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Main Legal Aspects of EIA for Offshore Wind Farms

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May 21, 2013

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Contents:



- Legal procedure:
 - Preliminary assessment of impact;
 - Implementation of EIA;
 - Acceptance (or not) of planned activity.

- Samples of drawbacks

- Concluding remarks

Preliminary assessment:



- Necessity for EIA;
- Performed by Regional Environment Board;
- Result of preliminary assessment together with application on the planned activity sent to the competent institution to pass resolution.

EIA:



- Resolution on necessity for EIA:
 - questionable at court;
- Preliminary public consultation:
 - at the request of competent institution or municipality;
 - at the initiative of initiator of the planned activity;
- Work program:
 - environment protection, researches, organizational matters;
 - validity term – 5 years;
- Report and notice;
- Public consultation;
- Opinion of the competent institution;
- Acceptance or not of the planned activity.

Drawback A:



- Cabinet of Ministers Regulations No 83 on Procedure for Performance of EIA:
 - Chapter VII, Clause 57;
 - Planned activity whole or party at the exclusive economic zone;

 - Preliminary public consultation and public consultation shall be held at the place indicated by the Ministry of Economics;

 - Ministry of Economics and State Environment Service shall take part at the public consultation;
 - Ministry of Economics shall lead the public consultation.

Drawback B:



- Cabinet of Ministers Regulations No 83 on Procedure for Performance of EIA:
 - Clause 57;
 - Any activity planned at territorial sea or exclusive economic zone;
 - Informing of public takes place via Ministry of Economics.

- Cabinet of Ministers Regulations No 200 on Procedure for Acceptance of Planned Activity:
 - Clause 10;
 - Activity planned at territorial sea or exclusive economic zone;
 - Competence to accept (or not) the planned activity is shared among 5 ministries depending on the type of activity.

Drawback C:



- Cabinet of Ministers Regulations No 200 on Procedure for Acceptance of Planned Activity:
 - Clause 11;
 - Activity planned at territorial sea or exclusive economic zone;
 - Activity requires connections to the infrastructure;
 - Municipality provides written opinion on the possibility of connection.

Concluding remarks:



- Too much of:
 - involved institutions (repeated work, lack of control and lead);
 - places (risks) triggering court procedures;
 - paper work.
- Lack of time periods for performance.
- Ambiguous legal regulation.
- Lack of professionalism, knowledge leads to non-controllable situations.
- Poor interpretation and unpredictable application of laws.
- Cultural aspects:
 - prevent or reduce adverse impact of the planned activities.



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Thank you!

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