



Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Latvia

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Executive summary

This report covers three RES-E technologies: onshore wind, roof-top PV and biomass. In Latvia, the process of site selection and obtaining all the necessary permits for the renewable energy technologies is complex, regulated by a number of different laws and subordinate regulations of the Cabinet of Ministers. On the other hand, the procedure that project developers should follow to implement new RES-E projects is the same regardless of the type of technology. A simplified procedure is only used for small-scale devices (microgenerators up to 16A and 11.1kW). It includes an agreement on a grid connection with the distribution system operator and a consultation with the local building authority about the necessary approvals (if any). Developers of larger projects shall contact a number of different authorities at different stages of the project implementation as there is no one stop-shop in Latvia.

The process step in which wind project developers face the most challenges is the site selection. It is problematic to receive approval from the municipalities and reach agreement with all land owners whose territory is affected. There are also distance regulations, environmental requirements and other restrictions that should be met when choosing a suitable location.

Regarding roof-top PV, local building authorities lack a common understanding of how to coordinate the installation of these systems. In addition, they have doubts as to whether they should even be involved in this process.

Common concerns relate to the recent legislative changes that have shortened the time period in which construction of RES-E plant with a capacity exceeding 1 MW must begin. Previously, construction work had to start within two years after obtaining Electricity Production Licence, currently – within 6 months. The reason for this amendment was to avoid unnecessary network capacity reservation. According to the stakeholders, 6 months may be too short to prepare technical project documents and go through administrative authorisation procedure. However, as this is a recent change in legislation, it is still difficult to assess how legitimate these concerns are.

Grid connection is usually an uncomplicated negotiation with the transmission or distribution system operator, which will result in a bilateral agreement between the electricity producer and system operator.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of the wind power onshore, solar power roof-top and biomass technologies in Latvia.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorisation	Grid connection permit	Corporate legal-fiscal	Other
Onshore wind	Severe barriers identified	Minor barriers identified	No projects implemented	No projects implemented	No projects implemented	No projects implemented	Not relevant for target country
PV rooftop	Minor barriers identified	Minor barriers identified	No barriers identified	Minor barriers identified	No barriers identified	No barriers identified	Not relevant for target country
Biomass	No barriers identified	Minor barriers identified	No barriers identified	No barriers identified	No barriers identified	No barriers identified	Not relevant for target country

■ No barriers identified	■ Moderate barriers identified
■ Minor barriers identified	■ Not relevant for target country
■ Severe barriers identified	■ No projects implemented

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1. National RES targets and relevant RES technologies

Latvia's contribution to the EU renewable energy target for 2030 is specified in the National Energy and Climate Plan (NECP). Country's renewable energy share in gross final energy consumption for 2030 is set at 50%. Hydropower and biomass cogeneration (CHP) plants already account for a significant share of renewable energy sources (RES). Therefore, Latvia plans to further increase the share of renewable energy sources in electricity production by increasing installed capacity of wind generators and a small increase in solar photovoltaic (PV) plants. The amount of electricity generated from renewable energy sources is expected to increase significantly. The NECP foresees the development of high-capacity wind farms and establishment of one high-capacity offshore wind farm with a total capacity (for both) of at least 800 MW. This was decided taking into account the capacity of the Latvian electricity transmission networks, which currently allows the amount of electricity transmitted to be increased by 800 MW. Consequently, the share of electricity generated from renewable energy sources will reach at least 67% in 2030 (NECP, 2020).

Although the amount of electricity produced in power plants using biomass will decrease by 2030 compared to 2017, it remains the important source of energy. Furthermore, to increase the RES share in heating, Latvia plans to modernize the existing biomass power plants (ibid.).

Taking the above mentioned into account, this report will map the administrative and grid connection procedures for onshore wind power, roof-top PV and biomass.

Figure 1 displays the annual deployment of solar PV and onshore wind between 2010 and 2019. It can be observed that the development of onshore wind took mainly place between 2010 and 2014, with an impressive peak in 2012. Small capacities of solar PV were added in 2011 and 2019 only.

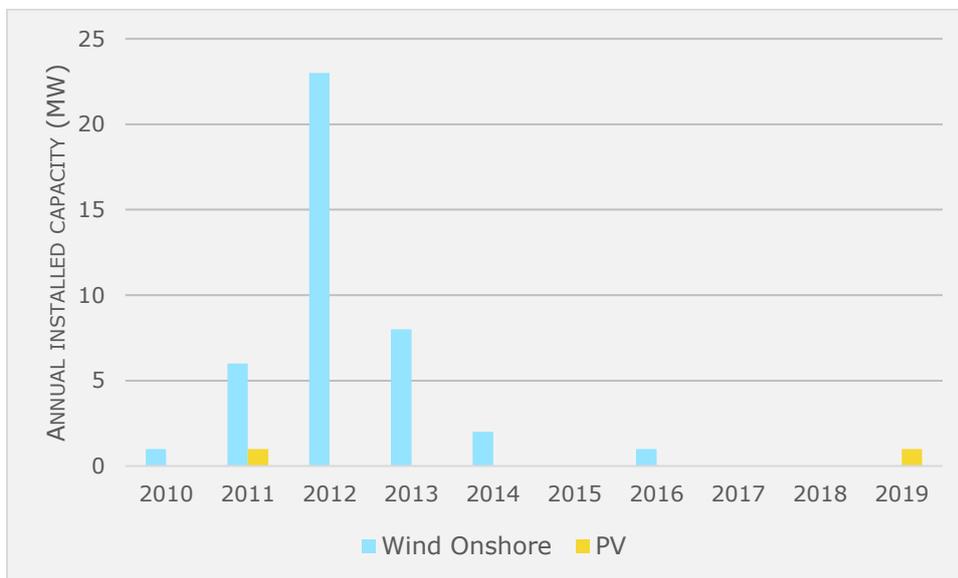


Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

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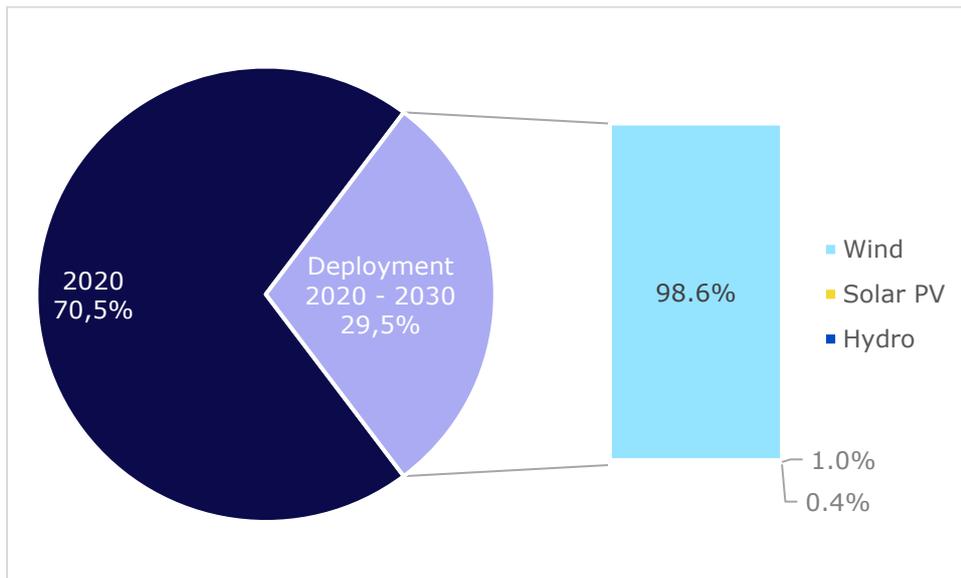


Figure 2: Deployment of RES-E 2020-2030 (source: NECP)

2. Administrative and grid connection procedure

2.1. Relevant process steps

Finding a suitable location is the first step in implementing the renewable energy project. It includes consultations with municipalities and land owners in the territory where the realisation of the project is planned, as well as consultations with transmission or distribution system operators about the possibility of grid connection. However, the capacity can only be reserved once the Electricity Production Licence is received from the Ministry of Economics. And because for the power plants with the capacity exceeding 1MW the licence has a limited duration in which to start the construction work (6 month), an environmental impact assessment (EIA) shall be carried out before obtaining this licence.

After a suitable location has been found, the EIA has been completed (if necessary), and the Electricity Production Licence has been obtained, project developer requests technical specifications from other responsible authorities that may be concerned, such as the Ministry of Defence, Civil Aviation Agency, transmission or distribution system operators, other network operators, health, environmental institutions, etc. Technical specifications are used to prepare civil design and documentation addressing civil engineering aspects of the project (conceptual plans, construction drawings, work organization plans and other project related documents). This process step can consist of many separate or joint procedures. After the project documentation has been prepared, construction permitting take place. The application process and administrative authorisation process may include several rounds of public hearing and legal complaints.

Once the construction permit has been obtained, project developer signs an agreement with the grid system operator which specifies conditions for the connection to the electricity grid.

Microgenerators (up to 16A and up to 11.1kW) have a simplified procedure that includes consultation with local building authority about necessary approvals, if any, and agreement on the grid connection with distribution system operator.

2.1.1. Site selection

Process flow

The procedure for coordination with the land owners as well as rights and duties of a project developer (or an existing power plant operator in case of repowering or life time extension) are determined in the Energy Law (sections 18-24) and in the Protection Zone Law. Nonetheless, it is vital to be in contact with the municipalities and the respective land owners from the start of the project implementation to understand whether and under which conditions they would agree with the RES plant installation within their land limits. The procedure for calculating and paying the remuneration to a landowner for the use of his land is determined by the Cabinet of Ministers (Regulation No. 204 and Regulation No. 603).

Options for suitable locations for the installation of a RES plant can be determined based on the spatial plans. Therefore, project developer must obtain a consent from the municipality. Unfortunately, developers may face strong opposition from the municipalities, especially wind project developers (Āboliņš, 2019; Galviņš, 2020). In addition, land classified as agricultural land of national importance cannot be used for purposes other than agriculture (Regulation No. 291).

Furthermore, the installation of RES plants in protected nature territories shall be coordinated with the state environmental protection authorities and the administrative body of the protected nature territory. In case of cultural monuments, protective zones thereof or cultural heritage territories - with the State Inspection for Heritage Protection (section 19 par. 5 Energy Law).

Latest amendments (13 October 2020) to the Regulation No. 240 allow the construction of wind power plants with a capacity of more than 20 kW in an area of an industrial or technical building, as well as in an agricultural area and forests, if this is in line with the locations indicated in the spatial plan and local plan. Exemption applies to the state-owned forest land. Project developers cannot get permission to use this land (Āboliņš, 2019; Galviņš 2020). Previously, the construction of wind power plants was completely prohibited in the areas classified as forests (Āboliņš, 2019; Galviņš 2020). Latest amendments to the Regulation No. 240 also changed the distance regulations, making them more reasonable and thus expanding the possible locations for wind farms. Now the distance from the nearest planned wind turbine and wind farm boundary to residential and public buildings is at least 500m (for wind power plants with a capacity of 20 kW to 2 MW) or 800m (for capacity exceeding 2 MW) (Regulation No. 240). Previously wind turbines could not be erected closer than two kilometers from the adjacent populated areas and there were other distance related restrictions.

When contacting municipalities and land owners, it is recommended to contact transmission system operator (TSO) or distribution system operator (DSO) to inquire about free grid capacity. Even if the capacity can only be reserved once the Electricity Production Licence has been received from the Ministry of Economics. In addition, with the latest amendments, the licence can only be obtained after an EIA has been carried out. Power plants with a capacity of up to 10 MW are mainly connected to the distribution grid, while power plants with a higher capacity are usually connected to the electricity grid of TSO (AST webpage).

If RES plant will be located near the military or other airfields, the Ministry of Defence or Civil Aviation Agency respectively should be contacted regarding possible restrictions. (Sections 41, 113.² and 113.³ Law on Aviation). For more information see Section 2.1.4.

If new energy supply facilities are installed or existing ones expanded on a land or in a residential house which is the joint property, installation or extension has to be coordinated among the property owners. For example, if a solar PV is planned to be installed on the roof of a multi-family residential building, PV installation needs to be agreed by more than a half of all apartment owners, i.e., at least 51% of apartment owners (section 19 par. 6. Energy Law).

An object of national interest

Taking into account the importance of the specific project for the fulfilment of Latvia's energy policy goals and international obligations, the status of national interest can be applied to certain objects by a decision of the Cabinet of Ministers. This is one way to reduce obstacles created by the landowners and speed up project implementation. The most important conditions for the construction of objects of national interest are:

- the construction is carried out in accordance with the landowner's information procedure and not in a coordination procedure, as would be the case if the object had no status of national interest) (section 19 Energy Law).
- The legal challenge or appeal of a building permit issued for the construction of an object of national interest does not suspend its operation. Thus, the construction of the energy supply facility can be continued, despite the measures taken by third

parties, i.e., contesting of the building permit (section 15 par. 7. Construction Law).

Deadlines

As consultations with the municipalities, the TSO or DSO and with the Civil Aviation Agency or Ministry of Defence are not official procedure, there are no deadlines related to them. However, the Law of Submission can always be used, which states that the institution shall provide a reply on the merits within a reasonable time period, taking into account the urgency of the issue referred to in the submission (request, complaint, or enquiry), but no later than within one month after receipt of the submission.

If the construction of an object that can have significant impacts (noise, vibration, pollution, etc.) is planned next to residential or public buildings, a public consultation on the construction has to be organized. The public consultation procedure is supervised and coordinated by the local building authority, but is organized and the expenses are borne by the construction initiator (par. 2 and 3. Regulation No. 671). The public consultation will last at least 4 calendar weeks from the publication of the public consultation on the website of the Construction Board (par. 5 Regulation No. 671).

The Construction Law foresees that public consultation is not necessary if an environmental impact assessment has been carried out for the planned activity or if the area in which the construction of an object is intended has a valid detailed spatial plan (section 14 par. 5 Construction Law), since in this case a public consultation takes place as part of the environmental impact assessment.

Detected barriers

Limited wind power development due to spatial planning regulations and administrative issues. Thanks to the latest amendments (13 October 2020) to the Regulation No. 240, the restrictions of the distance from the wind farm to residential buildings have become more reasonable. In addition, land classified as forest can also be used for the construction of wind parks. However, although Latvia has plenty of rural areas and forests, the land lots are relatively small and the ownership is fragmented. Therefore, there are seldom situations where one owner has several lots of land next to each other. This means that the project developer will have to reach an agreement with several land owners in a particular area. Fragmentation of ownership limits the available land on which wind farms could be erected (RNP database; Āboliņš, 2019). Also due to the requirements of the Regulation (EU) 2016/679 regarding protection of personal data, it is difficult to reach the relevant land owners, as municipal employees do not have the right to give the necessary contacts to the project developers (Galviņš, 2020).

In addition, there are restrictions on the use of land classified as agricultural land of national importance. The aim is to protect high-quality agricultural land from being used for purposes other than agriculture (Āboliņš, 2019; Galviņš, 2020). Although the Latvian NECP states that it would be useful to ensure the use of agricultural land and state forest land of national importance for the development of wind farms, the RES industry is sceptical and does not see that this will change in the near future (NECP, 2020; Galviņš, 2020).

Limited lease term limits the time of use of installed RES technologies. Law on Prevention of Squandering of the Financial Resources and Property of a Public Person states that a land lease agreement can be concluded for a time period not exceeding 30 years, unless law or Cabinet regulations provide otherwise (section 6.¹, par.1 Law on Prevention of Squandering of the Financial Resources and Property of a Public Person). This requirement limits the time for which the installed RES technologies could be used.

For example, in case of a wind park, it takes at least 5 years to implement the project, which means that there are only 25 years left for its operation and electricity production, even though current technologies allow electricity to be generated for at least 30 years (Galviņš, 2020).

The government should prioritize onshore wind energy development - minimize administrative obstacles and public opposition. Only then focus on onshore wind energy. In September 2020, the Ministry of Economics signed the Memorandum of Understanding for an Estonian and Latvian offshore wind park project. While the industry is not against exploring possibilities of developing offshore projects, they consider that the priority should be given to developing onshore projects as they are cheaper and easier to implement, and therefore onshore wind power plants can produce cheaper electricity in comparison to the offshore wind parks (Galviņš, 2020).

Local opposition to wind projects (NIMBY). Even if a wind energy project has a positive environmental impact assessment, it can be rejected due to the resistance of the local community. In Latvia, some wind energy projects have already faced strong opposition, predominantly from residents who claimed that wind farms would have a negative impact, including visual presence, noise and falling property value. In the end, the projects were cancelled due to the resistance from the politicians and citizens in the municipalities (RNP database; Āboliņš, 2019).

Identified good practice

No good practice related to this process was identified.

2.1.2. Electricity production licence

Process flow

The Ministry of Economics is the competent authority that takes a decision regarding the issuance of an Electricity Production Licence. The Regulation No. 559 prescribes the requirements to be met in order to receive a licence to increase power generation capacities or to install new electricity generation facilities if these facilities exceed 11.1 kW and are intended to be connect to the electricity transmission or distribution system. The Regulation No. 559 does not apply if the already installed electricity generation facility is replaced without increasing the total permitted electricity generation capacity of the facility.

After receiving the Electricity Production Licence for capacities exceeding 1 MW, the applicant shall within six months start construction works and inform the Ministry of Economics in writing about the start of the project implementation (par. 6 Regulation No. 559). This means that an environmental impact assessment shall be performed before obtaining this licence. Until 11 September 2020 it was the other way around. First, the project developer had to receive the Electricity Production Licence and thus reserve the grid capacities, and only then, if necessary, carry out an environmental impact assessment.

The licence is valid for three years for the capacity less than 1 MW and for five years for the capacity of 1 MW or more (par. 12 Regulation No. 559). If a plant operator wants to extend the term of the licence issued, then he has to submit a free-form application with a request for extension. The free-form application needs to be submitted no later than three months before the expiry of the licence. The Ministry of Economics is entitled to extend the validity of the permit for no more than two years.

Microgenerators

The Electricity Production Licence is not required for the connection of microgenerators (less than 11.1 kW). The grid connection application for the microgenerator must be submitted directly to the DSO. No later than within 20 calendar days after receipt of the application, the DSO prepares and sends to the applicant a connection agreement and technical requirements. The microgenerator connection process is carried out according to the procedure set in the Decision No. 1/7.

Deadlines

Regulation No. 559 does not indicate within how many days the Ministry of Economics shall examine the submitted documents and take a decision regarding the issuance of the Electricity Production Licence. However, in line with the Law of Submission, answer shall be given within one month after receipt of the application (section 5 par. 3 Law of Submission).

If the information indicated in the documents submitted is insufficient, incorrect or inaccurate, the Ministry of Economics shall inform the applicant of the deficiencies identified and set a deadline for eliminating the deficiencies (par. 4 Regulation No. 559). Then within one month after receiving all necessary documents the Ministry of the Economics takes the decision on the issue of the licence (Section 5 par. 3 Law of Submission).

According to the national stakeholders interviewed, the process of issuing the Electricity Production Licence has medium transparency, as sometimes it is hard to find a responsible person in the Ministry to receive information about the status of the application and not always the answer is received within one month (PV stakeholder, 2020; Galviņš, 2020).

Detected barriers

The period of 6 months from obtaining the licence to the start of construction works is too short. The new Regulations No. 559, which came into force on 11 September 2020, changed the existing permitting procedure for the developers of renewable energy projects. Previously, the project developers first had to receive the Electricity Production Licence in order to reserve capacity for the grid connection and only then launch the environmental impact assessment, request technical specifications from the TSO or DSO, draw up the design etc. The Ministry of Economics changed the existing procedure in order not to reserve network capacity unnecessarily, as projects were often not implemented (annotation of the Regulation No. 559). However, the project developers believe that six-month period is too short period to receive all of the technical specifications needed for design stage, to draw up a design, to carry out the procurement procedure, enter into contracts with construction companies and start construction works (PV stakeholder, 2020).

Identified good practice

No good practice related to this process was identified

2.1.3. Application preparation process

Process flow

The application preparation process includes the application for grid connection, the environmental impact assessment as well as the request for technical specifications in

cases where RES installation may affect the protection zones of other objects or engineering networks.

Grid connection application

After receiving the Electricity Production Licence, the project developer can submit an application to the system operator (DSO or TSO) for connecting a new power plant to the system or for increasing the power of the existing one (par. 4 Decision 1/6). Before preparing the application, it is recommended to discuss possible connection solutions with the relevant system operator. After receiving an application, system operator issues technical specifications. These are used by a project developer to draw up a design of the RES plant. The technical specifications are valid for two years (par. 7 Decision 1/6).

Technical specifications

If the construction of a RES plant affects operational protection zones of other objects and engineering networks, the project developer shall obtain technical specifications from the owners of the relevant objects and engineering networks in order to draw up the design of a RES plant (par. 15 Regulation No. 500). According to the Zone Protection Law, in cases where several types of protection zones overlap in one place, the strictest requirements and the largest minimum width apply. All types of activities in these locations must be coordinated and approved by the institutions concerned.

Environmental Impact Assessment (EIA)

Impact assessment of a renewable energy project has to be performed as early as possible. The EIA procedure is laid down in the Law on Environmental Impact Assessment (EIA Law) and is performed on the basis of the information provided by the project developer and the information which has been obtained from the concerned state authorities and municipalities, as well as during the process of the public consultation.

Impact Assessment is coordinated and supervised by the State Environmental Bureau (SEB), while Initial Assessment is coordinated and supervised by the State Environmental Service (SES) (section 6 EIA Law). The EIA Law contains a list of objects that need Impact Assessment and those which require Initial Assessment (sections 3.² and 4 EIA Law). For projects, which may have substantial impact on the environment but are not included in the lists of the EIA Law, the project developer must submit a written application to assess the need for an EIA or to issue technical specifications. Application needs to be submitted to the SES or the relevant regional environmental board of the SES (sections 3.² and 11 EIA Law). These state institutions will carry out an Initial Assessment of the project and send documentation to the SEB for a decision. If the planned project is not expected to have a significant impact on the environment, the relevant regional environmental board of the SES issues technical specifications which determine the environmental protection requirements applicable to the specific activity according to the Regulation No. 30 (section 13 par.2 EIA Law). Activities for which technical specifications are needed are those which after an initial assessment do not require impact assessment or which are listed in the Annex to the Regulation No. 30 (par. 5. Regulation No. 30).

The Environmental Impact Assessment procedure is described in the Regulation No. 18. It is a systematic process during which the potential environmental impact of a proposed activity is assessed in several steps, that includes initial assessment, initial public consultation, development of the requirements for the report content, preparation of an impact assessment report, public hearing on the report and finally preparation of an opinion on the report and approval of the proposed action.

After receiving an application from the project developer, the SEB issues requirements on the content of the EIA report (section 16 EIA Law). The requirements are developed on the basis of the intended activity, the initial assessment thereof, if such has taken place, the results of an initial public discussion, as well as taking into account the proposals of the public and the information provided by the concerned state authorities and municipalities. The requirements are valid for five years (section 16 EIA Law). On the basis of the requirements issued by SEB, the project developer prepares the EIA report and organizes the public discussion thereof. Taking into account the results of public discussion the report should be revised. The initiator shall submit the final report together with the copies of written proposals of the public in a printed form and electronically to the SEB, as well as publish it on his website (section 17 EIA Law). Then SEB assesses the report and provides its opinion, which is valid for three years (section 20 EIA Law). In this time period project developer should receive an approval of municipality or other relevant authority to commence the intended activity (sections 21 and 22 EIA Law).

Deadlines

Grid connection application

Within 60 days after the receipt of the application, the grid system operator issues clear and technically feasible specifications to the project developer (par. 7 Decision 1/6). The system operator has the right to request additional information from the project developer (par. 6 Decision 1/6). If the development of the technical specifications is complex and it takes longer before they can be drafted, or if the project developer fails to provide all the necessary information to the system operator, the system operator notifies project developer in writing about the deviating deadline for issuing the technical specifications.

Environmental Impact Assessment (EIA)

The deadlines applicable to the Environmental Impact Assessment procedure are specified in the EIA Law (section 6.¹ EIA Law) and are as follows:

- The SES is obliged to carry out the Initial Assessment of the impact within one month of receiving the application.
- The SEB is obliged to take a decision on the application of the EIA within one month of receiving the application.
- Within 30 days of receiving the application the SEB issues requirements for the content of the EIA report that includes requirements regarding the amount and level of detail of the information, as well as the set of studies required and organizational arrangements necessary for the further conduct of the impact assessment. If the SEB requires information from the applicant, it will extend the time period for issue of the requirements for the report by a time period within which the applicant has provided the requested information.
- The SEB issues an opinion on the EIA report within 60 days of receiving the report from the project developer. If the SEB requests additional information from an applicant, the time period for provision of the opinion can be extended for a time period within which the applicant has provided the information. If necessary, the SEB may extend the time period for provision of the opinion, but no more than for one month.
- If for the implementation of the project an opinion from the European Commission has to be obtained in accordance with the Law on Specially Protected Nature Territories, the SEB will provide the opinion within 45 days of receiving the European Commission's opinion.

- The relevant state authority, municipality or another authority determined by the law shall take a decision on the approval of the project within 60 days of receiving all the necessary documents, including opinion of the SEB, from the applicant.

Detected barriers

No barriers related to this process were identified.

Identified good practice

No good practice related to this process was identified.

2.1.4. Administrative authorisation

Process flow

The administrative authorisation procedure includes the issuing of a construction permit, a permit from the Civil Aviation Agency or Ministry of Defence (if needed), and in the case of biomass cogeneration – a permit to carry out polluting activities.

Permit from the Civil Aviation Agency or Ministry of Defence

The Law on Aviation (sections 113.² and 113.³) specifies when a permit from the Ministry of Defence should be obtained to construct or install a new object near the military airfields. It depends on the height of the object and the distance to the airfield. The procedures for requesting and receiving a permit from the Ministry are determined in the Regulation No. 542. The permit and technical specifications are valid for four years from the date of issue (par. 9 Regulation No. 542).

Regarding possible restrictions near other airfields, the project developer has to contact Civil Aviation Agency. The need to obtain the permit also depends on the height of the object and the distance to the airfield (sections 41 Law on Aviation). Procedures for requesting and receiving a permit from the Civil Aviation Agency are described in the Regulation No. 120. Permit shall be requested by the municipality, which reviews and approves the construction. The permit of Civil Aviation Agency is valid for four years from the date of issue (par. 8 Regulation No. 120).

Construction permit

The main processes related to the issuing of construction permits, the supervision of the construction process and the commissioning of the construction are described in the Construction Law and Regulations No. 500 and No. 573. Depending on the type, size and cost of the project, the authority responsible for the construction permit is either the local building authority or the State Control Construction Bureau.

All buildings and engineering constructions in Latvia are divided into three groups (I, II, III) depending on the complexity of the construction and their potential impact on the environment. The allocation is specified in Annex 2 of Regulation No. 500. The type of documents to be submitted to the local building authority and the type of construction permit to be received depend on the group to which the building or engineering construction belongs and on whether it is a new construction, reconstruction or renovation. Power plant structures with a capacity over 20 kW as well as boiler rooms and power supply buildings with thermal capacity exceeding 2 MW and/or electrical output of more than 2 MW are classified as group III buildings. Power plants with a capacity of up to 20 kW belong to group I. The rest belongs to group II.

According to the Regulation No. 573 (par. 3), there are exceptions when the building authority does not need to be notified, for example in the case of a renovation or reconstruction in substations or other similar closed areas.

All documents for the granting of the construction permit shall be completed and submitted electronically using the Building Information System (BIS)¹. All technical specifications from other involved institutions as well as their approval on the construction permit shall also be obtained electronically via BIS.

Permit to carry out polluting activity (relevant for biomass)

Biomass cogeneration is considered a polluting activity, therefore the project developer must either receive a Category A or B permit to carry out polluting activity or notify the State Environmental Service (SES) about the performance of Category C polluting activity. Activities requiring polluting activity permits are described in the Law on Pollution (for Category A) and Regulation No. 1082 (for Category B and C, Annex 1 and 2). The category depends on the capacity of the cogeneration unit and estimated significance of its environmental impact. Category A covers large operating units (e.g., combustion installations with a rated thermal input of 50 MW or more) that can cause significant damage to environment and are therefore subject to higher environmental standards. Category B covers cogeneration units with a rated thermal input higher than 5 MW and less than 50 MW (in case of biomass cogeneration units), which are exposed to slightly lower requirements than Category A units with respect to environmental pollution. Category C includes small combustion installations (rated thermal input 0.2 – 5 MW) whose impact on environment is rather insignificant. For Category C units permits are not required, but the SES registers the activity and publishes information about the registration on its website² (par. 60 Regulation No. 1082).

The permits are issued by the Regional Environmental Board of the SES. The procedure for issuing permits is regulated by the Law on Pollution and Regulation (No. 1082). It includes the preparation of an application, its assessment by the Regional Environmental Board, approval of the application or a request for clarification of the application and re-submission and finally acceptance of the application and authorisation. The application should describe the company's activities and provide very detailed information on the planned polluting activity. Depending on the category of the facility, the application must be supplemented by process descriptions, equipment documentation, spatial plan and many other documents.

If the thermal capacity of the installation exceeds 20 MW, a greenhouse gas emission (GHG) permit may also be required (section 24.¹ par. 1 Law on Pollution). The activities for which a greenhouse gas emissions permit is required are listed in Annex 2 to the Law on Pollution. They depend on the fuel used, the production capacity of the equipment or the volume of production.

Starting from 1 January 2021 the permit to carry out a polluting activity will be valid for 10 years (section 24.¹ par. 5 Law on Pollution), previously it was 8 years.

¹ Building information system: <https://bis.gov.lv>

² <https://www.vvd.gov.lv/izsniestas-atlaujas-un-licences/c-kategorijas-piesarnojoso-darbibu-registrs/>

Deadlines

Construction permit

The documents to be submitted by the applicant for a construction permit depend on the type of the construction and the group to which the construction belongs. The local building authority must take its decision within the following periods of time (section 12 par. 4 Construction Law):

- Within one month: decision to grant or refuse granting a construction permit or decision on having a public consultation on the planned construction;
- Within 14 days: decision to accept or reject the planned construction (if a certification card and an explanatory memorandum are required for the performance of construction work);
- Within 14 days: decision to grant a permit to allow minor changes to the construction project (e.g., construction layout, construction volume, etc.), except for changing the intended use of the construction.

If documents are submitted electronically using the Building Information System (IT system), the applicant can easily follow the process and see when the status of the application changes, when decision is taken etc. However, there are still cases where documents are submitted in paper.

Permit to perform polluting activity (relevant for biomass)

The Regional Environmental Board has to inform the applicant in writing of the receipt of an application within 20 working days after its receipt (par. 25 Regulation No. 1082). Upon the acceptance of the application, the Board has the right to request additional information from the project developer, which is necessary to clarify the already submitted information or which is necessary for making a decision. In this case, however, the deadline for issuing a permit will not be extended.

No later than within 90 days (for Category A) or 60 days (for Category B) from the date of acceptance of an application, the Board decides to issue or decline to issue a permit. If no operational changes are planned for a Category A or Category B polluting activity, the Board will make its decision within 30 days of accepting an application (par. 49 Regulation No. 1082). The Board may extend the deadline for deciding on an existing or new Category B polluting activity by a maximum of 90 days if a public consultation is requested.

For Category C polluting activity, the Board take a decision within 14 days of accepting the application (par. 59 Regulation No. 1082).

In the decision-making process, the Board consults the local government, the Health inspectorate and other institutions if relevant.

Detected barriers

Different approach of local building authorities regarding roof-top solar power.

It is currently not clearly defined in the regulations to which building category roof-top solar power systems belong. Therefore, the responsible local building authorities lack clarity regarding the classification of the solar power systems and the documents to be requested for their approval or whether these systems need to be approved at all. While some authorities believe that their approval is not needed, others will request a completed explanatory memorandum or an opinion from the architect, or a full technical project documentation (Kamenders Agris, 2020; Local building authorities, 2020).

Identified good practice

No good practice related to this process was identified.

2.1.5. Grid connection permit

Process flow

Decision No. 1/6 prescribes uniform regulations for a system connection to the electricity grid and the methodology for the calculation of a grid connection fee for electricity producers.

Firstly, prior to the planning and construction work, the project developer has to submit an application for power plant to be connected to the electricity grid operated by the DSO or TSO in order to receive the technical specifications needed for the planning work (see section 2.1.3.).

After receiving the construction permit, the system operator and electricity producer enter into a grid connection agreement (par. 8. Decision No. 1/6). The agreement outlines the responsibilities and accountability of the grid system operator and the electricity producer, specifies who will arrange the procurement procedure or initiate the construction, contains the payment terms and many other provisions related to the grid connection (e.g., equipment specifications, etc.) (par. 9. Decision No. 1/6).

All necessary procurement procedures for construction contracts are carried out in accordance with the concluded grid connection agreement. Construction contracts with the procurement winners are to be signed by the system operator.

After completing the construction or reconstruction work, all necessary inspections and tests must be carried out consistently with the issued technical specifications and the Decision No. 1/4. Before the inspections and tests are performed, a system service agreement is concluded between the system operator and electricity producer.

All expenses related to the construction of the system connection shall be paid by the electricity producer (par. 12 Decision No. 1/6). Upon entering into a grid connection contract, the grid system operator has the right to demand a financial guarantee from the project developer for the grid expansion that is necessary for the connection of the system to the grid, i.e., construction of a new or reconstruction of an existing 110 kV substation. The amount of the financial guarantee requested by the system operator may not exceed 50% of the actual cost of the construction of the substation required for the connection (par. 13 Decision No. 1/6).

Deadlines

Individual deadlines are specified in the connection agreement that is concluded between the project developer and grid system operator.

Detected barriers

No barriers related to this process were identified

Identified good practice

No good practice related to this process was identified

2.1.6. Corporate legal fiscal

Process flow

The operator of a power plant with a capacity greater than 1 MW must register in the Register of Producers of the Public Utilities Commission within 30 days of the commissioning of the power plant (par. 34 Decision No. 1/3; Regulation No. 1227). If electricity producer plans to trade electricity, then he must register with the Public Utilities Commission regardless of the capacity of the power plant.

Deadlines

If the Public Utilities Commission has not informed the electricity producer who submitted the application for registration in writing within one month of receiving the application that the registration has been refused, the electricity producer is deemed to be registered (section 26.¹ par. 6 Electricity Market Law). The application for registration is deemed to have been submitted on the day on which the regulatory authority has received all the information specified by it, including the additionally requested documents (section 26.¹ par. 7 Electricity Market Law).

Detected barriers

No barriers related to this process were identified.

Identified good practice

No good practice related to this process was identified.

3. Use of IT systems

The Building Information system (BIS)³. BIS is a public portal which ensures information exchange among the persons participating in the construction process. The system provides access to the registers and e-services necessary for the construction process. It is used not only by the building authorities, but also by other relevant authorities that issue technical specifications and give approval on the projects. Starting from 1 January 2017, the BIS is managed by the State Construction Control Bureau.

Currently, BIS is interconnected with 15 other national information systems necessary for the construction process, which enables to take over the necessary data from them automatically, thus preventing errors and speeding up the process of drawing up and examining documents.

From 1 January 2020, the entire construction process and the related circulation of documents shall be performed only via the BIS (Transitional Provisions 19, Construction Law). Nevertheless, many stakeholders choose to submit their applications in paper, because they do not trust IT systems or out of habit (PV stakeholder, 2020).

TULPE⁴. Since 2013 the State Environmental Service (SES) has an IT system called 'TULPE'. The system can be used to send an application for initial environmental impact assessment and also for the notifications about the initiation, amendment and revocation of Category C polluting activity, and for permits for Category A and B polluting activities.

³ Building information system <https://bis.gov.lv/bisp/>

⁴ Online portal for the services of the State Environmental Service <https://epak.is.vvd.gov.lv>

As of January 2020, technical specifications of the SES for construction works must be requested via the BIS.

4. Complaint procedure

The deadlines and the procedure for appealing against decisions issued by competent authorities usually vary. If a specific legal act does not describe the complaint procedure, the general Administrative Procedure Law (APL) and, for the delays in replying, the Submission Law can be applied.

An administrative act can be contested at the higher authority, or, in the absence of such an institution - immediately appealed to an Administrative court (section 76, par. 2 APL). In administrative court proceedings, an administrative act is first examined and decided by the first instance - the Administrative District Court. The decision of the court of the first instance can be appealed to the court of the second instance – the Administrative Regional Court (section 105 par. 1 APL). Appeal from a judgment of a second instance court is examined in accordance with cassation procedures in the Supreme Court (section 105 par. 2 APL).

An administrative act may be contested within one month from the day it comes into effect. However, if the administrative act issued in writing contains no statement as to which institution and within which time period it can be challenged - within one year from the date of entry into effect (section 79 par. 1 APL). Execution of the administrative act, which is unfavourable to the applicant, is suspended from the time the appeal is received at the higher institution or court, unless otherwise provided by laws (section 80 par. 1. APL).

According to the Submission Law (section 10 par. 3 and 4), if the competent authority provides a reply to the application or request, but not within the deadlines specified in the relevant legal acts, the applicant can appeal before the court. However, the applicant has to prove that the delay in response caused a significant impairment of the individual's rights or legal interests (i.e., the delay caused damages). Compensation for the losses caused by the authority can only be requested together with the contestation and appeal of the respective administrative act or actual actions.

Government spatial plan, local plan

A person may submit a complaint to the responsible ministry regarding the local government's spatial plan or local plan within two months of the binding regulation, which approves the spatial plan or local plan, coming into effect. Within one month from the deadline for submitting complaints, the ministry evaluates complaints received. If the Ministry detects violations of the procedure for developing the spatial plan, local plan or a part thereof, or non-compliance with legal requirements, the Minister issues an order suspending the binding regulation approving the plan (section 27 Spatial Development Planning Law). The person can submit a constitutional complaint to the Constitutional Court regarding the conformity of the local government binding regulations with the norms of higher legal force, if before that the person has submitted a submission as previously described (Section 27 par.4 Spatial Development Planning Law).

Detailed plan

A detailed plan can be challenged in the administrative court within one month after publishing the notification on the approval of the detailed plan in line with the procedure laid down in the Administrative Procedure Law. The appeal will suspend the operation of

the plan until the day the court decision comes into effect (section 30 Spatial Planning Law).

Environmental Impact Assessment

A decision of the State Environmental Service or State Environmental Bureau refusing or discontinuing the performance of the Initial Assessment or Impact Assessment can be challenged before the competent authority. The decision of the competent authority can be appealed to an administrative court. As described above, there is three-instances administrative court system in Latvia for appeals against administrative acts, including decisions on the EIA (section 12 par. 5 and section 14.¹ par. 2 EIA Law).

Construction permit

The construction permit or the decision to refuse to issue the construction permit can be challenged within one month from the day the decision was taken in accordance with the procedure laid down in the Administrative Procedure Law. The total time in which a complaint against an administrative act as part of the construction permitting procedure is examined by the competent authority shall not exceed two months from the day of receiving the complaint. If the higher authority or court determines that the information to the public about the granted construction permit was clearly insufficient, it can extend the procedural deadline for contesting the construction permit (section 14 Construction Law).

The challenge or appeal of a construction permit issued for the construction of an object of national interest shall not suspend the operation of it (section 15 par. 7 Construction Law).

5. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in Latvia.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	no	
National contact points and one-stop-shops	no	
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	no	
Pre-planning	no	
Pre-application consultation	yes	Pre-consultations with transmission system or distributor system operators before submitting an application for grid connection are strongly suggested (AST website) and usually implemented, especially for larger renewable energy projects. Before applying for a permit for a Category A polluting activity, the operator should consult the State Environmental Service (SES) (par.19 regulation No. 1082).

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Project acceptance measures	no	
Measures to streamline litigation by third parties	no	
Other	no	

6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Latvia.

Table 3 Performance indicators to assess administrative and grid connection processes

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	If the deadlines are not specified in the specific laws or Cabinet regulations, then in most cases the Law on Submission can be applied. The Law states that the authority has to reply no later than within one month after receipt of the application/ request. Authorities that keep statistical data on their response time or the duration of the project review claim that this is strictly for their internal use only, i.e., to evaluate their work and see where there is room for improvement.
Process duration	<p>According to the Latvian Wind Power Association, the average process duration for onshore wind parks is around 3 years, including 2 years for the environmental impact assessment, 1 year for building and operation permits and 2 months for the grid connection.</p> <p>Yet the last wind project started to be developed in 2012 and now in 2020, after the municipality's refusal in 2019 to approve the construction of the wind park on their territory, this dispute is in court, so the process has already been going on for 8 years (Galviņš, 2020).</p> <p>For other technologies, the process duration depends on the capacity and size of the project, and on which permits are required. The most time-consuming process is the environmental impact assessment, which usually takes 12-24 months.</p>
Project approval rates	N.A.
Costs of administrative processes	<p>Usually, the applicant bears the cost of all initial assessment and environmental impact assessments and public consultations. In some cases, the applicant shall also pay fees for permits. The state fee for the Initial Assessment is EUR 213.43. The project developer also bears the cost of the Impact Assessment. For the preparation of technical specifications (from SES) the established state fee is EUR 50 (par. 30.1 Regulation No. 30).</p> <p>For installations with a capacity of 1 MW or more, the applicant has to pay a financial guarantee when submitting the application for Electricity Production License, the amount of which depends on the planned capacity:</p> <ul style="list-style-type: none"> • EUR 178 for 1–1,99 MW; • EUR 267 for 2–2,99 MW; • EUR 356 for 3–3,99 MW; and

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	<ul style="list-style-type: none"> • EUR 50 for each MW which exceeds 3,99 MW. <p>All expenses related to the construction of the system connection are to be paid by the electricity producer (par. 12 Decision No. 1/6). Even when connecting a microgenerator, all connection work and related cost are arranged and paid for by the owner of the microgenerator. The owner of the microgenerator bears all costs, even if new cables or other electrical equipment are necessary to connect the system to the electricity grid.</p> <p>For permits to perform polluting activities of Category A or B, the applicant has to pay state fee according to the Regulation No. 666 (par.2 to 5):</p> <ul style="list-style-type: none"> • EUR 853.72 issuance of the permit for Category A; • EUR 569.15 review of the permit for Category A; • EUR 362.83 issuance of the permit for Category B; • EUR 249.00 review of the permit for Category B.
Share of permits that are legally challenged	N.A.
Share of legal challenges that are overruled	N.A.
Stakeholder interests	<p>Most permitting processes, including spatial planning and environmental impact assessment, involve compulsory stakeholder hearings that are embedded in the permitting process itself and are described in relevant laws and Cabinet regulations (e.g., section 4 Spatial Development Planning Law; par. 22-28 Regulation No. 18).</p> <p>According to the building regulations, a public consultation on the planned construction must be organized if the construction of an object that could have significant impacts (noise, vibration, pollution) is proposed next to residential or public buildings. The procedure is described in the Regulation No. 671. The public consultation cannot last less than 4 calendar weeks from the day on which the decision to launch the public consultation is published on the website of the Construction Board (par. Regulation No. 671). Public consultation is organized by the project developer but supervised by the local building authority. The Construction Law foresees that public consultation is not required if an environmental impact assessment has been carried out for the planned activity or if the area in which the structure is planned has a valid detailed spatial plan (section 14 par. 5 Construction Law), as in this case public consultation has already been held within the framework of the environmental impact assessment.</p>

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