

The Saeima has adopted and
the President has proclaimed the following Law:

With amending laws of 19 February 2004
22 April 2004

Waste Management Law

Chapter I General Provisions

Section 1.

The following terms are used in this Law:

- 1) **waste** – any object or substance which the possessor thereof disposes of, or intends to or is forced to dispose of, and which conforms to the categories specified in the waste classification;
- 2) **producer of waste** – a natural or legal person, by whose actions waste is produced, or who performs mixing of waste or other activities, as a result of which the composition and characteristics of waste are changed;
- 3) **waste recovery facility** – a production complex or facility with the assistance of which waste recovery is performed;
- 4) **waste management** – the collection of waste (including, the collection, sorting and mixing of waste in order to transport it), the storage, reloading, transportation, recovery (including waste incineration to obtain energy, equipment the core activity of which is not waste incineration), regeneration and disposal of waste (including, incineration in municipal waste incineration equipment), the supervision of such activities, as well as the construction of sites for disposal of waste, and maintenance and after-care of recovery facilities after their closure;
- 5) **landfill site** – a specially constructed and equipped site for the disposal of waste, in which all the measures for environmental protection prescribed in regulatory enactments are ensured;
- 6) **waste dump** – a site for the disposal of waste, which does not conform to the requirements regarding landfill sites; and
- 7) **waste storage** – the storage of waste in specially applicable and equipped sites for its further recovery or disposal (except for short-term storage of less than three months at the sites of the creation, sorting and collection thereof in quantities, which do not cause harm to the environment or threaten human health).

[19 February 2004]

Section 2.

The purpose of this Law is:

- 1) to prescribe procedures regarding waste management, in order to protect human life and health, the environment, as well as the property of persons; and
- 2) to facilitate waste management, reuse thereof and recovery in order to reduce the amount of waste to be disposed of.

[19 February 2004]

Section 3.

This Law does not apply to:

- 1) gaseous effluents emitted into the atmosphere;
- 2) radioactive waste;
- 3) animal carcasses, as well as manure and other substances of natural origin which are generated or are utilised in agriculture;
- 4) waste waters, except for waste in liquid form;
- 5) explosives; and

6) waste resulting from prospecting, extraction, recovery and storage processes regarding mineral deposits.

Section 4.

Waste shall be divided into:

- 1) hazardous waste – waste which has one or more characteristics which make it hazardous to human life and health, the environment, or the property of persons, and which conforms to a hazardous waste category specified in the waste classification;
- 2) municipal waste – all other waste, which is not classified as hazardous waste.

Section 5.

(1) Waste management shall be performed in such a way as not to threaten human life and health, or the property of persons.

(2) Waste management must not negatively affect the environment, including:

- 1) cause threats to the water or air environment, soil, flora or fauna;
- 2) generate noise or odours;
- 3) negatively affect the countryside and specially protected nature territories; or
- 4) pollute or litter the environment.

Section 6.

In the organisation, planning and performing of waste management the following requirements shall be observed (in the following priority order):

- 1) causes of waste production must be prevented, and therewith clean technologies must be developed;
- 2) the amount (volume) and hazardousness of waste must be reduced;
- 3) waste must be treated and re-usable material and energy must be recovered;
- 4) waste must be buried so that human life and health, the environment, and the property of persons are not threatened; and
- 5) dumps must be closed in accordance with waste management plans, and re-cultivation of closed dumps and landfills must be ensured.

Chapter II Competence of State and Local Government Authorities

Section 7.

The Cabinet shall:

- 1) approve the State waste, including hazardous waste, management plan;
- 2) approve the placement of new hazardous waste recovery facility incineration equipment and landfill sites;
- 3) determine waste classification and characteristics which make waste hazardous;
- 4) determine the recording procedures for the recording, identification, storage, packing, labelling and transportation of hazardous waste;
- 5) determine the requirements to be set regarding the construction of landfill sites, the management of landfill sites and waste dumps, and the closure and re-cultivation of such landfill sites and waste dumps;
- 6) [19 February 2004]
- 7) determine the procedures in accordance with which different types of waste, for the management of which, due to their hazardousness or other characteristics, special requirements are to be set, shall be managed, including therewith oil product waste, waste containing polychlorinated biphenyls and polychlorinated terphenyls, batteries and accumulators containing hazardous substances, waste from the titanium dioxide industry and asbestos waste;

- 8) determine the requirements to be set for the incineration of waste, including hazardous waste, and for the operation of waste incineration facilities; and
- 9) determine types of waste recovery, regeneration and disposal.

[19 February 2004]

Section 8.

The Ministry of Environment or its authorised institution shall:

- 1) formulate the State waste, including hazardous waste, management plan;
- 2) co-ordinate the implementation of the State waste management plan;
- 3) prepare draft regulatory enactments in the field of waste management;
- 4) compile information regarding waste management;
- 5) co-ordinate and organise the management of hazardous waste in accordance with this Law and other regulatory enactments;
- 6) organise the construction and management of hazardous waste recovery facility incineration equipment and landfill sites; and
- 7) co-ordinate the construction of municipal landfill sites.

[19 February 2004]

Section 8.¹

Administrative instruments issued by regional environmental boards, which are associated with waste management, may be disputed in the State Environmental Impact Assessment Bureau.

[19 February 2004]

Section 9.

- (1) Parish, county and city local governments in their administrative territories shall:
- 1) organise the management of municipal waste, including municipally produced hazardous waste, in conformity with the relevant waste management plans;
 - 2) take decisions regarding the placement of new municipal waste recovery facilities and landfill sites;
 - 3) issue binding regulations, which regulate the management of municipal waste, and the procedures by which payments for municipal waste management shall be made;
 - 4) take decisions regarding the placement of new hazardous waste recovery facility incineration equipment and landfill sites; and
 - 5) may invest funding in the establishment and maintenance of waste management systems.
- (2) The Cabinet shall issue recommendations for local government binding regulations, which regulate the management of municipal waste.

[19 February 2004]

Chapter III Waste Management Plans

Section 10.

- (1) Waste management shall be performed in conformity with State, regional and local government waste management plans.
- (2) Waste management plans shall include information regarding:
- 1) the waste management situation, describing the type of waste produced, collected (sorted and unsorted), processed and disposed of, and its composition, amount and origin;
 - 2) the prescribed requirements (in priority order) to be observed in the further development of the planned waste management, indicating the extent of each activity (the relevant type of waste, amount and origin) and the time provided for the implementation thereof;
 - 3) the necessary measures for the implementation of the planned activities;
 - 4) the facilities (newly constructed, re-constructed, existing) necessary for implementation of the planned activities, and the technical equipping of such facilities;
 - 5) the authorities that shall be responsible for the implementation of the relevant planned activity;
 - 6) the calculated costs and sources of funding for the implementation of the planned activities;

- 7) how the management of waste can be improved;
 - 8) the measures to reduce the disposable amount of such waste as may decompose in aerobic or anaerobic conditions; and
 - 9) the measures, time periods and financing for the closing of municipal waste dumps.
- (3) The State waste management plan shall, in addition to the conditions of Paragraph two of this Section, determine the municipal waste management regions, as well as the basic principles for the establishment and management of municipal waste landfill sites.
- (4) After the development of a draft waste management plan, the developer of the plan shall ensure the hearing of public opinion, providing a possibility of submitting suggestions for at least 30 days regarding the relevant project. The opinions of the general public shall be evaluated prior to the taking of a decision regarding approval of the plan.
- [19 February 2004]

Section 10.¹

- (1) The local governments of the municipal waste management regions specified in the State waste management plan, mutually co-operating, shall organise the development of a regional waste management plan.
- (2) In addition to the information referred to in Section 10, Paragraph two of this Law, the regional waste management plan shall include information regarding municipal waste, hazardous waste, used packaging, end-of-life vehicles and electrical and electronic equipment waste, as well as the management of construction work waste.
- (3) The regional waste management plan shall be approved by each of the local governments, which is located in the relevant municipal waste management region. The local government decisions regarding the approval of the regional waste management plan shall be submitted to the relevant regional environmental board.
- (4) If local government do not participate in the development of a regional waste management plan, they shall organise the development of a municipal waste management plan for their own administrative territories and approve them. The local government decisions regarding the approval of the local government waste management plan shall be submitted to the relevant regional environmental board.
- [19 February 2004]

Chapter IV Waste Management Permits

Section 11.

- (1) Regional environmental boards, informing the local government in which administrative territory waste management activities are intended to be performed, prior to the performance of the relevant activity shall issue permits for the collection, reloading, sorting and storage of waste.
- (2) The regional environmental board shall, in conformity with the final destination of the waste to be transported and informing the relevant local government beforehand regarding this, issue permits for the transportation of waste in the territories under its supervision.
- (3) The Cabinet shall determine the procedures for the issue, extension, review and cancellation of waste management permits, the requirements to be set in the waste management permits, and shall approve the forms for the permits for the collection, transportation, reloading, sorting and storage of waste.
- (4) The time period for the taking of a decision regarding the issue, extension, review or cancellation of permits may not be longer than 90 days.
- [19 February 2004]

Chapter V Duties of Producers of Waste, Holders, and those Persons who Perform the Management of Waste

[19 February 2004]

Section 12.

The collection, sorting, accumulation, storage, reloading, disposal or recovery of waste shall be permitted only in places intended therefor.

[19 February 2004]

Section 13.

(1) The producer or possessor of municipal waste shall:

- 1) participate in the management of municipal waste organised by local government, complying with the binding regulations issued by the local government and enter into a contract with the municipal waste collection and transportation undertaking, which has entered into a contract with the local government; and
- 2) cover the costs of municipal waste management, including municipally produced hazardous waste, and containing shared collection and sorting costs.

(2) As possessors of waste shall be considered persons who conform to at least one of the following conditions:

- 1) they are producers of waste; or
 - 2) they are natural or legal persons under whose actual authority the waste is located.
- (3) Municipal waste after it has been transferred to waste recovery or storage undertakings devolves to the ownership of such undertakings.

[19 February 2004]

Section 14.

(1) The producer of waste or possessor of hazardous waste shall:

- 1) separate hazardous waste from other types of waste;
- 2) store hazardous waste so that it does not threaten human life and health, the environment, or the property of persons;
- 3) deliver the hazardous waste to specially equipped hazardous waste collection places or enter into a contract regarding the management of hazardous waste with a person who performs hazardous waste management and has obtained a permit to manage hazardous waste; and
- 4) cover the costs of hazardous waste management.

(2) Legal persons who store hazardous waste for longer than 12 months shall obtain a permit specified in regulatory enactments for the management of hazardous waste and shall perform the activities referred to in Paragraph three, Clause 3 of this Section.

(3) A person who performs the management of hazardous waste shall:

- 1) obtain a permit for the collection, storage, reloading, recovery or disposal of hazardous waste, except in cases where for such activities a Category A or B permit for the performance of polluting activities has been issued;
- 2) obtain a permit to transport hazardous waste;
- 3) ensure the recording, packing, labelling and identification of hazardous waste; and
- 4) organise specially equipped hazardous waste collection sites.

[19 February 2004]

Section 15.

A legal person who is engaged in the collection and transportation of municipal waste shall enter into a contract with those local governments in whose administrative territory the relevant activities are performed.

[19 February 2004]

Section 16.

It is prohibited to mix hazardous wastes, which conform to different hazardous waste categories, as well as to mix hazardous waste with municipal waste.

Section 17.

Municipal waste that is not processed shall be buried at a municipal landfill or a dump where disposal of waste is permitted.

Section 18.

Local governments shall determine the landfill sites where the municipal waste collected in the territory thereof shall be disposed of. All the municipal waste dumps in the administrative

territory of those local governments from which the collected municipal waste is disposed in the landfill site shall, not later than 30 days after the commencement of the operation of the municipal waste landfill site, be closed. Closed waste dumps shall be re-cultivated in accordance with the State waste management plan and regional plans.

[19 February 2004]

Section 19.

(1) The owner or manager of a waste landfill site, waste dump, incineration equipment or waste recovery facility shall:

- 1) prior to the commencement of operations, obtain the permits specified in regulatory enactments;
- 2) manage the waste landfill site, waste dump, incineration equipment or waste recovery facility in accordance with the requirements referred to in the permit for waste management, in this Law and in other regulatory enactments; and
- 3) perform measures and cover the expenses associated with the closure of the waste landfill site or waste dump, as well as the termination of the operation of the incineration equipment or waste recovery facility.

[19 February 2004]

Section 20.

(1) Persons who engage in waste management shall:

- 1) record the amount (volume), type, origin, frequency of collection, transportation, type of recovery and disposal, and place of recovery and disposal regarding waste under management, and once per year submit the compiled information to the Ministry of Environment or its authorised institution, as well as to the relevant local government, and shall preserve such materials for three years;
- 2) at their request, provide information to State authorities, local governments and the general public regarding waste management, including the information referred to in Clause 1 of this Section and other environmental information; and
- 3) at the request of the previous possessor of the waste, issue a certification regarding the collection, storage, reloading and transportation, recovery and disposal of the relevant waste.

[19 February 2004]

Chapter V¹ **Electrical and Electronic Equipment Waste Management**

[19 February 2004]

Section 20.¹

(1) Electrical and electronic equipment is such equipment which is operated by electric currents or electromagnetic fields, and for the generation, supply and measurement of electric currents or electromagnetic fields, which designed for utilisation with a voltage which does not exceed 1 000 Volt for alternating current and 1 500 Volt for direct current, and which conforms to the categories specified by the Cabinet.

(2) Electrical and electronic equipment waste is electrical and electronic equipment, which is deemed to be waste, including all components, subassemblies and ancillary materials which are part of the relevant equipment at the moment when the equipment becomes waste.

(3) Household electrical and electronic equipment waste is electrical and electronic equipment, which are produced in households or elsewhere if in respect of its nature and quantity it is comparable to electrical and electronic equipment waste produced in households.

[19 February 2004]

Section 20.²

(1) An electrical and electronic equipment producer is any person, who irrespective of the selling technique utilised, also irrespective of a distance contract:

- 1) manufactures and sells electrical and electronic equipment with his or her own trademark;
- 2) sells electrical and electronic equipment with his or her own trademark, which have been manufactured by other persons, except in cases where the trademark of the manufacturer is also on the equipment; or
- 3) within the scope of his or her commercial activities imports or exports electrical and

electronic equipment.

(2) A person who fully ensures payments in accordance with a entered into contract (loan, lease, rental or instalments purchase contract or other contract in relation to the equipment irrespective of whether the contract provisions provide for the transfer of the ownership rights of the equipment), shall not be deemed to be a producer if the conditions of Paragraph one of this Section do not apply him or her.

(3) An electrical and electronic equipment producer shall register according to the procedures and authority specified by the Cabinet and shall submit information regarding the quantity and categories of electrical and electronic equipment supplied to the Latvian market, as well as regarding the quantity and categories of collected, reused, recovered, regenerated and exported electrical and electronic equipment waste.

[19 February 2004]

Section 20.³

An electrical and electronic equipment producer shall perform the development and manufacture of electrical and electronic equipment so that it is possible to dismantle and regenerate them, as well as the reuse and recovery of electrical and electronic equipment, and the components and material thereof. The development and manufacture of electrical and electronic equipment may not use methods, which make difficult the reuse of electrical and electronic equipment waste, except in cases the use of such methods significantly improve the application of environmental protection or safety requirements.

[19 February 2004]

Section 20.⁴

(1) An electrical and electronic equipment producer shall ensure the separate collection, processing, reuse, recovery, regeneration and disposal of electrical and electronic equipment waste utilising the best available techniques.

(2) An electrical and electronic equipment producer may himself or herself perform the measures referred to in Paragraph one of this Section or establish an electrical and electronic equipment waste management commercial company, or enter into a contract with such a commercial company.

(3) An electrical and electronic equipment producer shall ensure that the acceptance of household electrical and electronic equipment waste in the established collection system is free of charge.

(4) A merchant who supplies new household electrical or electronic equipment directly to users shall accept household electrical or electronic equipment waste free of charge if the relevant equipment is of a similar type and has performed the same functions as the supplied equipment.

(5) The collected electrical or electronic equipment waste shall be transferred to processing undertakings (equipment) if the operators of such equipment have received the permits specified in regulatory enactments, except for whole electrical or electronic equipment, which are intended for reuse.

[19 February 2004]

Section 20.⁵

(1) An electrical and electronic equipment producer shall pay the natural resources tax in accordance with the Law On Natural Resources Tax.

(2) An electrical and electronic equipment producer who has entered into a contract with the Ministry of Environment regarding the establishment of an electrical and electronic equipment waste management system and ensures the acceptance of electrical and electronic equipment waste in conformity with the conditions of this Law shall be released from the payment of the tax in respect of electrical and electronic equipment in accordance with the Law On Natural Resources Tax.

[19 February 2004]

Section 20.⁶

A producer who places on the market electrical and electronic equipment after 13 August 2005 and has not chosen the types of electrical and electronic equipment waste management referred to in Section 20.4, Paragraph two of this Law shall, for the performance of the measures referred to in Section 20.4, Paragraph one of this Law, provide a guarantee with a bank guarantee or civil liability insurance.

[19 February 2004]

Section 20.⁷

(1) Up to 13 August 2005, the costs of the waste management of electrical and electronic equipment placed on the market shall be covered according to the procedures specified by the Cabinet.

(2) The Cabinet shall determine:

- 1) the requirements for the labelling of electrical and electronic equipment;
- 2) the requirements for the collection and processing of electrical and electronic equipment waste;
- 3) the volume and time periods for the collection, reuse, recovery and regeneration of electrical and electronic equipment waste, as well as the requirements for the submission of a report regarding the implementation of such operations; and
- 4) the requirements for the provision of information to consumers, electrical and electronic equipment waste processing, reuse, recovery and regeneration equipment operators, as well as requirements for informing the general public and the European Commission.

[19 February 2004]

Chapter VI Payment Regarding Waste Management

Section 21.

(1) Payment regarding collection, storage, reloading, transportation and recovery of hazardous waste, and regarding the recovery of municipal waste shall be determined by the producer of waste or possessor of the waste in agreement with the manager of the waste.

(2) Payment for the disposal of hazardous waste shall be regulated in accordance with the procedures prescribed by the Cabinet.

[19 February 2004]

Section 22.

Payment for the management of municipal waste, except for recovery, shall be regulated in accordance with the procedures prescribed in the Law On Public Services Regulators.

Chapter VII Transboundary Movement of Waste

Section 23.

(1) Exportation of hazardous waste for recovery or disposal to states which have acceded to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal is permitted in compliance with the procedures prescribed in the Convention referred to.

(2) It is prohibited to import into the territory of the Republic of Latvia any waste for disposal, any form of incineration or long-term storage.

(3) It is permitted to import hazardous waste for recovery only if there are hazardous waste recovery facilities in operation in the territory of the Republic of Latvia, the owner of which has obtained a permit for the recovery of the relevant hazardous waste, and which have the necessary capacity.

(4) [22 April 2004]

(5) [22 April 2004]

[19 February 2004; 22 April 2004]

Transitional Provisions

1. With the coming into force of this Law, the Law On Municipal Waste (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 1998, No. 23*) and the Law On Hazardous Waste (*Latvijas Republikas Augstākās Padomes un Ministru Padomes Ziņotājs, 1993, No. 14/15; Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 1997, No. 3*) are repealed.

2. Until the day when the relevant Cabinet regulations come into force, but not longer than until 1 January 2002, the following Cabinet Regulations shall be in force insofar as they are not in contradiction with this Law:

- 1) 17 September 1996 Cabinet Regulation No. 353, Procedures regarding Completion of Documents for Operations with Hazardous Waste;
- 2) 12 August 1997 Cabinet Regulation No. 298, Regulations Regarding the Classification of Hazardous Waste and Hazardousness Criteria;
- 3) 8 February 2000 Cabinet Regulation No. 56, Regulations regarding Construction, Management and Closure of Municipal Landfill Sites;
- 4) 9 February 1999 Cabinet Regulation No. 39, Municipal Waste Classification Regulations; and
- 5) 8 June 1999 Cabinet Regulation No. 205, Regulations On Registration of Natural Persons and Legal Persons who Perform Collection, Storage, Recovery, Reloading or Transportation of Municipal Waste.

3. Permits issued on the basis of the requirements of the Law On Municipal Waste and the Law On Hazardous Waste shall be in effect until the end of their terms.

4. Section 11, Paragraph one; Section 14, Paragraph two and Paragraph three, Clause 1; Section 15, Clause 1 and Section 19, Clause 1 of this Law do not apply to persons who perform waste management, if they have obtained permits for all facilities in which waste management is performed in accordance with the procedures prescribed in the Law On Pollution.

5. Section 7, Clause 1 of this Law shall come into force on 1 January 2003.

6. The Cabinet shall adopt the Cabinet Regulations referred to in Section 7, Clauses 3, 5 and 9; Section 11, Paragraph three and Section 15, Clause 1 of this Law by 1 January 2002, but shall adopt the Cabinet Regulations referred to in Section 7, Clauses 4, 6 and 7; Section 21, Paragraph two and Section 23, Paragraph five, and approve the placement of the facilities and landfill sites referred to in Section 7, Clause 2 of this Law by 1 January 2003.

7. The Cabinet shall adopt the Cabinet Regulations referred to in Section 7, Clause 8 in relation to the incineration of hazardous waste by 1 July 2001, but in relation to the incineration of all waste, by 1 January 2003.

8. Section 14, Paragraph one, Clause 3 of this Law shall come into force on 1 January 2004.

9. The Cabinet shall issue by 1 January 2005:

- 1) the recommendations referred to in Section 9, Paragraph two of this Law; and
- 2) the regulations referred to in Section 7, Clause 9 and Section 11, Paragraph three of this Law. Until the day of the coming into force of these regulations, but not longer than by 1 January 2005, Cabinet Regulation No. 191 of 15 May 2001, Regulations regarding the Types of Disposal and Recovery of Waste (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 2002, No. 12*) and Cabinet Regulation No. 432 of 9 October 2001, Procedures for the Issue, Extension and Cancellation of Waste Management Permits (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 2002, No. 21*) shall be applied, insofar as they are not in contradiction with this Law.

[19 February 2004]

10. Waste recovery and disposal permits, which have been issued in accordance with this Law, shall be in effect until the end of their term of validity. Category A or B waste recovery and disposal permits for polluting activities may be extended until the time period in which according to the procedures specified in regulatory enactments Category A or B permits for polluting activities shall be obtained.

This law shall come into force on 1 March 2001.

[19 February 2004]

11. The Cabinet shall, by 1 January 2005, include in the State waste management plan the requirements in Section 10, Paragraph two, Clause 8 and Paragraph three of this Law.

[19 February 2004]

12. Chapter V¹ of this Law shall come into force on 1 August 2004.

[19 February 2004]

13. Section 20.⁴, Paragraphs one, two, three and four of this Law in relation to household electrical and electronic equipment waste shall come into force on 13 August 2005.

[19 February 2004]

14. Section 20.⁴ of this Law shall come into force simultaneously with the relevant amendments to the Law On Natural Resources Tax.

[19 February 2004]

Informative Reference to European Union Directives

Legal norms arising from directives *75/439/EEC*, *75/442/EEC*, *78/176/EEC*, *82/883/EEC*, *91/157/EEC*, *91/689/EEC*, *96/59/EC*, *1999/31/EC*, *2000/76/EC* and *2002/96/EC* have been included in this Law.

[19 February 2004]

President

V. Vīķe-Freiberga

Rīga, 29 December 2000