Landowners and WFD in Latvia rights, responsibilities and challenges

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Why discussion still matters

- The State Audit Office (2021):
  - Latvia is **one of the water-richest countries** in Europe. We can be proud of 2,256 lakes and about 12,500 rivers, as well as the almost 500 km long coastline of the Baltic Sea and its beaches. However, there are concerns about the **quality of water management**. According to the latest assessments, the ecological quality of water in Latvia is **lower than the average** in the EU.
- Good / High | 33 - 34 % |
- Moderate / Poor / Bad | 67 %

- Legislative framework – effective measures – enforcement

Summerizing on the WFD – landowners link

- WFD – «property rules neutral»
- Objectives – to be achieved in **all** water bodies
- Responsibilities – through Planning system – all invited «to the table»
- Clear obligations for all parties «around the table» – missing
- Oriented on preventing / limiting pollution
  - Permitting sistem («allowes to pollute»)
- and Costs to cover-recover (PPP)
- Obligations/responsibilities/control etc. measures - MS

Legal transposition in Latvia

- Legislation:
  - **Water Management Law (WML)** (and Gov.Enact.)
    - RBMPs system (RBMP aproved by the minister)
    - Exceptions justified/applied/aproved by (?)
    - The main «players» – the role of municipalities – responsibilities
  - Environmental Protection Law
    - Incl. On environmental liability
  - Law on Pollution (emission limits of substances)
    - «**to prevent pollution** resulting from polluting activities or, if it is impossible, reduce emission into soil, **water**, and air;»
  - Law on Protected Zones
    - limiting activities next to water in «protected zones»
- RBMPs – minister aproves – the Ministry and its institutions are bound but…
  - Action plans? - «Water managemet should be included in municipal action plans»
- CAP instruments etc.

Landowners and/or water owners

- *Peculiarity?*
  - *Private rather than public… (Civil Law of 1937)*

•water/adjusted-land ownership

- •Public waters (state/municipality owned)
  - •Civil law (43 rivers, 225 lakes)
  - • Waters in public use:
    - • defined by law (Civil Law) and
    - • «rights to use»
      - •«**towpath**» - a strip of land along a coastline intended for activities in connection with fishing or shipping and for pedestrians;
- •Private
  - •Within a private land boundaries / riparian zone/ stream bed
  - • Water…? / self-flowing water – *res communis omnium*

How responsibility of landowners – ‘as and when’ ‘water users’ is framed

«*de jure*» **no direct** WFD duties

But justification to establish on ‘different water use’

«on paper» exists in WML (Art.7 «duties»):

«to observe all **conditions specified in the management plan** and programme of measures;

Civil law? – owners’ rights, but …

to perform all activities related to the use of water resources **to prevent the deterioration** of groundwater and surface water status..»

IMPLEMENTING measures through…:

‘water users’ to control/ reduce pollutation

How responsibility of landowners (if users?) is framed –

Implementing measures

Permitting procedures

- WML – «Permits for Use of Water Resources» (Art.21)
- Law on pollution – limitting emissions, preventing polution
  - A & B category of permits (for polluting activities)

Other regulative legislation – land-use restrictions

- Protected areas, including protected nature areas, ***regardless of ownership***
- Spatial planning – legally binding conditions (limitations)

Incentives – CAP instruments

- Good Agricultural **Practices** (GAPs) – voluntary or audited standards – prioritizing water conservation, soil health etc.
- **Eco-schemes** – for implementing environmentally friendly practices

Pro-active obligations? ‘duties to act’?

Each individual *takes care of oneself, ….and the common good of society* ***by acting responsibly toward*** *other people, future generations,* ***the environment and nature.***

Preambula of the Constitution

Žurnāls Santa – kas traucē upēm plūst brīvi?

Example of responsibility of landowners on illegally disposed waste

- Law on Waste (Art.15(4))
  - A **landowner within whose property municipal, hazardous, and production waste is placed illegally**
  - in a place not intended for that purpose
  - **shall transfer such waste to a waste manager who has received a permit** for the relevant waste management,
  - shall cover the management costs for such waste and is entitled to request compensation for losses from the producer of such waste. If the producer of the relevant waste is established, the waste management costs shall be covered by the producer of the relevant waste.

Questions remain

- Achieving objectives *together* – rights and duties – to ensure '**sustainable use**' of **common heritage**?
- Legislative v. Voluntary measures
- Incentives – through benefits
- Responsibilities to proactively act?
  - Private landowners

Constitutionally defined «invitation»

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