LEGAL ASPECTS AND INSTITUTIONAL FRAMEWORK OF URBAN AGRICULTURE IN LATVIA

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Abstract. Urban agriculture has a long history of evolving functions of the practice, but its place in global and national legal aspects is often still unclear. Both the United Nations and the European Union have defined goals and directions of sustainable development, identifying and including the use of resources, the principles of the circular economy, the equal development of regions and other aspects. Urban agriculture has a potential in the most of them. However, the role and legal framework of urban agriculture is largely based on national or municipal initiatives. In Latvia urban agriculture does not have a legally defined status, it is not defined in strategic development plans, nor in the laws and regulations of the Cabinet of Ministers. Therefore, the aim of this study is to analyse the legal aspects of urban agriculture in order to determine its potential institutional framework in Latvia. To achieve the goal, tasks of the research are defined: 1) to identify the main legal aspects affecting urban agriculture in Latvia, 2) to determine the potential institutional framework for urban agriculture in Latvia. The study was conducted using systematic review analysis of laws, development strategies and regulations of the Republic of Latvia. As a result of the research, the main groups of legal aspects, influencing urban agriculture, were identified (agriculture and commerce, food chain, local government and environmental development and protection, waste management) and a possible institutional framework was developed.

Keywords: urban agriculture, legal aspects, institutional framework, sustainable development, Latvia.

JEL code: A10, K20, O13, Q18, Q50, R00.

Introduction

The interest in urban agriculture of both the society and the research community is growing, experiencing a particularly rapid growth since the beginning of the 21st century (Dobele, Zvirbule, 2020). However, the development of practice still differs widely, depending on regional and national specific influencing factors. In countries and cities with more varied and long-established urban agriculture practice, there is both a legal framework and support options in urban planning documents and strategies. In Latvia, urban agriculture is mostly practiced for self-consumption and in the form of micro-agriculture, providing only a small amount of food needed by the household. Although the interest of the population in food growing is high, the proximity of rural areas, the relatively low density of urban population and the individualized approach of practice hinder the potential of urban agriculture functions in Latvian cities. The lack of the status of urban agriculture in Latvia's regulatory documents and planning strategies is also a factor lowering its development.

As urban agriculture is not defined in the laws of the Republic of Latvia, its process is determined by indirectly related regulations. Therefore, the aim of the study is to analyse the legal aspects of urban agriculture in order to determine its potential institutional framework in Latvia. To achieve the aim, two tasks have been set: 1) to identify the main legal aspects affecting urban agriculture in Latvia, 2) to determine the potential institutional framework for urban agriculture practice in Latvia. The study was conducted using a systematic review analysis of the Republic of Latvia's development strategies, laws and regulations of the Cabinet of Ministers. By using methods of analysis, synthesis and deduction, aspects of normative documents that regulate the practice of urban agriculture in Latvia were identified and analysed.
Research results and discussion

Urban agriculture as a type of agriculture and entrepreneurship is not regulated in the normative documents of the Republic of Latvia, but its practice is subordinated to the existing legal regulation in the fields of agricultural practice, business and food chain. Although the global experience of urban agriculture shows that it can be implemented within the existing legal framework without specific definition and adapting requirements and support, the experience and developed practices of the countries where it is regulated shows that wider development and functionality in both urban planning and sustainable development is through the inclusion of urban agriculture in national legislation.

Although urban agriculture is not defined or identified in the normative documents of the Republic of Latvia, its practice is regulated in several aspects, which in this study are classified into four groups:

- agriculture and business,
- food chain,
- local government and environmental development and protection,
- waste management.

Regulatory documents and requirements have different effects on urban agriculture practitioners – in Tables 1 and 2 the influence is specified in three levels: households (H), communities and society (S), commerce (C).

1. Agriculture, business and food chain

Agriculture business and food chain processes in Latvia is regulated by many normative documents, defining and monitoring, principles, conditions and support instruments. In this research the main regulated aspects are identified: definition of agriculture, its aspects and principles of practice; conditions for support in agriculture; terms and conditions of employment and labour regulations; business and competition principles and conditions; food quality and safety criteria and requirements.

The Constitution of the Republic of Latvia is the basic law of the state, which defines and determines basic principles in processes of Latvian society and national economics. The Constitution includes all established fundamental rights of the individual, as well as the progress of community values and sustainable development as the basic principles of Latvian society, emphasizing responsible treatment of others, future generations, the environment and nature (Latvijas Republikas Satversme, 1993). Urban agriculture, even if often seen as a new trend in Latvia, due to its multifunctionality, includes in principles of sustainable development, and its social functions are focused on building a united, co-responsible and supportive community.

In terms of the definition of agricultural concepts, the most direct impact on urban agriculture is the Law on Agriculture and Rural Development, adopted in 2004, which provides a legal basis for the agricultural process and long-term development in accordance with the European Union’s common agricultural policy (Lauksaimniecības un lauku..., 2004). Agriculture is defined in the law as “an economic sector that ensures the production of agricultural products and the provision of services related thereto” (Lauksaimniecības un lauku..., 2004, Section 1). The law does not specify the practice of agriculture in the urban environment, but agriculture is also not directly related only to rural areas. However, development trends of agriculture are indirectly assessed and regulated in the context of rural areas. In addition, the basic principles of the law envisage observance of regions and peculiarities, rational development of agricultural production, optimal use of production factors and preservation of the rural environment (Lauksaimniecības un lauku..., 2004), which indicates the law’s focus on the traditional approach to
agriculture - practice in rural areas. The law defines characteristics of agricultural land and conditions under which it can be developed in another type of territory, but does not specify the urban environment (Lauksaimniecibas un lauku..., 2004). The lack of regulation of urban agriculture creates many challenges, including unclear impact on the environment. However, the agriculture in cities contributes to the diversification of the overall urban environment and the restoration and development of biodiversity (Dobele et al., 2021). Identifying support instruments and directions, the main emphasis in the law is on the development of rural areas (Lauksaimniecibas un lauku..., 2004). Given that resource efficiency and production growth dominate in Latvia's development plans and strategies, support for urban agriculture, which is limited by the availability of land resources and relatively small volumes of production, is difficult to obtain. The Regulations of the Cabinet of Ministers (CM) on State Support for Agriculture (regulation No. 1524) are also applicable in urban agriculture only in some aspects of crop production and non-traditional (such as beekeeping) agriculture (Noteikumi par valsts..., 2013) – the availability of support is significantly affected by the absence of a separate approach to urban agriculture in the regulatory documents, taking into account the large differences between agriculture in rural areas and in the urban environment.

At present, urban agriculture in Latvia is mostly practiced on various types of private property for household consumption. However, the potential of its commercial practice is related to business regulatory documents. The UN recognizes that private enterprise, investment and innovation are key drivers of productivity, inclusive growth and job creation (Apvienoto Naciju Organizacijas samita..., 2015). The UN emphasizes the value of private sector diversity, by encouraging companies to use their creativity and innovation to address the challenges to sustainable development (Apvienoto Naciju Organizacijas samita..., 2015) and thus recognizing the value of commercial practices of various sizes, making business practices a precondition for development.

Commercial and legally registered urban farming practices shall be implemented in accordance with the norms and regulations specified in the Commercial Law, that defines a commercial activity as an open economic activity performed by a merchant in its own name for the purpose of making a profit (Komerclikums, 2000). The Commercial Law prescribes types of merchants, criteria for registration, establishment, administration, management and also conditions for termination of operations. However, the law’s requirements do not apply to agricultural production or professional activities performed by natural persons if it is not registered as a sole proprietor (Komerclikums, 2000). If a merchant intends to use any form of commercial activity for the practice of urban agricultural and to register its activity as a commercial practice, then the regulation and conditions of the Commercial Law shall apply.

Commercial practice is directly linked to competitive processes. In Latvia, their basic conditions are defined by the Competition Law, which aim is to determine and support the process of free, fair and equal competition in all sectors, by defining activities restricting competition and related prohibitions (Konkurences likums, 2001). Irrespective of specifics of the industry or the scope of activities, commercial practices in the conditions of market competition are related to the provisions of the Competition Law. Therefore, urban agriculture that is practiced for commercial purposes is also directly subject to the provisions of the law.

The Law On Taxes and Fees, which determines principles, types, determination, calculation, payment, control, etc. of the tax and fee system, is also directly related to the implementation of commercial practices (Par nodokliem un..., 1995). In formulating the tax and fee system, procedures, types of taxes and corresponding laws, classification of taxpayers, obligations and rights, in the context of urban agriculture
it is primarily related to commercial practices, but also includes aspects related to household self-consumption practices such as real estate tax, land tax etc.

In the context of agriculture and business, employment issues are important, which are primarily regulated by the provisions of the Labour Law and the Labour Protection Law.

**The Labour Law** determines the framework of labour relations, indicating the Constitution of the Republic and the norms of international law as binding documents. The law defines the employee and the employer and establishes the principle of equal rights (Darba likums, 2001). The Labour Law affects urban agriculture’s commercial practices in several aspects: defining the relationship between employees and employers, rights, obligations and responsibilities, principles of employment contract provisions, the process of establishing and terminating employment relationships, working and rest time regulations, wages principles and rules. Related regulations of the working environment and process are also supplemented by **the Labour Protection Law**, the aim of which is to guarantee and improve the safety and health protection of employees and the self-employed at work by determining responsibilities, rights and mutual relations of employers, employees and state institutions in labour protection (Darba aizsardzibas likums, 2001). The law prescribes the general principles of labour protection – competencies, duties and rights of the employer, the employee and the supervising institutions in ensuring the working environment and place. In the context of urban agriculture, regulations of the law are essential in the context of employment, which is mostly an aspect of the commercial practice.

**Procedures for the Recognition and Registration of Food Establishments** determine the process and responsibilities in the registration of food companies and may be related to the commercial practice of urban agriculture. In the context of urban agriculture, requirements contained in regulations for the registration of enterprises in the database of the Agricultural Data Centre relating to the production of raw milk, fish and egg products (Partikas uzņemumu atzīšana..., 2010) are also important.

By developing commercial practices in urban agriculture there is a potential to be included in green public procurement, which provides criteria for support and promotion for eligible companies. **Requirements for Green Public Procurement and the Procedure for Their Application** determine several principles: more environmentally friendly procurement; prevention of damage throughout the procurement process; life cycle view, evaluating the entire life cycle of the product; comparison of environmental impacts; information on environmental protection measures (Prasibas zalajam publiskajam..., 2017). The green public procurement (GPP) sets mandatory requirements for food and catering services, which is a direct area of urban agriculture. The GPP provisions also emphasize the urgency of short food chains in determining the transport distance criterion. Although the GPP provides transport distances of up to 250 km, which reduces the relevance of urban agriculture, the emphasis on short food chains is a supportive aspect, as it is one of the main benefits of urban agriculture. It is difficult to implement the criteria of organic farming in the urban environment, however, the other procurement criteria (principles of integrated production, requirements of the Latvian national food quality scheme) are feasible (Prasibas zalajam publiskajam..., 2017).

The food chain process in Latvia is regulated by several specific normative documents, which include requirements for various food groups and aspects of the circulation. Urban agriculture is directly linked to aspects of food production, so each practice has its own specific conditions related to specific product groups. This research summarizes the most important of them.

As urban agriculture is a food-producing sector, its activities are related to **the Law on the Supervision of the Handling of Food**, which regulates food quality criteria and food safety requirements (Partikas aprites uzraudzības..., 1998). The aim of the law is to ensure the circulation of high-quality food that is safe...
for human health and the environment, both by preventing risks and promoting trade and protecting the interests of consumers (Partikas aprites uzraudzibas..., 1998). The law considers the quality and process requirements of food products at all stages of the chain, including food production, primary production, primary processing, processing, processing, packaging, storage, distribution, transportation, trade (Partikas aprites uzraudzibas..., 1998), thus, requirements of the law for urban agriculture must be met in all processes of the food chain and in all levels – household, society and commerce. The law establishes the responsibility for the quality and safety of food for everyone who participates in the food chain, not only for merchants, but also for anyone who grows and consumes food for self-consumption or transfers it to members of his family and household (Partikas aprites uzraudzibas..., 1998).

Hygiene Requirements for the Primary Production of Products of Plant Origin and Direct Supply in Small Quantities to a Final Consumer determine hygiene requirements for natural persons for the cultivation and transfer of food in small quantities, which are defined for groups of products in the regulations (Higienas prasibas augu..., 2010). Regulations provide for liability in the food life cycle, including cultivation, extraction, storage and transport, as well as the management of waste generated in the process (Higienas prasibas augu..., 2010), that are the primary for the practice of urban crop production by natural persons, both in households and in community gardens.

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* 1 – definition of agriculture, its aspects and principles of practice, 2 – conditions for support in agriculture, 3 – terms and conditions of employment and labour regulations, 4 – business and competition principles and conditions, 5 – food quality and safety criteria and requirements

**Influence on urban agriculture practitioners: H – households, S – social community, C – commerce
Urban agriculture often practices also poultry farming. **Procedure for Assessing the Conformity of Poultrymeat and Eggs with the Classification and Quality Requirements** shall be determined in accordance with marketing standards, but these provisions shall not apply to products which are delivered in small quantities directly to the final consumer or to a retail establishment (Kartiba, kada novertėjama..., 2010). **Requirements for the Circulation of Eggs in Small Quantities** determine the hygiene requirements for the production and direct supply of eggs, the volumes of supply, the procedure for issuing permits for the sale of eggs and labelling requirements, which also apply to urban agriculture practices (Prasibas olu aprieti..., 2017).

Specific requirements binding on urban agriculture are for the realization of honey, which are determined by **Quality, Classification and Additional Labelling Requirements for Honey**, which defines the honey, its classification and production methods, as well as the quality requirements for consistency, colour, taste, smell, composition etc. aspects (Kvalitates, klasifikacijas un..., 2015). Requirements are binding on the practice of urban agriculture, which is engaged in the acquisition and sale of beekeeping and beekeeping products.

**Local government, environmental development and protection, waste management**

Aspects of urban agriculture food chain processes and commercial practices are included in the existing regulation, however, its specific functionality, risks and opportunities for urban development are not defined in Latvian strategies and regulatory documents. For these reasons, the practice must comply in particular with the indirectly related regulatory documents in order to promote its development and compliance with the country's overall progress towards sustainability. With regard to spatial development planning, urban agriculture must comply with planning principles, which is possible given that the multifunctionality of urban agriculture is inherently focused on a balanced approach to resources, development dimensions and the diversity of environmental and economic activities. The post-2015 UN’s development plan focuses on the specifics, risks and opportunities of the urbanization process, setting out a number of urban-related goals: the development of inclusive, sustainable urbanization; inclusive, integrated, sustainable urban planning and management; reduced negative impact of cities on the environment; improving air quality in cities; development of municipal and other waste management in cities (Apvienoto Naciju Organizacijas samita..., 2015).
### Regulatory framework for urban agriculture in aspects of Local government, environmental development and protection, waste management

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<td>Development Planning System Law</td>
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<td>Environmental Protection Law</td>
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<td>Law on the Conservation of Species and Biotopes</td>
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<td>Waste Management Law</td>
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<td>Criteria and Procedures for Assessing the Availability of the Separate Waste Collection Service to the Population</td>
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<td>Regulations on Waste Collection and Sorting Sites</td>
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**1 – conditions for city autonomy and governance, 2 – principles of spatial planning and development, 3 – goals and principles of sustainable development, 4 – requirements and principles for environmental protection, 5 – waste management requirements, 6 – principles of circular economy, 7 – promotion of education and research**

**Influence on urban agriculture practitioners: H – households, S – social community, C – commerce**

According to spatial planning, environmental development and waste management, in this research several aspects are identified from existing legislation: conditions for city autonomy and governance; principles of spatial planning and development; goals and principles of sustainable development; requirements and principles for environmental protection; conditions for waste management; principles of circular economy; promotion of education and research.

Due to its territorial specificity, urban agriculture is bound by a several laws related to urban development and autonomy. The democratic, legal, efficient, open and public administration of the state is determined by the *State Administration Structure Law*. The law prescribes the administrative system and operating rules subordinate to the CM, including defining the structure of local governments, administrative functions and their autonomy (Valsts parvaldes iekartas..., 2002).

The *Law on Local Governments* establishes principles of local government governance and autonomy, which accordingly allow local governments to plan the management of their territories relatively freely, giving the opportunity to include urban agriculture in development plans. The law establishes regulations of local governments, the economic basis, the competence of local governments, the powers and responsibilities of the council (Par pasvaldibam, 1994). Autonomous functions of local governments also include the promotion of economic activity in the relevant administrative territory, determination of the procedure for land use and construction (Par pasvaldibam, 1994). Due to these aspects, one of the primary development factors for urban agriculture is the recognition of its functionality at the municipal level.

National development planning is subordinated to the *Development Planning System Law*, the aim of which is to promote sustainable and stable development of the country and improvement of the quality of life of the population (Attistibas planosanas sistemas..., 2008). The development planning system includes both policy and territorial development planning and ensures their connection with the financial...
plan, decisions of state and local government institutions (Attistibas planosanas sistemās..., 2008). The law has no direct connection with the practice of urban agriculture, however, it is the basis for territorial development principles, therefore the norms contained in the law are successively regulating the role and functions of urban agriculture in the existing laws that regulates the development.

**The Spatial Development Planning Law** provides principles of sustainability in the planning, stipulating that development must be planned in such a way as to preserve and create a quality environment for current and future generations, balanced economic development, rational use of natural, human and material resources, development of natural and cultural heritage (Teritorijas attistības plānošanas..., 2011). The aim of the law is to plan the development of the territory in a sustainable manner, promoting the quality of life, efficiently and rationally using the available resources for balanced economic development (Teritorijas attistības plānošanas..., 2011). In the context of urban agriculture, the definition of public infrastructure included in the law, which includes both technical and social infrastructure, is important. Public infrastructures such as education, health and social care, cultural and recreational facilities etc. are potentially complemented by urban agriculture practices.

The spatial development is directly related to the development and protection of the environment. Raising awareness of the food chain is one aspect of sustainable development strategies, emphasizing the understanding and development of the interactions between food and the environment. The environment is one of the dimensions of sustainable development, and Latvia has several aspects that promote its protection and development.

The aim of the **Environmental Protection Law** is to ensure the preservation and restoration of the quality of the environment, as well as the sustainable use of natural resources“ (Vides aizsardzības likums, 2006). The Environmental Protection Law pays great attention to the aspect of education, science and innovation as a contributing precondition for the development, preservation and protection of the environment. The law defines both education for sustainable development and its role in the individual's ability to acquire knowledge, values and skills to improve the environment and quality of life, and environmental education, emphasizing its role in understanding the environment and its protection, and environmental science, emphasizing human-environmental interaction research and eco-innovation, focusing on the creation of competitive products and services that improve the quality of the environment (Vides aizsardzības likums, 2006). Urban agriculture is directly linked to the food chain and business conditions, but environmental aspects are no less important: it is in line principles of sustainable development and develops not only environmental diversity and biodiversity, but also public awareness and knowledge of food, environment and resource aspects.

An important aspect of environmental protection is the conservation of biological diversity, which in Latvia is primarily regulated by the **Law on the Conservation of Species and Biotopes**, and its aims include ensuring biological diversity, emphasizing both fauna and flora and biotopes, and promoting the conservation of populations and biotopes, that are related to social and cultural-historical traditions (Sugu un biotopu..., 2000). Given that principles of urban sustainability place great emphasis on greening the environment and restoring and promoting biodiversity, its functionality in developing urban biodiversity is essential in the practice of urban agriculture. The law also sets out the obligations of landowners and users to promote the diversity and conservation of species and biotopes (Sugu un biotopu..., 2000), which is a viable and supportive aspect of urban agriculture.

In the analysis of normative documents that regulate the aspect of environmental protection and development, the aspect of waste management should be considered separately. Waste reduction and management are the focus of strategies at various regions and levels, including the UN strategy for waste
management, which aims to both reduce and prevent waste generation and promotes its recycling and reuse (Apvienoto Naciju Organizacijas samita..., 2015).

The main document regulating waste management in Latvia is the **Waste Management Law**, the aim of which is to determine waste management procedures in accordance with development strategies and including environmental and human health aspects, while promoting efficient use of natural resources to increase Latvia's competitiveness and facilitate the transition to a circular economy (Atkritumu apsaimniekosanas likums, 2010). The law classifies and defines different types of waste, and in the context of urban agriculture the most important is the group of bio-waste, which is biodegradable garden and park waste, food and kitchen waste from households, offices, catering establishments (restaurants, canteens etc.), wholesale and retail waste and other waste of food industry enterprises (Atkritumu apsaimniekosanas likums, 2010). Urban agriculture has a supporting role in the re-use of bio-waste for agricultural compost. As the local government is responsible for the management of its administrative territory (Atkritumu apsaimniekosanas likums, 2010), the potential of urban agriculture and its implementation is facilitated in accordance with the decisions and actions of the local government.

**Criteria and Procedures for Assessing the Availability of the Separate Waste Collection Service to the Population** stipulates that at least one municipal waste collection point for every 700 inhabitants and at least one collection area for every 50 thousand inhabitants must be installed in the cities of Latvia (Kriteriji un kartiba..., 2017). Adequate waste management infrastructure not only imposes an obligation to sort and distribute waste, but also provides an opportunity to support urban agriculture. Although the planned use of separately collected bio-waste is still unclear, its implementation and use for composting would support urban agriculture. The types of waste collection and sorting sites, installation and management requirements are determined by **Regulations on Waste Collection and Sorting Sites**, that also provide criteria for the construction of composting sites for biodegradable waste, but do not provide conditions for the actions of natural persons in their private property (Noteikumi par atkritumu savaksanas..., 2016).

### 2. The institutional framework for urban agriculture

The lack of a concept, approach and practice of urban agriculture in the regulatory enactments of the Republic of Latvia complicates not only its monitoring and control, which is especially important in the context of the use of plant protection products, but also hinders its development due to lack of support and regulatory instruments. However, even without the normative definition, the institutional framework of urban agriculture is formed by the legislative and executive institutions of the Republic of Latvia.

Institutionally, the practice of urban agriculture is subordinate to the work of four ministries. The **Ministry of Environmental Protection and Regional Development** (MEPRD) is the leading public administration institution in the fields of environmental protection, municipal development and supervision, and spatial development planning and land management, and forms the institutional framework for urban agriculture in several areas with urban agriculture as sustainable development, prevention of global climate change, local government monitoring, spatial development planning and environmental protection (About us, n.d.). The **Ministry of Agriculture** (MA) is the leading public administration institution in the agricultural, forestry and fisheries sector (Zemkopibas ministrijas nolikums, 2019) and is binding on urban agriculture in its areas of activity - agriculture and food. The **Ministry of Economics** (ME) manages the coordination of the national economic and the regulation of development (Ekonomikas ministrijas nolikums, 2010), but in the context of urban agriculture the development of economic policy and competitiveness policy based on innovation can be adapted to the implementation of innovative agricultural approaches. Although the
practice of urban agriculture is not directly regulated by normative documents related to education, the Ministry of Education and Science (MES), as the leading public administration in the fields of education and science (Izglitības un zinatnes…, 2003), has the opportunity to promote and support the inclusion of urban agriculture in general education competence programs, as well as the development of scientific research in the field of urban agriculture. Other aspects analysed in this research are summarized in the Figure 1.

**Fig. 1. Institutional framework and related aspects of urban agriculture**

**Conclusions, proposals, recommendations**

1) There is no definition and direct regulatory framework for urban agriculture in Latvia. The practice is subject to existing conditions and requirements in the fields of agriculture, business, the food chain, urban planning, environmental protection and waste management. The lack of specific status in legislation narrows support options, but impacts merely other aspects.

2) Urban agriculture is mainly regulated by four ministries of the Republic of Latvia: the Ministry of Environmental Protection and Regional Development (in aspects related to the spatial planning, development, protection of the environment and sustainable development principles), the Ministry of Agriculture (in aspects of agriculture practice requirements and conditions, food quality and food chain process), the Ministry of Economics (in aspects of commerce, competition, employment and principles of circular economy) and the Ministry of Education and Science (in aspect of possible promotion of education and research).

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