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

22 June 2023 [shall come into force on 1 July 2023].

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:

**Rail Baltica Project Implementation Law**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure successful and timely implementation of the object of national interest – the European standard gauge public-use railway infrastructure Rail Baltica and the structures related to the construction thereof in the territory of the Republic of Latvia (hereinafter – the Rail Baltica project). Within the meaning of this Law, the implementation of the Rail Baltica project is a set of activities encompassing the design of railway infrastructure and infrastructure structures related thereto, the feasibility study, the preparatory work necessary for construction work, and the construction work. The territory of the implementation of the Rail Baltica project shall be presented on the website of the Spatial Development Planning Information System at www.tapis.gov.lv.

[*22 June 2023*]

**Section 2. Requirements not to be Included in the Technical or Special Regulations**

(1) The technical or special regulations to be issued for the implementation of the Rail Baltica project shall not include the requirements regarding the construction of such structures or their parts the obligation of building of which within the framework of the implementation of the Rail Baltica project does not derive from the laws and regulations and which do not comply with the eligibility provisions of the funding to be used for the implementation of the Rail Baltica project, including the eligibility provisions of the Connecting Europe Facility.

(2) This Section shall not apply to the technical provisions issued by the State Environmental Service.

**Section 3. Action with Monuments Included in the List of State Protected Cultural Monuments**

(1) If a cultural monument or its protection zone is situated in the territory of implementation of the Rail Baltica project, the Ministry of Transport or its authorised person shall ensure that identification, research of cultural and historical values, recording of the cultural monument, and assessment of the impact of construction on the cultural monument is carried out in the respective territory. The respective documentation and an objectively reasoned justification for exclusion of a cultural monument from the list of State protected cultural monuments shall be submitted by the Ministry of Transport or its authorised person to the National Cultural Heritage Board.

(2) The decision on exclusion of a cultural monument from the list of State protected cultural monuments, upon proposal of the Ministry of Transport, shall be taken by the Cabinet, establishing the opinion of the National Cultural Heritage Board and in case of a cultural monument of local significance consulting with the local government in the territory of which the respective monument is located.

(3) The Cabinet shall exclude a cultural monument from the list of State protected cultural monuments if all the following criteria are fulfilled:

1) while implementing commensurate measures for the placement of the railway infrastructure, it is impossible to combine existence of the cultural monument with the development of the Rail Baltica railway infrastructure;

2) it is impossible or not useful to relocate the cultural monument to another place or to preserve it at least partially.

(4) If the decision on exclusion of a cultural monument from the list of State protected cultural monuments is taken, the National Cultural Heritage Board shall issue the conditions for the research, recording, relocation of the cultural monument or for the dismantling and preservation of the most valuable parts of the cultural monument.

**Section 4. Action with Protected Trees Located in the Territory of the Implementation of the Rail Baltica Project**

If a protected tree, a tree growing in a protected dendrological plantation, or a tree growing in a protected alley (hereinafter all together – the protected tree) is located in the territory of implementation of the Rail Baltica project, it may be cut down if all of the following criteria are fulfilled:

1) it is impossible to combine existence of the protected tree with the development of the Rail Baltica railway infrastructure;

2) a positive written opinion of an arborist has been received if necessity for such an opinion has been determined by the Nature Conservation Agency;

3) a written permission of the Nature Conservation Agency has been received.

**Section 5. Maximum Duration of the Construction Work**

(1) The maximum duration of the construction work (from the day when a notation on the fulfilment of all conditions for the commencement of the construction work included in the building permit or a writ of explanation is made until commissioning of the structure) for all structures to be constructed within the framework of the Rail Baltica project for which the environmental impact assessment of the intended activity has been carried out shall be eight years.

(2) The term referred to in Paragraph one of this Section may be extended in accordance with the procedures laid down in the laws and regulations by which the maximum term of construction work may be extended for a structure of the respective category.

**Section 6. Term of Validity of the Topographic Plan**

The term of validity of the topographic plan prepared for designing of the public use railway infrastructure and the structures related to the construction thereof within the framework of the Rail Baltica project shall be four years, counting from the date of registration of the plan in the database of the local government.

**Section 7. Action with Property without Heirs and Ownerless Properties**

(1) If such immovable property the owner of which has deceased is necessary for the implementation of the Rail Baltica project, the Ministry of Transport has the right to request announcement of opening of a succession in accordance with the procedures laid down in the Notariate Law and the regulations regarding the procedures for the conducting of inheritance matters.

(2) The immovable property necessary for the implementation of the Rail Baltica project, if it has been recognised as a property without heirs to which creditors’ claims or claims of creditors have been applied however a sworn bailiff does not continue alienation in the cases provided for in the laws and regulations, shall be transferred by the sworn bailiff into possession of the Ministry of Transport.

(3) If the immovable property necessary for the implementation of the Rail Baltica project is recognised as an ownerless property or such property without heirs to which creditors’ claims or claims of creditors have not been applied, the sworn bailiff, after making a deed regarding termination of an inheritance matter, shall send an extract from the notarial deed book to the State Revenue Service which shall respectively transfer the ownerless property or property without heirs into possession of the Ministry of Transport in accordance with the procedures stipulated by the Cabinet.

**Section 8. Action with Land of the Reserve Land Fund**

Such undeveloped land included in the reserve land fund and land not used for the restoration of the ownership rights which is necessary for the implementation of the Rail Baltica project shall escheat to the State and shall be entered in the Land Register in the name of the State in the person of the Ministry of Transport.

**Section 9. Compensation in Case of Alienation of an Immovable Property**

The land included in the reserve land fund may be also used as a compensation for the alienation of an immovable property owned by a private individual and necessary for the implementation of the Rail Baltica project.

**Section 10. Establishment of a Servitude and Procedures for Notification Thereof**

(1) For the benefit of the State and on the basis of this Law, a servitude shall be established on behalf of the Ministry of Transport to the immovable property owned by other persons if it is located in the territory of the implementation of the Rail Baltica project and is necessary for performing the feasibility study. The servitude shall be established until the moment when the Ministry of Transport or an authorised person thereof states that the property of another person is no longer necessary for performing the feasibility study, and it is returned to the owner. The Ministry of Transport or an authorised person thereof shall inform the owner (lawful possessor) of the immovable property that the servitude has been established to the immovable property owned by him or her and that the feasibility study necessary for the implementation of the Rail Baltica project will be commenced by publishing a notification in the official gazette *Latvijas Vēstnesis* and also by sending a written notification not later than 30 days before the commencement of the feasibility study.

(2) For the benefit of the State and on the basis of this Law, a servitude shall be established on behalf of the Ministry of Transport to the immovable property owned by other persons if it is located in the territory of the implementation of the Rail Baltica project and is necessary for performing the preparatory work necessary for construction work and the construction work. The servitude shall be established until the moment when the property of another person is alienated in accordance with the requirements laid down in the Law on the Alienation of Immovable Property Necessary for Public Needs and when the State property rights thereto are corroborated in the Land Register. The Ministry of Transport or an authorised person thereof shall inform the owner (lawful possessor) of the immovable property that the servitude has been established to the immovable property owned by him or her and that the work necessary for the implementation of the Rail Baltica project will be commenced by publishing a notification in the official gazette *Latvijas Vēstnesis* and also by sending a written notification not later than 30 days before the commencement of the work for the implementation of the Rail Baltica project.

[*22 June 2023*]

**Section 11. Actions Within the Territory Restricted by the Servitude and Compensation for Losses**

(1) The Ministry of Transport or an authorised person thereof has the right to perform the feasibility study without agreement with the land owner (lawful possessor). The owner (lawful possessor) of the immovable property shall be informed of the type and time of the feasibility study, the area to be surveyed, and the contact details in accordance with the procedures laid down in Paragraph one of Section 10.

(2) After the feasibility study, the authorised person of the Ministry of Transport shall ensure restoration of the immovable property by restoring the respective plot of land to its previous condition. The owner (lawful possessor) of the immovable property shall, in accordance with the procedures laid down in the Civil Law, be compensated for losses, if any, caused during the feasibility study.

(3) Within the meaning of this Law, the preparatory work necessary for the construction work shall include the development of a land survey project, land cadastral survey, preparation of the site plan of forest land to be deforested, obtaining of permits for tree felling, tree and bush felling, deforestation, removal of topsoil, installation of temporary buildings and engineering structures, archaeological and engineering research, research envisaged in technical or special provisions, construction and maintenance of amelioration systems, and also demolition, protection, and reconstruction of engineering structures of the first group upon receipt of an agreement from the owner or holder of the respective engineering structure, and other works involving preparation of the plot of land.

(4) The Ministry of Transport has the right to commence the preparatory work necessary for construction work and the construction work on the immovable property to be alienated for public needs after the Ministry of Transport has taken the decision on the amount of compensation referred to in Section 9, Paragraph one of the Law on the Alienation of Immovable Property Necessary for Public Needs and has notified of the establishment of the servitude in accordance with the procedures laid down in Paragraph two of Section 10. In addition to that specified above, the preparatory work necessary for construction work may be commenced, taking into account a developed building design in the minimum composition and a work performance design developed by the performer of construction work and approved by the initiator of construction work. Documentation necessary for obtaining an opinion for the commencement of the preparatory work necessary for construction work and for the control of the preparatory work for construction work shall be prepared and maintained digitally and approved electronically without submitting it to the Construction Information System.

(5) The structures which, in accordance with the procedures laid down in this Section, have been built prior to completion of alienation process of the immovable property shall be entered in the Land Register concurrently with the corroboration of the State property rights to the alienated immovable property.

(6) From the commencement of the work referred to in Paragraph four of this Section until registration of the immovable property in the Land Register in the name of the State in the person of the Ministry of Transport, the Ministry of Transport shall pay a compensation to the owner (lawful possessor) of the immovable property in the amount determined by a certified appraiser of immovable property according to the lease payment on the market. The compensation shall be credited to the payment account of the owner of the immovable property for each quarter unless a different agreement has been entered into with the owner of the immovable property.

(7) Any work on the immovable property to be alienated shall be planned and performed in such a manner as not to create obstacles to the determination of the market value of the immovable property and losses to be compensated to the owner of the immovable property in accordance with the requirements laid down in the Law on the Alienation of Immovable Property Necessary for Public Needs. Alienation of property of another person shall be completed not later than before putting the structure into service.

(8) Losses caused to the owner (lawful possessor) of the immovable property to be alienated in relation to the work for the implementation of the Rail Baltica project shall be determined and compensated for in accordance with the procedures laid down in the Civil Law.

(9) The Ministry of Transport or an authorised person thereof has the right to design and build the structures necessary for the implementation of the Rail Baltica project on several non-merged plots of land. If laws and regulations provide for the need to merge the plots of land under the respective structure, the Ministry of Transport or an authorised person thereof shall be obliged to merge such plots of land until completion of the construction work.

(10) The Ministry of Transport or an authorised person thereof has the right to perform the work referred to in Paragraphs one and four of this Section in accordance with the procedures laid down in this Law. It is prohibited to create obstacles to the implementation of the Rail Baltica project or in any way hinder the performers of the relevant work. A dispute over the establishment of the servitude shall not affect commencement of the work for the implementation of the Rail Baltica project.

[*22 June 2023*]

**Transitional Provisions**

1. The maximum duration of the construction work provided in Section 5 of this Law shall also apply to the building permits of structures to be constructed within the framework of the Rail Baltica project issued within two years prior to coming into force of this Law.

2. The term of validity of the topographic plan provided in Section 6 of this Law shall also apply to the topographic plans developed for the Rail Baltica project which have been registered in the database of the local government within two years prior to coming into force of this Law.

The Law has been adopted by the *Saeima* on 20 October 2022.

President E. Levits

Rīga, 31 October 2022