



Issuer: *Saeima*

Type: law

Adoption: 21.06.2007.

Entry into force: 19.07.2007.

Publication:

Latvijas Vēstnesis, 107,

05.07.2007.; Latvijas Republikas

Saeimas un Ministru Kabineta

Ziņotājs, 15, 09.08.2007.

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 12 March 2009 [shall come into force on 15 April 2009];
- 20 May 2010 [shall come into force on 23 June 2010];
- 14 July 2011 [shall come into force on 11 August 2011];
- 22 September 2011 [shall come into force on 1 October 2011];
- 31 March 2016 [shall come into force on 27 April 2016];
- 21 March 2019 [shall come into force on 28 March 2019];
- 9 July 2020 [shall come into force on 23 July 2020];
- 7 January 2021 [shall come into force on 2 February 2021];
- 30 September 2021 [shall come into force on 1 January 2023].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following law:

Law on the Circulation of Goods of Strategic Significance

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **goods of strategic significance** - systems, equipment, the components thereof, materials, chemical substances, items, software, technology, and services specified in Annex 1 to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (hereinafter - Regulation No 428/2009), Annex 2 to Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (hereinafter - Regulation No 833/2014), the Common Military List of the European Union, and the National List of Goods and Services of Strategic Significance of the Republic of Latvia;

2) **circulation of goods of strategic significance** - the transfer of goods of strategic significance among the European Union Member States, export (including technology export in an intangible form - orally, by telephone or means of electronic communication), import, transit, distribution, production, development, storage, use, technical maintenance, repair and intermediary transactions;

3) **entities for the circulation of goods of strategic significance** - natural persons and legal persons who export, import, transfer or transport in transit, transfer from one European Union Member State to another, perform intermediary transactions or produce, develop, use, distribute, maintain or store goods of strategic significance;

4) **licence for goods of strategic significance** - a document issued by a competent control authority that gives the entity for the circulation of goods of strategic significance the right to transfer goods of strategic significance among European Union Member States or to perform transactions of export, import or transit of goods of strategic significance with countries that are not European Union Member States;

5) **end-use statement** - a document (certificate) approved by a competent control authority, with which an entity for the circulation of goods of strategic significance prior to the receipt of goods declares to the consigner of the goods, that the goods of strategic significance received shall only be used for the purposes indicated, shall not be used in relation to weapons of mass destruction or the means for delivery thereof and shall not be handed over to third persons;

6) **delivery verification certificate** - a document which a control authority of the importing country shall issue to a control authority of the exporting country and with which the import of goods of strategic significance shall be declared;

7) **international import certificate** - a document which a control authority of the importing country shall issue to a control authority of the exporting country, attesting their agreement to the import of goods of strategic significance and an undertaking to control the end-use of the goods;

8) **mediator for transactions with goods of strategic significance** - a natural person or legal person, a merchant registered in the Commercial Register or a commercial company or undertaking registered in a foreign country by a citizen or long-term resident of the Republic of Latvia, that performs intermediary transactions with goods of strategic significance;

9) **intermediary transaction with goods of strategic significance** - any intermediary transaction with goods of strategic significance that is associated with the transfer of goods of strategic significance, including the transfer from one third country to another;

10) **identification of goods of strategic significance** - activities that are performed in order to appropriately determine the compliance of the goods specified in the lists of goods of strategic significance with the information referred to in the accompanying documents of goods or for the physical control of customs goods;

11) **specialist for the identification of goods of strategic significance** - a person appointed by the Committee for Control of Goods of Strategic Significance (hereinafter - Committee) who, using his or her special competence and work skills, shall perform the identification of goods of strategic significance;

12) **expert-examination of goods of strategic significance** - activities that are performed in order to establish whether any of the features of the goods to be checked or the overall features comply with the goods referred to in the lists of goods of strategic significance;

13) **expert of goods of strategic significance** - a person with special competence in the field of science, technology or the military field, who has been appointed as an expert by the competent authority of the relevant sector upon request of the Committee.

[12 March 2009; 20 May 2010; 31 March 2016]

Section 2. Purpose of this Law

(1) The purpose of this Law is to ensure controlled circulation of goods of strategic significance according to the national and international interests of the Republic of Latvia, the requirements of international export control regimes and to deflect the proliferation of nuclear, chemical, and biological weapons and other weapons of mass destruction, and also to deflect the threat of international terrorism.

(2) The circulation of goods of strategic significance shall take place in accordance with this Law, the international obligations of the Republic of Latvia, the requirements of international export control regimes - the Australia Group, the Wassenaar Arrangement, the Missile Technology Control Regime and the Nuclear Suppliers Group -, as well as Regulation No 428/2009 and other laws and regulations governing the circulation of goods of strategic significance.

[12 March 2009; 20 May 2010]

Chapter II

Transfer, Export, Import, and Transit of Goods of Strategic Significance

Section 3. General Provisions

(1) The National List of Goods and Services of Strategic Significance of the Republic of Latvia shall be determined by the Cabinet.

(2) A licence for the goods of strategic significance issued by the Committee shall be necessary for each export, import, or transit consignment of the goods specified in the Common Military List of the European Union, Annex 1 to Regulation No 428/2009, and the National List of Goods and Services of Strategic Significance of the Republic of Latvia, for each export consignment of the goods specified in Annex 2 to Regulation No 833/2014, including sales, supplies, transfers, and also among European Union Member States for each transfer of the goods specified in the Common Military List of the European Union, Annex 4 to Regulation No 428/2009, and the National List of Goods and Services of Strategic Significance of the Republic of Latvia.

[20 May 2010; 31 March 2016]

Section 4. Exceptions for the Issuance of a Special Permit (Licence) for Commercial Activities with the

Goods Referred to in the Common Military List of the European Union, a License for the Import, Export, Transfer, and Transit

(1) A licence for the import of goods of strategic significance shall not be necessary if the institutions under subordination or supervision of the Ministry of Justice, the Ministry of the Interior or the Ministry of Defence transfer the goods referred to in the Common Military List of the European Union from another European Union Member State or country of the European Economic Area or import them without the intermediation of merchants. A licence for the export of the goods of strategic significance shall not be necessary if the institutions under subordination or supervision of the Ministry of Justice, the Ministry of the Interior or the Ministry of Defence transfer the goods referred to in the Common Military List of the European Union to another European Union Member State or the country of the European Economic Area or export them without the intermediation of merchants and if the abovementioned goods are necessary to such institutions within the scope of missions of the North Atlantic Treaty Organisation, the European Union, the United Nations Organisation, or the Organisation for Security and Cooperation in Europe. A licence for the export of the goods of strategic significance shall not be necessary if the institutions under subordination or supervision of the Ministry of Justice, the Ministry of the Interior or the Ministry of Defence bring out the goods referred to in the Common Military List of the European Union for repair to a European Union Member State, the country of the European Economic Area or North Atlantic Treaty Organisation member country.

(1¹) A special permit (licence) for commercial activities with the goods referred to in the Common Military List of the European Union shall not be necessary for the Constitution Protection Bureau, institutions under the subordination or supervision of the Ministry of the Interior and the Ministry of Defence, the Latvian Prison Administration, and Latvijas Banka.

(2) For the transit of goods of strategic significance, being performed by a broker or forwarder registered in the Commercial Register of the Republic of Latvia, a licence for the transit of goods of strategic significance shall be necessary.

(2¹) Natural persons are prohibited from acquiring, storing, and using the goods referred to in the Common Military List of the European Union, except for firearms, parts specifically made for them and their accessories, ammunition, and also ammunition loading devices that are not specially manufactured or modified for military needs.

(3) A transit licence shall not be necessary if the transit of goods of strategic significance is being performed by a forwarder registered in a foreign country and an export licence or export permit issued by institutions of the exporting country is affixed to the freight, or a document equivalent to these and an import licence of the importing country or an international import certificate, or end-use statement thereto.

(4) In the case referred to in Paragraph three of this Section, customs shall detain the freight, verify it and send the abovementioned documents by fax or e-mail to the Committee. The Committee shall, within one working day, perform identification of the goods and inform customs of a decision to allow the transit of the freight, detain the freight for additional expert-examination, or send it back to the exporting country.

(5) The special permit (licence) referred to in Section 5, Paragraph two of the Law and issued by the Ministry of Defence for commercial activity with the goods referred to in the Common Military List of the European Union shall not be necessary in cases when the applicant for a licence for the transfer, export, import or transit of military goods referred to in the Common Military List of the European Union is a natural person who wishes to transfer, export, import firearm accessories for his or her own needs, which are not specifically provided for or adapted for military use, but are provided for mounting on firearms owned by him or her.

(6) An import licence for the goods of strategic significance is not required if the goods specified in Annexes IIa-IIf to Regulation No 428/2009 are imported from the countries specified in those Annexes.

(6¹) A transit licence for the goods of strategic significance is not required if the goods specified in Annex IIa to Regulation No 428/2009 are transferred in transit to the countries specified in that Annex.

(6²) A transit licence for the goods of strategic significance is not required if the goods specified in Annex IIa to Regulation No 428/2009 are transferred in transit from the countries specified in that Annex and an export licence issued by the institutions of the exporting country is affixed to the goods.

(7) A licence for the transit of goods of strategic significance shall not be necessary if the goods referred to in the Common Military List of the European Union are moved in transit from one European Union Member State to another European Union Member State and an export licence issued by the institutions of the exporting country and an import licence issued by the institutions of the importing country are affixed to the goods.

[14 July 2011; 31 March 2016; 21 March 2019; 7 January 2021; 30 September 2021]

Section 5. Special Provisions for the Separate Issuance of Licences for Goods of Strategic Significance

(1) Upon receipt of a licence for the transfer, export, import, or transit of a source of ionising radiation (including nuclear material) an entity for the circulation of goods of strategic significance shall require a special permit (licence)

issued by the Radiation Safety Centre of the State Environmental Service for activities with sources of ionising radiation.

(2) Upon receipt of a licence for the transfer, export, import, or transit of military goods referred to in the Common Military List of the European Union, an entity for the circulation of goods of strategic significance shall require a special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union.

(3) The procedures for issuing, re-registering, cancelling, and suspending activities of the special permits (licences) referred to in Paragraph two of this Section, and also the amount of the State fee to be paid for the issuance thereof shall be determined by the Cabinet.

(4) Individual merchants or commercial companies registered in the Republic of Latvia are entitled to receive a special permit (licence) issued by the Ministry of Defence for commercial activities with the goods specified in the Common Military List of the European Union if their shareholders (natural persons), except for stockholders whose participation in the equity capital of the company is less than 10 per cent of the equity capital of the company, beneficial owners, procuration holders, heads, and persons that hold office in administrative bodies, and also employees who are directly related to the manufacture, repair, distribution, storage, transportation of the military goods referred to in the Common Military List of the European Union, the provision of services or guarding related thereto, conform to the following requirements:

1) they are citizens of the Republic of Latvia, citizens of a European Union Member State, citizens of a country of the European Economic Area, citizens of a North Atlantic Treaty Organisation member country, or citizens of a country not mentioned above if they have obtained the permission of the Cabinet and they have attained the age of at least 21 years;

2) they have not been punished for committing an intentional criminal offence - at least one year after a conviction being extinguished or removed;

3) a psychiatrist's opinion that they have not been diagnosed with mental disorders is available;

4) a narcologist's opinion that they have not been diagnosed with addiction to alcohol, narcotic, psychotropic, or toxic substances is available;

5) they have not been subject to administrative penalties for violations committed under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances and also have not been subject to administrative penalties for violations of the rules of acquisition, possession, and carrying of weapons and ammunition - until a year has passed after enforcement of the administrative penalty;

6) there is no information at the disposal of the State security institutions that their activities are directed against State security, related to organised crime or other criminally punishable activities, and also there is no information that would attest to their affiliation to prohibited military or armed groups, public organisations (parties) or the unions thereof, or religious organisations whose activities are directed against State security;

7) they have not been convicted, even if the criminal record has been extinguished or removed, for the criminal offences referred to in Chapters IX, IX.¹, X, Sections 116, 117, 118, Section 175, Paragraph four (theft of narcotic, psychotropic, powerfully acting, toxic or radioactive substances, or explosives, firearms or ammunition), Section 176, Paragraph three (robbery of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances, or explosive substances, firearms or ammunition), Section 176, Paragraph four (robbery if it has been committed using firearms or explosives), Section 177, Paragraph three (fraud if it has been committed, acquiring narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition), Section 179, Paragraph three (misappropriation of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition), and Sections 233, 234, 236, and 237 of the Criminal Law;

8) they have not been released from criminal liability in accordance with Section 58 of the Criminal Law for committing an intentional criminal offence - until a year has passed after entering into effect of the relevant decision;

9) they have not been conditionally released from criminal liability in accordance with Section 58.¹ of the Criminal Law for committing an intentional criminal offence - before the end of the probationary period;

10) they have not been released from punishment or serving a sentence in accordance with Section 59 of the Criminal Law for committing an intentional criminal offence - until a year has passed after entering into effect of the decision to release from punishment or from serving the sentence.

(4)¹ Upon issuing the special permit (licence) for commercial activities with the goods referred to in the Common Military List of the European Union, the Ministry of Defence shall indicate the goods referred to in the Common Military List of the European Union with which the individual merchant or commercial company has the right to conduct commercial activities.

(5) A special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union following payment of the State fees stipulated by the Cabinet shall be issued for an indefinite period of time and it shall be re-registered each year with the Ministry of Defence.

(6) The Ministry of Defence is entitled not to issue a special permit (licence), refuse its re-registration, suspend its activities for a period of time of up to two months, or cancel it, if:

1) a merchant has been found guilty by judgment of a court for involvement in an illegal organisation, fraudulent activities in the field of finance or in the legalisation of illegally acquired resources;

2) a merchant has been declared by judgment of a court as insolvent, his or her economic activities have been suspended or terminated, or court proceedings have commenced regarding the bankruptcy of the merchant;

3) based on the judgment of a court in force or an opinion provided by another competent authority regarding significant violation of the laws and regulations governing the relevant sector, and also significant violation of environmental protection, competition and employment law, violations of the professional activities of the merchant have been determined within the last three years until examination of the relevant decision of the Ministry of Defence;

4) it has been determined that the merchant has provided false information in order to receive or re-register a special permit (licence);

5) the merchant does not conform with the requirements of Paragraph four of this Section;

6) the provisions of this Law or other laws and regulations or the conditions incorporated in the special permit (licence) have been violated;

7) it is determined by another law or a court ruling;

8) the participants (legal persons) of the merchant are registered in a country other than the Republic of Latvia or a European Union Member State, a country of the European Economic Area, or a North Atlantic Treaty Organisation member country and the relevant permission of the Cabinet has not been received;

9) the special permit (licence) of a merchant or a merchant under the control of its beneficial owner has been cancelled in respect of commercial activity with weapons, ammunition, or pyrotechnic articles, explosives and explosive devices in accordance with the Law on the Handling of Explosives for Civil Uses, the Law on the Handling of Weapons, or the Law on the Circulation of Pyrotechnic Articles and a year has not passed since its cancellation;

10) the merchant or its beneficial owner, including another merchant under its control, violates restrictions incorporated in international treaties, or there is information at the disposal of the State security institutions that its activities are directed against State security, are related to organised crime, or there are any other criminally punishable activities;

11) the merchant does not own or the commercial company does not have in its possession or use premises in which the merchant stores or plans to store (in the event of issuing the special permit (licence)) the goods referred to in the Common Military List of the European Union, or if the abovementioned entity has not entered into a relevant storage contract.

(7) On the transfer of goods of strategic significance from one third country to another, an intermediary transaction may only be performed with a licence for the transit of goods of strategic significance issued by the Committee. If the relevant goods are referred to in the Common Military List of the European Union, the transaction shall require a special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union.

(8) The procedures by which a merchant shall store the military ammunition, military pyrotechnics, military explosives, and explosive devices referred to in the Common Military List of the European Union, and also the requirements for warehouses of the abovementioned goods shall be determined by the Cabinet.

(9) In order to receive a licence for the transfer, export, import or transit of explosives or explosive devices intended for blasting works, an entity for the circulation of goods of strategic significance in accordance with the Law on the Handling of Explosives for Civil Uses shall require a special permit (licence) issued by the State Police.

(10) In order to receive a licence for the transfer, export, import, or transit of Category A automatic firearms, Categories B, C, and D weapons for hunting, sports, and self-protection and the parts and ammunition of the abovementioned firearms, high energy pneumatic weapons, and also Categories F2, F3, and F4 firework articles and Category T2 theatrical pyrotechnic articles, an entity for the circulation of goods of strategic significance in accordance with the Law on the Handling of Weapons and Special Means and the Law on the Circulation of Pyrotechnic Articles shall require a special permit (licence) issued by the State Police.

(11) The Committee shall coordinate the issuance of a licence for the transfer, export, import, or transit of goods of strategic significance with the administrative institution of the State that has issued a special permit (licence) provided

for in Paragraph one, two, nine, or ten of this Section. The relevant administrative institution of the State shall, within three working days after receipt of a request from the Committee, grant approval or a justified refusal for the issuance of a licence.

(12) The Committee shall issue the general export and general transit licences to entities of goods of strategic significance which have not been punished for violations of this Law and which export the same goods to the same end-users. The term of validity of general export licences shall be one year. The procedures for issuing general export licences shall be determined by the Cabinet.

(13) A decision to refuse to issue a special permit (licence), to suspend or cancel the operation of a special permit (licence) may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. Contesting and appeal of a decision to suspend or cancel the operation of a special permit (licence) shall not suspend its operation.

(14) Entities for the circulation of goods of strategic significance that have received the special permit (licence) issued by the Ministry of Defence are entitled to receive a certificate of military manufacturer for a specific period of time not exceeding five years. The Cabinet shall determine the procedures for issuing the certificate.

(15) The Ministry of Defence shall issue a decision to the military manufacturer containing special conditions for the manufacture of specific goods of strategic significance in accordance with the requirements laid down in the Law on the Handling of Weapons and shall control the compliance with the conditions.

(16) The decision referred to in Paragraph fifteen of this Section may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. The contesting or appeal of a decision shall not suspend the operation thereof.

(17) The Ministry of Defence is entitled to control the operation and survey depositories of such merchants which have received the special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union.

(18) Merchants who have received the special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union shall submit to the Ministry of Defence by 31 January of each year a report for the previous year on the types of commercial activities, export, import, and production volumes, marketing activities, transactions carried out and planned transactions. The Cabinet shall determine the content of the report and the procedures for its submission.

[12 March 2009; 20 May 2010; 14 July 2011; 22 September 2011; 31 March 2016; 7 January 2021 / The new wording of Paragraph four, Clauses 8, 9, 10, 11 of Paragraph six, and Paragraph eighteen shall come into force on 1 June 2021. See Paragraph 13 of Transitional Provisions.]

Section 5.¹ Circulation of the Equipment, Devices, or Instruments and their Components and Software Specially Designed or Adapted for the Operational Activity Measures to be Performed by a Specific Method or for Interfering with Them

(1) Natural persons are prohibited to acquire, store, and use equipment, devices, or instruments and their components specially designed or adapted for the operational activity measures to be performed by a specific method or for interfering with them (hereinafter - the special equipment) and software referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia.

(2) In order to store, manufacture, transport, sell, and service the special equipment and software, and also in order to receive a licence for the export, import, transit, and transfer of such goods, the entity for the circulation of goods of strategic significance must have a special permit (licence) of the State Security Service for commercial activities with the special equipment and software referred to in the National List of Goods and Services of Strategic Significance.

(3) An individual merchant or commercial company is entitled to receive the special permit (licence) referred to in Paragraph two of this Section, if there is no information at the disposal of the State security institutions that the activities of the relevant merchant are directed against the security of the Republic of Latvia or that this merchant violates the restrictions incorporated in international treaties or prescribed by international organisations, and if the shareholders, heads, persons that hold office in administrative bodies, and also employees who are directly related to the activities referred to in the special permit (licence) (hereinafter - the user), conform to the following requirements:

1) the user is a citizen of the Republic of Latvia or a citizen of a European Union Member State, or a citizen of a country of the European Economic Area who has attained at least 21 years of age;

2) the user has not been sentenced for the committing of a criminal offence or at least three years after a conviction being extinguished or removed have passed;

3) a psychiatrist's opinion that the user has not been diagnosed with mental disorders is available;

4) a narcologist's opinion that the user has not been diagnosed with addiction to alcohol, narcotic, psychotropic, or toxic substances is available;

5) within the period of the last year the user has not been administratively punished for violations committed under the influence of alcohol, narcotic, psychotropic, or toxic substances;

6) the State Police, the Office of the Prosecutor, or State security institutions do not have information that would attest affiliation of the user to prohibited military or armed groups, associations, foundations, political parties or the unions thereof, trade unions or the unions thereof, and also religious organisations;

7) the user has a declared (registered) place of residence;

8) the user has not been convicted for intentional committing of a criminal offence.

(4) The procedures for issuing, re-registering, cancelling, and suspending the operation of the special permits (licences) referred to in Paragraph two of this Section shall be determined by the Cabinet. A State fee shall be collected for the issuance and re-registration of special permits (licences). The amount of the State fee and the payment procedures shall be determined by the Cabinet.

(5) The special permit (licence) referred to in Paragraph two of this Section and the export, import, transit, or transfer licence shall not be required for hardware and software necessary to the bodies performing operational activities or electronic communications merchants for the fulfilment of the duties specified for them in laws and regulations.

(6) The special permit (licence) issued by the State Security Service for commercial activities with the special equipment and software referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia, after payment of the State fee stipulated by the Cabinet, shall be issued for an indefinite period of time. The special licence (permit) shall be re-registered with the State Security Service each year.

(7) The State Security Service is entitled not to issue a special permit (licence), to refuse its re-registration, to suspend its operation for a period of time of up to two months, or to cancel it if:

1) a merchant has been found guilty by judgment of a court for involvement in an illegal organisation, fraudulent activities in the field of finance or in the legalisation of illegally acquired resources;

2) a merchant has been declared by judgment of a court as insolvent, his or her economic activities have been suspended or terminated, or court proceedings have commenced regarding the bankruptcy of the merchant;

3) it is established by a court judgment that has entered into effect or by an opinion of another competent authority that the merchant has significantly violated the laws and regulations governing environmental protection, competition and labour law, and also its professional activity within a time period of three years after submitting the application;

4) it has been determined that the merchant has provided false information in order to receive a special permit (licence) or to extend the term of validity thereof;

5) the merchant does not conform to the requirements of Paragraph three of this Section;

6) the provisions of this Law or other laws and regulations or the conditions incorporated in the special permit (licence) have been violated.

(8) In order to receive a licence for the import, export, transit, or transfer of the equipment which is referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia and provided for interception of analogue, digital, or mobile telecommunications conversations or other information from technical or communications channels, a merchant who has been issued a special permit (licence) of the State Security Service for commercial activities with the special equipment and software shall submit a contract to the Committee which has been entered into thereby with any of the bodies performing operational activities of the Republic of Latvia, or an end-use statement issued by such foreign authority with which the transaction is performed.

(9) The procedures for the circulation of the special equipment and software shall be determined by the Cabinet.

(10) Only circulation of such special equipment and software shall be permitted in the Republic of Latvia which have been certified with the State Security Service in accordance with the procedures determined by the Cabinet. A State fee shall be collected for the certification of the special equipment and software. The Cabinet shall determine the procedures for the certification of the special equipment and software and also the procedures by which the State fee for the certification of the special equipment and software shall be paid and the amount of such fee.

(11) For service use the State Security Service shall create a collection of the special equipment for the needs of technological and comparative research, aggregating therein the special equipment which has been purchased or gifted, confiscated or alienated, including self-made, specially adapted, or otherwise created special equipment. The special equipment shall be included in such collection by a decision of the State Security Service.

[12 March 2009; 20 May 2010; 31 March 2016; 9 July 2020]

Section 6. Licensing and Handling of Goods Not Referred to in the Lists of Goods of Strategic Significance

The procedures for the licensing and handling of goods not referred to in the lists of goods of strategic significance shall be determined by the Cabinet.

Chapter III

Issuance and Use of Expert Statements, End-use Statements, Delivery Verification Certificates, and Licences for the Transfer, Export, Import, and Transit of Goods of Strategic Significance, and Documents of Prior Consent

[12 March 2009]

Section 7. General Provisions for the Issuance and Use of Expert Statements, End -use Statements, Delivery Verification Certificates, and Licences for the Transfer, Export, Import, and Transit of Goods of Strategic Significance, and Documents of Prior Consent

(1) Expert statements, end-use statements, import certificates, delivery verification certificates, and licences for goods of strategic significance shall be issued by the Committee to entities for the circulation of goods of strategic significance upon their request. A State fee shall be collected for the issuance of the abovementioned documents.

(2) The requirements for the issuance, suspension, and cancellation of a document of prior consent for the transfer of firearms and ammunition or explosives among European Union Member States shall be determined by the Cabinet.

(3) A State fee for the issuance of the documents referred to in Paragraph one of this Section need not be paid if the goods of strategic significance:

1) are brought in or brought out temporarily (for repair, exhibitions, or commercial samples);

2) are brought in or brought out from the country by the authorities and institutions financed by the State budget;

3) are brought out by an entity for the circulation of the goods of strategic significance which is the manufacturer of such goods and a certification has been submitted to the Committee that the goods have been manufactured in the Republic of Latvia.

(4) The Cabinet shall determine the procedures by which an expert statement, an end-use statement, and an import certificate shall be issued or refused to be issued, the procedures by which a licence for the transfer, export, import, and transit of goods of strategic significance and a delivery verification certificate shall be issued, refused to be issued, suspended, or cancelled, and also the amount of the State fee to be paid for the issuance of such documents and the procedures for payment thereof.

[12 March 2009; 20 May 2010; 31 March 2016]

Section 8. International Import Certificate and End-use Statement of the Republic of Latvia

(1) If the export control authorities of an exporting country request an international import certificate or an end-use statement of the Republic of Latvia, an entity for the circulation of goods of strategic significance shall submit a request to the Committee for the receipt of the abovementioned documents.

(2) An international import certificate of the Republic of Latvia shall not replace the licence for the import of goods of strategic significance.

Section 9. International Import Certificate and End-use Statement of Foreign Countries

(1) In order to receive a licence for the export or transit of goods of strategic significance, an entity for the circulation of goods of strategic significance shall submit to the Committee an international import certificate of the importing country or an end-use statement of the goods, or an equivalent document.

(2) If an international import certificate, an end-use statement or an equivalent document of a foreign country is not in the English language, the entity for the circulation of goods of strategic significance shall submit to the Committee a notarised translation into the official language thereof.

(3) Based on the information on the end-user of goods of strategic significance and the nature of the goods, the Committee is entitled to define exceptions when an international import certificate, an end-use statement, or an equivalent document of a foreign country thereto shall not be necessary. The abovementioned documents shall not be necessary for repeat requests for licences for export or transit transactions with one and the same goods for the same end-user.

(4) If an importer of goods of strategic significance represents a government, a confirmation from the Ministry of Foreign Affairs of the relevant country shall be necessary that the importer is entitled to operate in the name of the State.

(5) End-use statements issued by the export or transit mediators shall not be sufficient grounds for the receipt of a licence for the export or transit of goods of strategic significance.

Section 10. Delivery Verification Certificate

(1) If the export control authorities of an exporting country of goods of strategic significance request a delivery verification certificate, the importer shall submit the relevant application to the Committee and present a customs declaration that confirms that the goods are imported into the territory of the Republic of Latvia.

(2) Based on the documentation referred to in Paragraph one of this Section, the Committee shall issue a delivery verification certificate.

Section 11. Identification of Goods and Expert Statements

(1) If an entity for goods of strategic significance or State institution related to the control of the circulation of goods of strategic significance has to clarify whether or not the relevant goods are goods of strategic significance, the accompanying documents of the goods shall be sent by means of electronic communication to the Committee's specialist for the identification of goods of strategic significance. The specialist, based on the documents and other available information, and also his or her special competence, shall take a decision and make one of the following marks on the documents:

- 1) a licence shall be necessary for the goods;
- 2) a licence shall not be necessary for the goods;
- 3) additional information is necessary for the identification of the goods;
- 4) an expert-examination of the goods shall be necessary;
- 5) the goods are related to weapons of mass destruction - a licence shall be necessary.

(2) The Committee is entitled to request the technical indicators of the goods, the results of laboratory testing or experiments, equipment certificates, chemical formulae and other information or samples of goods that enable the determination of whether or not the relevant goods are goods of strategic significance.

(3) If the goods for export, import, or transit are complex chemical substances, technology, software, materials or equipment which according to the description of the goods, in accordance with the combined nomenclature, the intended use or other features could be goods of strategic significance, the specialists for the identification of goods of strategic significance appointed by the Committee within 30 working days after receipt of a request from an entity for the circulation of goods of strategic significance shall determine whether or not they are goods of strategic significance. If an expert-examination of the goods is necessary, this deadline may be extended, based on the Committee's decision. If it is ascertained that the relevant goods are not goods of strategic significance, the Committee shall issue the relevant statement to the entity for the circulation of goods of strategic significance.

(4) An expert-examination of goods of strategic significance upon request of an authority for the control of goods of strategic significance or the Committee shall be ensured as follows:

- 1) for goods referred to in the Common Military List of the European Union, pyrotechnics and explosives - experts appointed by the Ministry of Defence or the State Police;
- 2) for nuclear materials, nuclear technology, and sources of ionising radiation - experts appointed by the Radiation Safety Centre of the State Environmental Service;
- 3) for chemical substances - experts appointed by the State Environmental Service;
- 4) biological agents and equipment - experts appointed by the Ministry of Welfare;
- 5) for investigatory operational measures to be performed by a specific method, specially designed or adapted equipment, devices, and instruments and their components and software - experts appointed by the State Security Service.

(5) If necessary, the Committee is entitled to invite other specialists from specific sectors of Latvia and foreign countries as experts for the identification of goods.

(6) The Committee shall take decisions based on the opinions of the experts invited by the Committee.

(7) The costs for the expert-examination of goods of strategic significance shall be covered by the entity for goods

of strategic significance.

[20 May 2010; 31 March 2016; 9 July 2020]

Chapter IV

Control Authorities for Goods of Strategic Significance

Section 12. Committee

(1) The Committee is the national authority of the Republic of Latvia for the control of the circulation of goods of strategic significance.

(2) The personnel of the Committee shall be determined by the Cabinet. The Committee shall be subordinate to the Minister for Foreign Affairs and operate in accordance with the by-laws approved by the Cabinet and this Law.

(3) The Committee shall independently or in cooperation with other authorities of the Republic of Latvia, or with the participation of institutions for international inspection or the control of foreign country exports, perform the control of the circulation of goods of strategic significance.

(4) The Committee is entitled to cancel the licences for the goods of strategic significance or international import certificates already issued and not to issue them henceforth for the entities for the circulation of the goods of strategic significance which repeatedly do not conform to the requirements of this Law or on which the Committee has information at its disposal that the particular goods may be fully or partially used in relation to the development, manufacturing, handling, operation, maintenance, storage, detection, identification, or distribution of chemical weapons, biological weapons, or nuclear weapons, and also the development, manufacturing, maintenance, and storage of such missiles that are capable of delivering such weapons.

(5) The Committee shall, without delay, inform the State Security Service and the State Revenue Service if it is possible that the goods to be exported or transferred by transit may be used in relation to the weapons of mass destruction or their means of delivery or if international sanctions or embargoes are in force in relation to such country of the end-use of these goods. After receipt of information the State Revenue Service or the State Security Service shall, according to their competence, perform verification, take a decision, and inform the Committee of the decision taken.

(6) The Constitution Protection Bureau, the State Revenue Service, and the State Security Service shall, upon request of the Committee, provide thereto a risk factor analysis regarding separate transactions with goods of strategic significance.

(7) The Committee shall ensure the protection of the information at its disposal in accordance with the law On Official Secret.

(8) The Committee has a duty to provide countries or international organisations with information on the circulation of goods of strategic significance and refusals for export or transit licences if this is provided for in bilateral or multilateral agreements.

(9) The Committee is entitled to refuse the issuance of a licence for goods of strategic significance in accordance with the procedures stipulated by the Cabinet.

(9¹) The Committee is entitled not to issue licences for the goods of strategic significance if the issuance thereof is in contradiction with the requirements of other laws and regulations.

(10) If goods of strategic significance or their most significant components to be exported have been manufactured in another country, the Committee prior to the issuance of a licence is entitled to request from the entity for the circulation of goods of strategic significance the export licence (permit) of the relevant country.

[12 March 2009; 31 March 2016; 9 July 2020]

Section 13. Other Authorities for Supervising the Circulation of Goods of Strategic Significance

Supervision of the fulfilment of the requirements laid down in this Law and other laws and regulations related to the circulation of goods of strategic significance shall be performed by the Committee, the Constitution Protection Bureau, the State Police, the State Security Service, the State Revenue Service, and the State Environmental Service according to their competence.

[20 May 2010; 9 July 2020]

Chapter V

Competence of Control Authorities for the Circulation of Goods of Strategic Significance

Section 14. Control of Chemical Substances

The circulation of the chemical substances referred to in Annex 1 to Regulation No 428/2009 and the Common Military List of the European Union shall be controlled by the State Environmental Service.

[20 May 2010]

Section 15. Control of Dual-use Items

The circulation of dual-use items referred to in Annex 1 to Regulation No 428/2009 shall be controlled by the Committee. The circulation of the goods of strategic significance referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia shall be controlled by the Committee and the State Security Service. The circulation of the nuclear material and nuclear equipment referred to in Annex I to Regulation No 428/2009 shall be controlled by the Committee, the Radiation Safety Centre of the State Environmental Service, and the State Security Service.

[20 May 2010; 9 July 2020]

Section 16. Control of Weapons, Armaments, and Ammunition

The circulation of the goods referred to in the Common Military List of the European Union shall be controlled by the Committee, the State Security Service, the State Police, and the Ministry of Defence.

[9 July 2020]

Chapter VI

Duties of the Entity for the Circulation of the Goods of Strategic Significance and the Procedures for Appealing Committee Decisions

[9 July 2020]

Section 17. Duties of Entities for the Circulation of Goods of Strategic Significance

(1) If it is known to an entity for the circulation of goods of strategic significance that the goods to be exported or transferred in transit by him or her in total or in part thereof is or may be intended for use in connection with the development, manufacturing, transfer, operation, maintenance, storage, detection, identification, or distribution of chemical, biological, or nuclear weapons or the development, manufacturing, maintenance, or storage of such missiles that are capable of delivering such weapons, the entity for the circulation of goods of strategic significance shall inform the Committee. The Committee shall take a decision on whether to issue a licence for the export or transit for the relevant goods.

(2) An entity for the circulation of goods of strategic significance shall store documents that are related to the export, import, or transit transactions of goods of strategic significance for three years after receipt thereof or termination of his or her activities.

(3) An entity for the circulation of goods of strategic significance shall, without delay, inform the Committee if the non-compliance of goods of strategic significance with the information indicated in documents is detected or if the export or transit route or the end-user of the goods is changed. Based on this information the Committee shall take a decision to modify, cancel, or leave the relevant licence in effect and inform the entity for the circulation of goods of strategic significance thereof.

(4) An entity for the circulation of goods of strategic significance shall conform to the provisions for the circulation of goods of strategic significance laid down in this Law and other laws and regulations related to the circulation of goods of strategic significance.

Section 18. Liability for the Violation of Provisions for the Circulation of Goods of Strategic Significance

[9 July 2020]

Section 19. Procedures for Appealing Committee Decisions

(1) Decisions taken by the Committee may be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

(2) Appealing of a decision of the Committee to suspend or cancel the operation of a licence for goods of strategic

significance, an end-use statement or an import certificate shall not suspend the operation of such decision until the day when the final decision in the case enters into effect.

[12 March 2009]

Chapter VII

Administrative Offences in the Field of the Circulation of the Goods of Strategic Significance and Competence in Administrative Offence Proceedings

[9 July 2020]

Section 20. Administrative Offences in the Field of the Circulation of the Goods of Strategic Significance

(1) For the commencement of commercial activities without a special permit (licence) issued by the Ministry of Defence for commercial activities with the goods referred to in the Common Military List of the European Union or a special permit (licence) issued by the State Security Service for commercial activities with the special equipment and software referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia, a fine shall be imposed on a natural person or a board member from fifty-six to one hundred and forty units of fine, with or without withdrawing of the right for the board member to hold specific positions in commercial companies from one month to three years.

(2) For the transfer of such goods of strategic significance among European Union Member States for which a licence of goods of strategic significance has not been issued or for the performance of such intermediary transactions with such goods, a fine shall be imposed on the consignor of the goods, the consignee of the goods, the carrier of the goods, or the mediator for transactions with the goods who is a natural person from ten to seventy units of fine, but a fine from fifty-six to six hundred units of fine - on a legal person.

(3) For declaring of such goods for export or re-export for which a licence of goods of strategic significance has not been issued or for the submission of a re-export notification of such goods, a fine shall be imposed on the consignor of the goods who is a natural person from ten to seventy units of fine, but a fine from fifty-six to six hundred units of fine - on a legal person.

(4) For declaring of such goods for a customs procedure - release into free circulation - for which a licence of goods of strategic significance has not been issued, a fine shall be imposed on the consignee of the goods who is a natural person from ten to seventy units of fine, but a fine from fifty-six to six hundred units of fine - on a legal person.

(5) For the transfer of such goods in transit through the territory of the Republic of Latvia which are intended for a consignee in a third country and for which a licence of the goods of strategic significance has not been issued, a fine shall be imposed on the carrier of the goods who is a natural person from ten to seventy units of fine, but a fine from fifty-six to six hundred units of fine - on a legal person.

[9 July 2020]

Section 21. Competence in Administrative Offence Proceedings

(1) Administrative offence proceedings for the offences referred to in Section 20, Paragraphs one and two of this Law shall be conducted by the State Police.

(2) Administrative offence proceedings for the offences referred to in Section 20, Paragraphs three, four, and five of this Law shall be conducted by the State Revenue Service.

[9 July 2020]

Transitional Provisions

1. With the coming into force of this Law, the Law on the Circulation of Goods of Strategic Significance (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2004, No. 10; 2006, No. 22) is repealed.

2. The Cabinet shall issue the regulations referred to in Section 3, Paragraph one, Section 5, Paragraphs three and twelve, Section 6 and Section 7, Paragraphs one and two of this Law by 1 July 2007. Until the date of its coming into force but not later than 1 July 2007, Cabinet Regulation No. 467 of 29 April 2004, Procedures by Which the Control Documents for Goods of Strategic Significance are Issued, Refused or Annulled, and Cabinet Regulation No. 74 of 23 January 2007, Regulations Regarding the State Fee for the Issuance of Export, Import and Transit Licences for Goods of Strategic Significance, shall be applicable insofar as they are not in contradiction with this Law.

3. The Cabinet shall issue the regulations provided for in Section 5, Paragraph twelve of this Law regarding the

procedures, by which the Committee shall issue general export and general transit licences by 1 January 2010. Until the day of coming into force of such regulations, but not later than by 1 January 2010 Cabinet Regulation No. 747 of 6 November 2007, Procedures for the Issuance of Licences for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance, shall be applicable insofar as they are not in contradiction with this Law.

[12 March 2009]

4. The Cabinet shall issue the regulations referred to in Section 5.¹, Paragraphs four and five of this Law by 1 May 2009.

[12 March 2009]

5. The Cabinet shall issue the regulations referred to in Section 7, Paragraph four of this Law by 1 July 2009. Until the day of coming into force of such regulations, but not later than by 1 January 2010 Cabinet Regulation No. 747 of 6 November 2007, Procedures for the Issuance of Licences for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance, and Cabinet Regulation No. 908 of 18 December 2007, Regulations Regarding the State Fee for the Issuance of Expert Statements for Goods of Strategic Significance, End-use Statements, Import Certificates, Delivery Verification Certificates, and Licences for the Transfer, Export, Import and Transit of Goods of Strategic Significance, shall be applicable insofar as they are not in contradiction with this Law.

[12 March 2009]

6. The Cabinet shall issue the regulations referred to in Section 7, Paragraph four of this Law by 1 April 2010. Until the day of coming into force of such regulations, but not later than by 1 January 2010 Cabinet Regulation No. 1655 of 28 December 2009, Regulations Regarding the State Fee for the Preparation and Issuance of an Expert Statement for Goods of Strategic Significance, an End-use Statement, an Import Certificate, a Delivery Verification Certificate, and a Licence for the Transfer, Export, Import and Transit of Goods of Strategic Significance, and Cabinet Regulation No. 1665 of 28 December 2009, Procedures for the Issuance or Refusal to Issue Licences for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance, shall be applicable insofar as they are not in contradiction with this Law.

[20 May 2010]

7. Amendments to Section 5.¹ of this Law, which provide for the rights of the Security Police to issue a special permit (licence) for commercial activity with the special equipment referred to in the National List of Goods and Services of Strategic Significance, as well as to certify such equipment in accordance with the procedures stipulated by the Cabinet, shall come into force from 1 October 2010.

[20 May 2010]

8. The Cabinet shall issue the regulations referred to in Section 5.¹, Paragraph ten of this Law regarding the procedures for certifying the special equipment, as well as the procedures, by which a State fee for certification of special equipment shall be paid, and the amount of such fee, by 1 October 2010.

[20 May 2010]

9. A merchant may receive a special permit (licence) for commercial activities with the goods referred to in the Common Military List of the European Union without paying the State fee referred to in Section 5, Paragraph five of this Law, if the term of validity of the special permit (licence) issued thereto in accordance with Section 37, Paragraph two of the Law on the Handling of Weapons has not expired on 1 January 2011.

[14 July 2011]

10. The Cabinet shall issue the regulations provided for in Section 5, Paragraphs eight and fourteen of this Law by 31 December 2011.

[14 July 2011]

11. The Cabinet shall issue the regulations referred to in Section 7, Paragraph four of this Law by 31 May 2016. Until the day of the coming into force thereof, Cabinet Regulation No. 736 of 6 November 2007, Procedures by which the State Police shall Issue Documents of Prior Consent for Transfer of Firearms and Ammunition or Explosives among European Union Member States, shall be applicable insofar as they are not in contradiction with this Law.

[31 March 2016]

12. Section 4, Paragraphs 6.¹ and 6.² of this Law shall be applicable from the day when the United Kingdom of Great Britain and Northern Ireland will have withdrawn from the European Union in accordance with Article 50 of the

Treaty on European Union.

[21 March 2019]

13. The new wording of Section 5, Paragraph four, Paragraph six, Clauses 8, 9, 10, 11, and Paragraph eighteen of this Law shall come into force on 1 June 2021.

[7 January 2021]

The Law has been adopted by the *Saeima* on 21 June 2007.

President V. Vīķe-Freiberga

Rīga, 5 July 2007

¹The Parliament of the Republic of Latvia

Translation © 2023 Valsts valodas centrs (State Language Centre)