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

2 March 2023 [shall come into force on 8 March 2023];

2 November 2023 [shall come into force on 8 November 2023];

14 December 2023 [shall come into force on 21 December 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:

**Law on Construction of the External Land Border Infrastructure**

**Section 1.** (1) In order to ensure inviolability of the State border, this Law prescribes a special legal regulation for the construction of the infrastructure necessary for guarding the external land border (including that determined in a watercourse or water body) (hereinafter – the external border infrastructure).

(2) Within the meaning of this Law, the construction is a process which includes construction and related works, including works related to the construction and implementation of technical means of border surveillance, i.e. presence detection systems and surveillance equipment, and related infrastructure (hereinafter – the technological infrastructure), for example, the construction and installation of the necessary engineering structures, the construction of electrical power connections, data transmission and data processing systems, other works related to the construction and implementation of the technological infrastructure, and also all preparatory works necessary for the commencement of construction, for example, land cadastral survey, clearing of overgrowth, including tree felling, construction and maintenance of the roads necessary for the removal of felled trees, and also other preparatory works for a land parcel.

[*2 March 2023*]

**Section 2.** The State Border Guard shall, in cooperation with the Provision State Agency, determine the territory necessary for the construction of the external border infrastructure. The Provision State Agency shall organise land cadastral survey necessary for the construction of the external border infrastructure. The Provision State Agency shall prepare and provide terms of reference to a land surveyor or merchant employing a land surveyor.

**Section 3.** (1) This Law establishes a servitude in the name of the Ministry of the Interior in favour of the State to the land owned by other persons which is required to ensure the necessary construction of the external border infrastructure objects. The servitude shall be established until the moment when land is alienated in compliance with the requirements of the Law on the Alienation of Immovable Property Necessary for Public Needs.

(2) The Provision State Agency shall inform a person of determination of the servitude to the land owned by the person and of the commencement of construction work in respect of the external border infrastructure. A dispute about the determination of the servitude shall not affect the commencement of construction work in respect of the external border infrastructure.

(3) After informing the person of the construction of the external border infrastructure, the Provision State Agency shall immediately commence an alienation process of immovable property.

(4) A performer of the construction work in respect of the external border infrastructure shall inform the owner of the immovable property in writing of the commencement of work on the immovable property not later than 10 days before the commencement thereof, and any work on the immovable property shall be planned and performed in a manner avoiding obstacles to determine the market value of the immovable property and losses to be compensated to the owner of the immovable property in compliance with the requirements of the Law on the Alienation of Immovable Property Necessary for Public Needs.

(5) Losses which have been caused to the owner of the immovable property to be alienated in relation to the construction of the external border infrastructure shall be determined and compensated in accordance with the Law on the Alienation of Immovable Property Necessary for Public Needs.

**Section 4.** (1) The territory necessary for the construction of the external border infrastructure shall be cleared of overgrowth, and construction of the external border infrastructure shall be performed in compliance with the requirements of the laws and regulations regulating construction and guarding of the State border.

(2) Requirements for forest management, tree felling, and environmental protection shall not be applicable to the construction of the external border infrastructure.

**Section 5.** (1) *Akciju sabiedrība “Latvijas valsts meži”* [joint-stock company Latvian State Forests] has the right to fell trees and bushes in the territory necessary for the construction of the external border infrastructure. If the Provision State Agency has not entered in its accounting records the trees growing in the territory necessary for the construction of the external border infrastructure, the joint-stock company Latvian State Forests shall record felled trees as wood products.

(2) If tree and bush felling is carried out on the immovable property to the owner of which the information referred to in Section 3, Paragraph two of this Law has been sent, the Provision State Agency shall ascertain whether the owner of the immovable property wishes to maintain his or her ownership of the wood products. If the owner of the immovable property has, within 10 days, expressed to the Provision State Agency the wish to maintain his or her ownership of the wood products, they shall be transferred to the owner of the immovable property. If the owner of the immovable property has failed to, within the respective time period, express the wish to maintain his or her ownership of the wood products, the joint-stock company Latvian State Forests has the ownership right to the trees felled in the territory necessary for the construction of the external border infrastructure, and alienation thereof shall be performed in accordance with Section 2, Paragraph three of the Law on the Alienation of Immovable Property Necessary for Public Needs.

(3) The Provision State Agency shall prepare and submit to the joint-stock company Latvian State Forests the terms of reference for the tree and bush felling in the territory necessary for the construction of the external border infrastructure. The terms of reference shall be provided after marking (making visible) tree and bush felling boundaries on site. The terms of reference shall indicate the will of the owner referred to in Paragraph two of this Section to maintain his or her ownership of the wood products and the place where such wood products are to be placed.

(4) Upon receipt of the terms of reference referred to in Paragraph three of this Section, the joint-stock company Latvian State Forests shall, within two weeks or another time period agreed upon with the Provision State Agency, commence tree and bush felling, record them, remove wood products, and also alienate them in the case referred to in Paragraph two of this Section.

**Section 5.1**(1) When constructing the technological infrastructure or a new object of an energy supply merchant or a private electronic communications network necessary for the operation thereof and engineering structures of its infrastructure, the energy supply merchant and the owner of the private electronic communications network have the right to replace the coordination procedure of construction conditions with informing the owner or lawful possessor of immovable property, paying a one-time compensation in the amount and in accordance with the procedures laid down in the laws and regulations governing the area of energy and electronic communications.

(2) When designing and constructing the technological infrastructure or a new object of an energy supply merchant or a private electronic communications network necessary for the operation thereof and engineering structures of its infrastructure, the possibility of building of immovable property shall not be restricted disproportionately.

(3) When constructing the technological infrastructure and engineering networks necessary for the operation thereof within the territory necessary for the construction of the external border infrastructure, a deviation in the placement of engineering networks exceeding the deviation of engineering networks specified in the Latvian Construction Standard shall be admissible, provided that it does not impose an additional restriction of rights of a private person.

[*2 November 2023*]

**Section 6.** (1) If it is impossible to access from the State motorway or local government road the place where the construction work is performed in respect of the external border infrastructure, the performer of the construction work in respect of the external border infrastructure has the right to move along the roads owned by private persons and territory of other immovable property.

(2) If it is necessary to use other immovable property during construction work in respect of the external border infrastructure, the performer of the construction work in respect of the external border infrastructure shall inform the owners of the respective immovable property in writing of commencement of the construction work in respect of the external border infrastructure not later than 10 days before the commencement thereof.

(3) It is prohibited to obstruct by means of any activities the construction work in respect of the external border infrastructure and any employees performing such work.

(4) After completion of the construction work in respect of the external border infrastructure, the land areas owned by third persons shall be so arranged that they are suitable for use for the intended purposes. The owner or legal possessor of the immovable property shall be compensated for any losses caused during the construction work in respect of the external border infrastructure. Amount of the losses shall be determined and losses shall be compensated for in accordance with the procedures laid down in the Civil Law or upon mutual agreement.

**Section 7.** (1) State and local government institutions and also any other authorities shall examine all submissions and matters related to the construction of the external border infrastructure and the ensuring and performance of associated works, including alienation of the immovable property necessary for the construction of the external border, and also putting of the external border infrastructure structures into service, and shall take relevant decisions on a priority basis, where possible.

(2) Owners of engineering networks shall issue technical regulations for connection (disconnection) or crossing engineering networks and State and local government authorities shall issue technical and special regulations free of charge within 10 days after receipt of a request. Owners or possessors of engineering networks and also State and local government authorities shall evaluate the technical and special regulations incorporated into the construction intention documentation within 15 days after receipt of the construction intention documentation.

[*2 November 2023*]

**Section 8.** (1) The Provision State Agency shall be responsible for the operational coordination of works of the authorities involved in the construction of the external border infrastructure. The State Border Guard shall be responsible for the operational coordination of works of the authorities involved in the construction and implementation of the technological infrastructure.

(2) *Valsts akciju sabiedrība “Valsts nekustamie īpašumi”* [State joint-stock company State Real Estate] shall organise and ensure the construction of the external border infrastructure, except for the technological infrastructure.

(3) The State joint-stock company State Real Estate shall:

1) manage, implement, and monitor all construction work in respect of the external border infrastructure, except for the technological infrastructure;

2) perform procurements necessary for the construction of the external border infrastructure, except for the technological infrastructure, enter into procurement contracts;

3) provide a report (statement) on performance of the duties referred to in Paragraphs two and three of this Section to the Committee referred to in Section 10 of this Law at least once a month.

(31) *Valsts akciju sabiedrība “Latvijas Valsts radio un televīzijas centrs”* [State joint-stock company Latvian Radio and Television Centre] shall organise and ensure the construction and implementation of the technological infrastructure.

(32) The State joint-stock company Latvian Radio and Television Centre shall:

1) manage, implement, and monitor all construction and implementation work in respect of the technological infrastructure;

2) perform procurements necessary for the construction and implementation of the technological infrastructure and enter into procurement contracts;

3) provide a report (statement) on the performance of the duties referred to in Paragraph 3.1 and this Paragraph of this Section to the Committee referred to in Section 10 of this Law at least once a month.

(4) The State joint-stock company State Real Estate and the State joint-stock company Latvian Radio and Television Centre have the right to call on experts to ensure the construction of the external border infrastructure.

(41) The construction of engineering structures that are part of the external border infrastructure may be performed also by the National Armed Forces.

(5) Contestation or appeal of a construction permit issued for the construction of the external border infrastructure shall not suspend construction.

(51) If during the construction work of the external border infrastructure, including the technological infrastructure, participants of the construction process agree on changes in the building design, the performer of construction work has the right not to suspend the construction work during the development, coordination, and approval of the changes. The process of developing and approving the changes in the building design shall be completed before the respective structure is put into service.

(6) The State joint-stock company State Real Estate shall only commence performance of the duties referred to in Paragraphs two and three of this Section after the Provision State Agency, in cooperation with the State Border Guard, have defined and submitted to the State joint-stock company State Real Estate the user requirements necessary for the development of technical specification which the State joint-stock company State Real Estate has recognised as sufficient to construct the external border infrastructure, and also other documentation necessary for the implementation of the construction intent, including executive documentation regarding the work already performed.

(7) The State joint-stock company Latvian Radio and Television Centre shall only commence the performance of the duties referred to in Paragraphs 3.1 and 3.2 of this Section after the State Border Guard, in cooperation with the Provision State Agency, has determined the territory necessary for the construction of the external border infrastructure where the technological infrastructure is required, defined and submitted to the State joint-stock company Latvian Radio and Television Centre the technical requirements for the technological infrastructure and information on the placement thereof in nature, and the State joint-stock company Latvian Radio and Television Centre has recognised it as valid for the construction of the technological infrastructure.

[*2 March 2023; 2 November 2023*]

**Section 9.** In order to ensure the construction of the external border infrastructure, all necessary work, including design, construction work, and related services, including materials and equipment related to the services, shall be purchased without applying the public procurement regulation.

[*2 March 2023*]

**Section 9.1** (1) The State has the right to unilaterally withdraw from such obligations which are established for the construction of the external border infrastructure and the non-performance of which threatens or may threaten the inviolability of the State border and the interests of State security.

(2) When establishing that the fulfilment of the obligations referred to in Paragraph one of this Section is threatened, the State joint-stock company State Real Estate shall immediately perform the necessary actions without special authorisation to unilaterally withdraw from the relevant contract and also shall immediately ensure that the initiated construction processes are continued until the objects constructed are put into service. The termination of the relevant contract shall not be deemed a breach of contractual obligations.

[*14 December 2023*]

**Section 10.** (1) The Supervisory Committee for Construction of the External Border Infrastructure (hereinafter – the Committee) shall supervise and coordinate construction of the external border infrastructure.

(2) The Minister for the Interior shall head the Committee. The Ministry of the Interior shall organise work of the Committee.

(3) The Committee shall be composed of representatives from at least the following authorities:

1) the Ministry of Defence;

2) the Ministry of Foreign Affairs;

3) the joint-stock company Latvian State Forests;

4) the Ministry of Economics;

5) the Latvian Geospatial Information Agency;

6) the National Armed Forces;

7) the Provision State Agency;

8) the Ministry of Transport;

9) the State joint-stock company State Real Estate;

10) *valsts akciju sabiedrības “Latvijas Valsts radio un televīzijas centrs”* [State joint-stock company Latvian Radio and Television Centre];

11) the State Border Guard;

12) the Ministry of Environmental Protection and Regional Development;

13) the Ministry of Agriculture.

(4) The Committee can also call on experts from authorities other than those included in the composition of the Committee.

(5) The Committee shall approve a schedule for the implementation of the construction of the external border infrastructure which has been agreed upon inter-institutionally, and also immediately examine any matters which may cause a delay in the construction process.

(6) The Committee shall coordinate technical specification for the performance of design and construction work.

(7) In case of receipt of information on any risks to the implementation of the construction process of the external border infrastructure, the Ministry of the Interior shall inform the Cabinet thereof.

(8) Rules of procedure approved by the Committee shall determine organisation of work of the Committee, procedures for the arrangement and conduct of meetings thereof, and any other issues related to the functioning of the Committee.

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

The *Saeima* has adopted this Law on 12 November 2021.

President E. Levits

Adopted 13 November 2021