the laws and regulations regarding construction.

(2) Construction of the structures referred to in Section 3, Clauses 2 and 3 of this Law shall be initiated and the information and documents required for the implementation of the construction intention shall be submitted to the building authority of the local government.

(3) A note on the fulfilment of designing conditions shall be made in the construction information system within eight working days, whereas a note on the fulfilment of the conditions for the commencement of the construction work – within three working days from the day when data confirming the fulfilment of all respective conditions have been submitted in the construction information system.

(4) The maximum term for the fulfilment of the designing conditions included in the construction permit shall be 18 months. If the initiator of construction fails to fulfil the abovementioned conditions within the specified term, the construction permit shall be revoked after expiry of the abovementioned term.

(5) The maximum term for the fulfilment of the conditions for the commencement of the construction work indicated in the construction permit shall be six months. If the initiator of construction fails to fulfil the abovementioned conditions within the specified term, the construction permit shall be revoked after expiry of this term.

**Section 14. Issue of the Construction Permit and the Contesting or Appeal Thereof**

(1) A construction permit shall be issued if:

1) the intended activity has been agreed upon with the owner or legal possessor of the land parcel or, when determined by the laws and regulations governing the field of energy, the owner of the land parcel has been informed of the installation of devices, networks, lines and their accessories;

2) documentation of the construction intention has been developed in accordance with the requirements of the laws and regulations of the field of construction;

3) the Cabinet has determined the status of an object of national interest for the intended activity, whereas the construction intention provided for in Section 3, Clauses 2 and 3 corresponds to the spatial plan of the local government, the local plan, if any, and the detailed plan if necessary in accordance with the laws and regulations.

(2) The contesting or appeal of the decision issued for the construction of the structures specified in Section 3 of this Law shall take place in accordance with the procedures laid down in the laws and regulations governing construction.  The contesting or appeal of an administrative act favourable to the initiator of construction concerning the construction intentions specified in this Law shall not suspend the operation of the administrative act.

**Section 15. Compensatory Measures for the Environment**

Implementation of the compensatory measures specified in Section 12, Paragraph two, Clause 6 of this Law shall be commenced not later than the construction process of the object of national interest. The costs of the compensatory measures shall be covered by the initiator of the intended activity.

**Transitional Provisions**

1. The provisions of this Law shall be applicable also in cases when changes are made in wind power plants by increasing the installed capacity to at least 50 megawatts and also in wind power plants with the capacity to be installed of at least 50 megawatts for which the environmental impact assessment procedure has been commenced if the initiator of the intended activity requests, by submitting a report on the environmental impact assessment, the application of the provisions of this Law for the acceptance of the intended activity.

2. The Cabinet shall issue the regulations referred to in Section 12, Paragraph four of this Law by 31 December 2022.

3. The Cabinet shall, once in two years, submit to the *Saeima* an assessment of efficiency of the requirements provided for in this Law and the necessity of further application thereof, counting the term for the submission of the assessment from the day of coming into force of this Law.

The Law shall come into force on the day following its proclamation.

The Law has been adopted by the *Saeima* on 29 September 2022.

Acting for the President, Chairperson of the *Saeima* I. Mūrniece

Adopted 04 October 2022