Republic of Latvia

Cabinet

Regulation No. 397

Adopted 22 June 2021

**Regulations Regarding State and Regional Waste Management Plans and State Waste Prevention Programme**

*Issued pursuant to*

*Section 9, Paragraphs four and five, Section 11, Paragraphs two and three of the Waste Management Law and Section 11, Paragraph five of the Development Planning System Law*

**I. General Provision**

1. This Regulation prescribes:

1.1. the content of the State waste management plan and the regional waste management plan (hereinafter – waste management plans);

1.2. the content of the State waste prevention programme;

1.3. the procedures for the coordination of waste management plans and the State waste prevention programme and the public discussion, implementation, assessment, and review thereof;

1.4. the measures for the prevention of waste to be included in the State waste management plan and the measures promoting application of waste management activities in order of priority;

1.5. the qualitative and quantitative indicators of waste prevention;

1.6. the content of the food waste prevention programme and the procedures for implementing monitoring of the waste prevention measures;

1.7. the term of validity of the waste management plans.

**II. Content of Waste Management Plans**

2. The following information shall be included in the State waste management plan:

2.1. the objectives of the State waste management plan and measures to achieve these objectives, and also qualitative or quantitative indicators and target indicators (also in respect of the amount of generated municipal waste, its recovery, use for recovery of energy, and the reduction of the amount of disposed municipal waste);

2.2. the characterisation of waste management in the state:

2.2.1. responsibilities of the institutions and waste managers involved in waste management;

2.2.2. waste management analysis which includes information on the generated, collected, recovered, and disposed waste, its amount and sources (including information on the amount of generated waste per capita annually) in accordance with the following categories of waste:

2.2.2.1. municipal waste, including biodegradable waste;

2.2.2.2. production waste;

2.2.2.3. hazardous waste;

2.2.2.4. waste oil products;

2.2.2.5. battery and accumulator waste;

2.2.2.6. electrical and electronic equipment waste;

2.2.2.7. end-of-life vehicles;

2.2.2.8. medical and veterinary waste;

2.2.2.9. waste containing polychlorinated biphenyls and polychlorinated terphenyls;

2.2.2.10. construction and building demolition waste, including construction waste containing asbestos and building demolition waste;

2.2.2.11. waste containing a significant amount of critical raw materials;

2.2.3. the existing waste management system:

2.2.3.1. evaluation on the existing waste collection systems (also on separate waste collection systems), on the types and volumes of waste collected through such systems, on the territorial location of separate waste collection systems, and on the derogations provided for in the laws and regulations regarding waste collection and sorting sites in respect of the requirements for separate waste collection;

2.2.3.2. the existing waste recovery sites and equipment and waste disposal sites and equipment (especially in respect of the waste referred to in Sub-paragraphs 2.2.2.1, 2.2.2.3, 2.2.2.4, 2.2.2.5, 2.2.2.6, 2.2.2.7, 2.2.2.9, 2.2.2.10, and 2.2.2.11 of this Regulation);

2.3. a forecast on the waste flow included in the State waste management plan during the term of validity of the development plan;

2.4. the measures to be taken to improve the preparation of the waste referred to in Sub-paragraph 2.2.2 of this Regulation for re-use, recycling, recovery, and disposal without endangering the environment;

2.5. evaluation on the development of the waste management system and also on the necessary additional infrastructure for separate waste collection and on the measures to improve its functioning, on necessary new additional separate waste collection systems, on necessary new additional waste recovery or disposal sites and equipment, and on the closure of the existing waste recovery or disposal sites and equipment;

2.6. the criteria for determining the location of the sites and equipment referred to in Sub-paragraph 2.5 of this Regulation and their estimated capacity;

2.7. the planned waste management technologies and methods;

2.8. information on the measures to achieve the target indicators referred to in Sub-paragraph 2.1 of this Regulation;

2.9. measures for the prevention and reduction of all types of littering, and for the collection of all types of litter;

2.10. authorities responsible for the implementation of the State waste management plan;

2.11. public information and education measures;

2.12. evaluation on the funding available and additionally required for the implementation of the measures provided for in the State waste management plan and its sources (also at the level of local governments), including the costs for the maintenance of the established waste management infrastructure;

2.13. information regarding cross-border waste transportation:

2.13.1. waste categories and quantity that could be exported or brought out for recycling in other states;

2.13.2. the categories and quantity of waste that could be imported or brought in from another state for recovery in Latvia;

2.14. evaluation on the conformity of the State waste management plan with the laws and regulations in the field of waste management and the manner in which the measures that are included in the plan will promote the achievement of the objectives laid down in laws and regulations.

3. The State waste management plan shall also include:

3.1. a chapter on packaging and packaging waste management in accordance with the laws and regulations regarding packaging;

3.2. a strategy for the reduction of the amount of biodegradable waste disposable in waste landfills and measures for the implementation thereof in accordance with the laws and regulations regarding construction of landfill sites, management, closure, and re-cultivation of landfill sites and waste dumps;

3.3. the State waste prevention programme;

3.4. measures for the prevention and reduction of all types of littering and for the collection of all types of litter in accordance with the laws and regulations regarding protection and management of the marine environment and the laws and regulations regarding water management.

4. The following information shall be included in the regional waste management plan:

4.1. the waste management region subject to the regional waste management plan;

4.2. the objectives of the regional waste management plan and the measures to achieve these objectives;

4.3. qualitative or quantitative indicators and target indicators (also in respect of the amount of generated municipal waste, its recovery, use for recovery of energy, and the reduction of the amount of disposed municipal waste);

4.4. description of waste management in the waste management region:

4.4.1. waste management analysis which includes information on the generated, collected, recovered, and disposed waste, its amount and sources in the corresponding waste management region in accordance with the categories of waste referred to in Sub-paragraph 2.2.2 of this Regulation (including information on the amount of the generated municipal waste (including biodegradable waste) per capita annually);

4.4.2. evaluation on the existing waste collection systems (also on separate waste collection systems), on the types and volumes of waste collected through such systems, on the territorial location of separate waste collection systems, and on the derogations provided for in the laws and regulations regarding waste collection and sorting sites in respect of the requirements for separate waste collection;

4.4.3. the existing waste recovery sites and equipment and waste disposal sites and equipment (especially in respect of the waste referred to in Sub-paragraph 2.2.2.1, 2.2.2.3, 2.2.2.4, 2.2.2.5, 2.2.2.6, 2.2.2.7, 2.2.2.9, 2.2.2.10, and 2.2.2.11 of this Regulation);

4.5. a forecast on the waste flow included in the State waste management plan during the term of validity of the development plan;

4.6. the measures to be taken to improve the preparation of the waste referred to in Sub-paragraph 2.2.2 of this Regulation for re-use, recycling, recovery, and disposal without endangering the environment;

4.7. evaluation on the development of the waste management system and also on the necessary additional infrastructure for separate waste collection and on the measures to improve its functioning, on necessary new additional separate waste collection systems, on necessary new additional waste recovery or disposal sites and equipment, and on the closure of the existing waste recovery or disposal sites and equipment;

4.8. the criteria for determining the location of the sites and equipment referred to in Sub-paragraph 4.7 of this Regulation and their estimated capacity;

4.9. authorities responsible for the implementation of the regional waste management plan;

4.10. evaluation on the funding available and additionally required for the implementation of the measures provided for in the regional waste management plan and its sources (also at the level of local governments), including the costs for the maintenance of the established waste management infrastructure;

4.11. evaluation on the conformity of the regional waste management plan with the laws and regulations in the field of waste management and the manner in which the measures that are included in the plan will promote achievement of the objectives laid down in laws and regulations.

**III. Content of the State Waste Prevention Programme and the Qualitative and Quantitative Indicators of Waste Prevention**

5. The State waste prevention programme shall be included in the State waste management plan as a separate chapter.

6. The State waste prevention programme shall include:

6.1. the objectives of the State waste prevention programme;

6.2. information on the waste prevention measures in effect and their influence on waste prevention;

6.3. waste prevention measures with the following objectives:

6.3.1. to promote and support sustainable production and consumption models;

6.3.2. to encourage the design, production, and use of resource-efficient, sustainable (also in terms of period of validity, without planned obsolescence), repairable, reusable, and upgradeable products;

6.3.3. to prevent the situation where products containing critical raw materials become waste;

6.3.4. to promote re-use of products and the creation of a system that would promote product repair and re-use (especially in respect of electrical and electronic equipment, textile materials and furniture, and also packaging, construction materials, and products used in construction);

6.3.5. to promote accessibility of spare parts, manuals, technical information and other tools, equipment, or software that enable repair and re-use of products without compromising their quality and safety;

6.3.6. to reduce and prevent waste in the processes related to industrial production, manufacturing of products, extraction of mineral resources, construction and demolition of structures using the best technical methods available;

6.3.7. to reduce food waste in primary production, processing, and preparation, in retail selling and other ways of distribution, restaurants, and public catering, and also in households;

6.3.8. to promote food donation and other ways of distribution for human consumption, giving preference to the use of food in human diet rather than for feeding animals or processing into non-food products;

6.3.9. to reduce waste (especially waste that cannot be prepared for re-use or recycling);

6.3.10. to promote the reduction of hazardous substances in materials and products;

6.3.11. to determine which products are the main sources of litter (especially in the natural and marine environment) and take corresponding measures to reduce the litter created by such goods and products;

6.3.12. to reduce and prevent marine litter;

6.3.13. to design and support information campaigns that promote understanding of waste prevention and litter reduction;

6.4. a description of the usefulness of the measures referred to in Annex 1 to this Regulation or other measures laid down for the achievement of the objectives specified in the State waste prevention programme;

6.5. information on the measures referred to in Annex 2 to this Regulation that promote the application of waste management activities in order of priority and also an evaluation of how the measures referred to in Annex 2 to this Regulation contribute to waste prevention;

6.6. waste prevention qualitative and quantitative indicators in order to ensure monitoring and evaluation of the achievement of the objectives of the State waste prevention programme;

6.7. a food waste prevention programme.

7. The food waste prevention programme shall include:

7.1. description of the situation in the field of food waste management;

7.2. description of the reasons of food waste generation and information on the possibilities for its prevention;

7.3. prerequisites for food waste prevention measures and introduction hierarchy thereof;

7.4. measures and activities for the implementation of the food waste prevention programme.

8. The efficiency of the State waste prevention programme measures shall be evaluated according to the following qualitative indicators:

8.1. impact of the waste prevention measures on waste generation and waste producers (sociological assessment);

8.2. number of persons exempt from the payment of the natural resources tax in accordance with the laws and regulations regarding the natural resources tax.

9. The efficiency of the waste prevention measures shall be evaluated according to the following quantitative indicators:

9.1. the volume of generated municipal waste (kilograms per capita annually);

9.2. the overall amount of generated hazardous waste (tonnes annually);

9.3. the overall volume of generated municipal waste (tonnes annually);

9.4. the overall volume of recycled municipal waste (percentage from annually generated volume);

9.5. the overall volume of recycled hazardous waste (percentage from annually generated volume);

9.6. the overall volume of recycled production waste (percentage from annually generated volume);

9.7. the overall volume of disposed municipal waste (tonnes annually);

9.8. the overall volume of disposed production waste (percentage from annually generated volume);

9.9. the overall volume of disposed hazardous waste (percentage from annually generated volume);

**IV. Procedures for the Coordination of Waste Management Plans, Public Discussion, Implementation, Assessment, and Review Thereof**

10. State waste management plans and the State waste prevention programme shall be coordinated in accordance with the procedures laid down in the laws and regulations governing the operation of the Cabinet.

11. While drawing up waste management plans and the State waste prevention programme, the developer shall ensure informing and hearing of the public, organisations, and authorities in accordance with the laws and regulations regarding the procedures for public participation in development planning and regarding the strategic environmental impact assessment, ensuring an opportunity to submit proposals regarding the respective draft plan (including the State waste prevention programme) at least for 30 days. Public opinion shall be evaluated prior to taking the decision to approve the respective plan (including the State waste prevention programme).

12. A waste management plan (including the State waste prevention programme) shall be introduced by implementing the measures determined in the respective plan (including the State waste prevention programme).

13. At least once every four years, the Ministry of Environmental Protection and Regional Development shall assess the introduction of the State waste management plan and monitor the introduction of the measures of the State waste management prevention programme, and prepare an informative report on the results of such assessment and monitoring, and, if necessary, any amendments to the State waste management plan or the State waste management prevention programme.

14. The local governments which have approved the regional waste management plan shall assess the introduction of the plan at least once every four years and, if necessary, amend the regional waste management plan.

15. The State waste management plan shall be drawn up for a time period of seven years.

16. The regional waste management plans shall be drawn up for a time period of seven years.

17. While drawing up waste management plans and the State waste prevention programme, the Ministry of Environmental Protection and Regional Development or local governments, if necessary, cooperate with other European Union Members States or the European Commission.

**V. Closing Provisions**

18. Cabinet Regulation No. 564 of 12 July 2011, Regulations Regarding State and Regional Waste Management Plans and State Waste Prevention Programme (*Latvijas Vēstnesis*, 2011, No. 114), is repealed.

19. Paragraph 15 of this Regulation shall come into force on 1 January 2023.

**Informative Reference to the Directives of the European Union**

The Regulation contains legal norms arising from:

1) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;

2) Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste.

Prime Minister A. K. Kariņš

Minister for Environmental Protection and Regional Development A. T. Plešs

**Annex 1**

Cabinet Regulation No. 397

22 June 2021

**Measures the Objective of which is to Tear the Link Between Economic Growth and the Waste Generation Related Environmental Impact**

1. Use of the planning measures or other economic instruments that promote efficient use of resources.

2. Promotion of research and development in order to develop cleaner and less wasteful products and technologies and the dissemination and use of relevant research and development results.

3. The drawing up of such efficient and significant indicators that enable identifying of waste-related environmental impact and are focused on waste prevention at all levels (e. g. product comparisons performed at the European Union level, activity of the State and local government authorities, measures performed at the State level).

4. Promotion of eco-design (systematic integration of environmental aspects into the product design to minimise its environmental impact throughout its life cycle).

5. Provision of information on waste prevention techniques in order to implement the best available technologies in the industry.

6. Organising training of employees of the State Environmental Service regarding inclusion of the waste prevention requirements into permits for polluting activities and waste management permits in accordance with the laws and regulations regarding pollution and waste management.

7. Introduction of waste prevention measures (including waste prevention assessments or plans) in respect of equipment not subject to the laws and regulations regarding pollution.

8. Use of campaigns for raising awareness or provision of financial, decision-making or other kind of support to merchants (particularly small and medium-sized merchants) or adaptation thereto.

9. Use of voluntary agreements, consumer and producer discussions or sectoral negotiations in order for the relevant merchants or industrial sectors to design their own waste prevention plans or objectives or to improve product or packaging that produces large amounts of waste.

10. The promotion of environmental management and audit systems in order to assess and improve the performance of public and private legal entities (for example, institutions, merchants, associations, economic operators) in the field of waste prevention.

11. Use of economic instruments (for example, the promotion of “eco-friendly shopping” or introduction of mandatory payment that customers must pay for a specific product or packaging element that would otherwise be provided free of charge).

12. Use of campaigns for raising awareness and provision of information aimed at the public in general or at a particular group of consumers.

13. Promoting the use of eco-labels.

14. Concluding an agreement between the Ministry of Environmental Protection and Regional Development and an association or foundation representing industrial or commercial sector on the production or use of products, applying the integrated product policy, or on waste prevention information and the availability of products generating a lower environmental impact.

15. Inclusion of environmental and waste prevention criteria into the procurement documentation of State and local government institutions and merchants in accordance with the laws and regulations in the field of green public procurement.

16. The promotion of re-use or repair of discarded products or their components, using education, economic, logistic or other measures (for example, support to or establishment of accredited repair and re-use centres and networks, particularly in densely populated areas).

Minister for Environmental Protection and Regional Development A. T. Plešs

**Annex 2**

Cabinet Regulation No 397

22 June 2021

**Measures that Promote Application of Waste Management Activities in Order of Priority**

1. Applying a fee for waste management and restrictions to the disposal of waste in landfills and incineration of waste in order to promote waste prevention and recycling while ensuring that disposal of waste in landfills is the least desirable way of waste management.

2. Introduction of “pay when you discard” schemes which provide for a waste management fee for waste producers on the basis of the actual amount of generated waste and which promote the separation of recyclable waste at the production site and the reduction of the volume of mixed waste.

3. The use of tax policy incentives for product (including food) donation.

4. Applying extended producer responsibility systems to different types of product waste and also measures to improve the efficiency, cost-efficiency, and administration of these systems.

5. Implementation of a deposit system and other measures in order to promote efficient collection of used products and materials and their preparation for recycling or re-use.

6. Deliberative planning of investments made into the waste management infrastructure (including the use of the Union funds).

7. Implementation of a green public procurement to promote better waste management and the use of recycled products and materials.

8. Implementation of measures for the limitation of such subsidies which do not conform to the waste management hierarchy.

9. The use of tax policy measures or other means in order to promote the use of products or materials which have been prepared for re-use or recycled.

10. Supporting research and innovation on modern waste processing technologies and on creation of products from used products.

11. Using the best available waste processing, recovery, and disposal technique.

12. Implementation of economic initiatives in local governments (at the regional and municipal level) in order to promote waste prevention and to increase the use of separate waste collection systems while avoiding support for waste disposal in landfills or waste incineration.

13. Implementation of campaigns that promote public awareness, especially in respect of separate collection of waste, waste prevention and litter reduction, and integration of these issues in education and training.

14. Introduction of coordination systems (including via digital tools) among all the national and local government authorities involved in waste management.

15. Promoting continuous dialogue and cooperation among all the stakeholders in waste management, promoting voluntary agreements and reporting on waste by merchants.

Minister for Environmental Protection and Regional Development A. T. Plešs