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

Republic of Latvia

Cabinet

Regulation No. 331

Adopted 8 May 2012

Procedures 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

*Issued pursuant to
Section 5, Paragraph three of
Law On the Circulation of Goods of Strategic Significance*

I. General Provisions

1. This Regulation prescribes the procedures, by which the Ministry of Defence shall issue a special permit (licence) of specific form for commercial activities with the goods referred to in the Common Military List of the European Union (hereinafter – special permit (licence)), the procedures for the re-registration, cancellation, and suspension of activity of the special permit (licence), as well as the amount of the State fee to be paid for the issuance and re-registration of a special permit (licence).

2. The Ministry of Defence shall establish a licensing commission for the issuance, re-registration, cancellation, suspension of activity, and renewal of activity of special permits (licences). The licensing commission shall consist of no less than five officials.

II. Issuance of a Special Permit (Licence)

3. In order to receive a special permit (licence), a merchant shall submit an application to the licensing commission for receipt of a special permit (licence) (Annex 1) and the following documents:

3.1. a document certifying that such premises belong to or are in the possession or use of the merchant, in which the merchant will store the goods referred to in the Common Military List of the European Union (hereinafter – goods of strategic significance) during the transfer, export, or import process, or that the merchant has entered into a storage contract for such purpose;

3.2. the plan of such premises, in which the merchant will store goods of strategic significance, including also plan of such premises, in which the merchant will store goods of strategic significance on the basis of a storage contract (hereinafter – storage facility);

3.3. a document certifying that the storage facility is equipped with an alarm and the alarm is connected to the central alarm panel;

3.4. a list, in which participants of the merchant – natural persons (except stakeholders whose participation in the equity capital of the company is less than 10 per cent of the equity capital of the company), procuration holders, managers, and persons holding positions in administrative institutions, as well as such employees of the merchant who are directly related to the manufacture, repair, selling, storage, transportation, guarding of goods of strategic significance or provision of relevant services are indicated (the position and personal identity number of each person shall be indicated). Certified copies of employment contracts shall be submitted in relation to employees. An opinion of a psychiatrist and narcologist shall be submitted regarding health condition of each person referred to in the list, in conformity with Paragraphs 4 and 5 of this Regulation;

3.5. [4 March 2014];

3.6. [4 March 2014].

4. An opinion of a psychiatrist and narcologist regarding the health condition of a person shall be valid for submission to the licensing commission for 90 days from the date of issuance thereof or until the date indicated in the opinion when the regular health examination must be performed.

5. A new opinion of a psychiatrist and narcologist regarding the health condition of a person shall be valid for submission to the licensing commission not more than five years after the date of issuance of the previous opinion or until the date indicated in the opinion when the regular health examination must be performed.

6. Sub-paragraphs 3.1, 3.2, and 3.3 of this Regulation shall not apply to merchants, which perform an intermediary transaction of goods of strategic significance, if the special permit (licence) was issued to them for the performance of transit operations.

7. If the licensing commission cannot obtain information in State information systems or databases in order to assess the conformity of the applicant for the licence with the requirements brought forward in Section 5, Paragraph four of the Law On the Circulation of Goods of Strategic Significance, it shall request the following after receipt of the application referred to in Paragraph 3 of this Regulation:

7.1. from the territorial unit of the State Fire and Rescue Service – an opinion regarding conformity of the storage facility with the fire safety regulations;

7.2. from the State Revenue Service – information regarding a customs warehouse, if the merchant intends to use such warehouse for storage of goods of strategic significance;

7.3. from the Enterprise Register – information regarding shareholders of the merchant (natural persons), as well as persons who are entitled to represent the merchant;

7.4. from the Information Centre of the Ministry of the Interior – information regarding the criminal record of the persons included in the list referred to in Sub-paragraph 3.4 of this Regulation regarding committing of a criminal offence, as well as regarding conformity with the requirements brought forward in Section 5, Paragraph four, Clauses 5, 9, 10, 11, 12, and 13 of the Law On the Circulation of Goods of Strategic Significance;

7.5. from the State Revenue Service – information regarding whether economic activity of the merchant has been suspended;

7.6. from the State Police:

7.6.1. an opinion regarding conformity of the warehouse of the merchant with the requirements laid down in the Law On the Handling of Weapons and Special Means and the Law On the Circulation of Goods of Strategic Significance, if the merchant

wishes to conduct commercial activities with the goods referred to in Sections ML1, ML2, ML3, and ML4 of the Common Military List of the European Union;

7.6.2. information regarding such merchants, whose special permit (licence) for commercial activities with weapons, ammunition or pyrotechnical articles, explosives, and explosive devices has been cancelled in accordance with Section 5, Paragraph four, Clause 14 of the Law On the Circulation of Goods of Strategic Significance;

7.7. from the Office of Citizenship and Migration Affairs – information regarding conformity of the persons included in the list referred to in Sub-paragraph 3.4 of this Regulation with Section 5, Paragraph four, Clauses 1 and 7 of the Law On the Circulation of Goods of Strategic Significance.

[4 March 2014]

7.¹ If the merchant has been included in the register of participants of the In-depth Co-operation Programme, the licensing commission shall not request the information referred to in Sub-paragraph 7.5 of this Regulation.

[4 March 2014]

8. In taking a decision, the licensing commission shall take into account an opinion of the State security institution regarding the possibility of issuing a special permit (licence) to the particular merchant.

9. After examining the application the licensing commission shall take a decision to issue a special permit (licence) for an indefinite period of time or to refuse to issue a special permit (licence), if the merchant does not conform to the requirements laid down in Section 5, Paragraph four of the Law On the Circulation of Goods of Strategic Significance or any of the conditions referred to in Section 5, Paragraph six has set in. The licensing commission shall notify the decision to the merchant in writing within three working days.

10. The licensing commission shall take a decision to issue a special permit (licence) or to refuse to issue a special permit (licence) within a month from the day of receipt of the application. If due to objective reasons it is not possible to conform to the specified time period, the licensing commission may extend it for a time period not longer than four months from the day of receipt of the application. The licensing commission shall notify the applicant regarding extension of the term.

11. The merchant is entitled to commence respective commercial activities after receipt of the special permit (licence) (Annex 2). The merchant shall receive the special permit (licence) in the form of an electronic document in accordance with the laws and regulations regarding drawing up of electronic documents. If the merchant has expressed a wish to receive the special permit (licence) in printed form, the licensing commission shall prepare it in printed form, and the merchant shall receive it at the Ministry of Defence.

12. The Ministry of Defence shall perform record-keeping of the special permits (licences) issued.

13. If the special permit (licence) has been lost, the merchant shall inform the licensing commission thereof in writing within three working days and submit a written application containing an explanation of why the duplicate is necessary.

14. After submitting the application referred to in Paragraph 13 of this Regulation to the Ministry of Defence the licensing commission shall, within three working days, issue a duplicate of the special permit (licence) to the merchant.

15. If participants of the merchant – natural persons (except stakeholders whose participation in the equity capital of the company is less than 10 per cent of the equity capital of the company), procuration holders, managers, and persons holding positions in administrative institutions – have changed, the merchant shall make amendments to the list referred to in Sub-paragraph 3.4 of this Regulation and, within three working days after changes, shall submit the documents referred to in Sub-paragraph 3.4 of this Regulation regarding the new participants to the licensing commission. The licensing commission shall verify the conformity of the information provided by the merchant with the requirements laid down in Section 5, Paragraph four of the Law On the Circulation of Goods of Strategic Significance.

16. If the information indicated in the special permit (licence) has changed, the merchant shall submit a respective application to the licensing commission within three working days after changes. Documents certifying changes shall be appended to the application. The licensing commission shall draw up the special permit (licence) within three working days and shall issue it to the merchant.

17. If participants of the merchant, which are directly related to the repair, selling, storage, transportation, guarding of goods of strategic significance or provision of respective services, have changed, the merchant shall make amendments to the list referred to in Sub-paragraph 3.4 of this Regulation and shall submit the documents referred to in Sub-paragraph 3.4 of this Regulation regarding the new employees to the licensing commission.

18. Depending on conformity of the results of the check with the requirements laid down in Section 5, Paragraph four of the Law On the Circulation of Goods of Strategic Significance the licensing commission shall take a decision to permit or not to permit the involvement of the new employees referred to in Paragraph 17 of this Regulation in work with goods of strategic significance. The licensing commission shall notify the decision to the merchant in writing within three working days.

19. If in the cases specified in the Law On the Circulation of Goods of Strategic Significance the licensing commission takes a decision to refuse to issue the special permit (licence), the merchant may resubmit an application for receipt of a new special permit (licence) no earlier than after one year.

19.¹ Upon issuing the licence, the licensing commission shall ascertain that payment of the State fee has been received in the State basic budget.

[4 March 2014]

III. Re-registration, Cancellation of a Special Permit (Licence) or Suspension of Activity Thereof

20. Each year the Ministry of Defence shall re-register special permits (licences), updating information regarding merchants. Upon performing re-registration, the licensing commission shall ascertain whether any of the conditions referred to in Section 5, Paragraph six of the Law On the Circulation of Goods of Strategic Significance has set in as regards the licensed merchant, as well as the conformity of the licensed merchant with the requirements laid down in Section 5, Paragraph four.

21. In the cases specified in the Law On the Circulation of Goods of Strategic Significance the licensing commission may take a decision to temporarily suspend the activity of the special permit (licence) or to cancel the special permit (licence). The licensing commission shall notify

the merchant in writing regarding suspension of the activity of the special permit (licence) and further action of the merchant for renewing the activity of the special permit (licence).

22. The merchant shall notify the licensing commission regarding a decision to discontinue commercial activities with goods of strategic significance within three working days.

23. Activity of the special (permit) licence is suspended, if a violation that can be eliminated has been detected. Its activity may be renewed, if the violations detected have been eliminated.

24. A decision to suspend the activity of the special permit (licence) shall be taken by the licensing commission. The licensing commission shall indicate the violation in the decision and the time period for elimination thereof, and shall notify the decision to the merchant within three working days.

IV. Renewal of a Special Permit (Licence)

25. In order to renew the operation of a suspended special permit (licence), the merchant shall eliminate the violation and notify the licensing commission thereof in writing.

26. The licensing commission shall, within 30 days, take a decision to renew the special permit (licence) and, within three working days, notify the merchant thereof in writing.

27. If the licensing commission has not received information that the merchant has eliminated the violation within 30 days after receipt of the decision to suspend the activity of the special permit (licence), the special permit (licence) shall be cancelled. In order to receive a new special permit (licence), the merchant shall submit documents in accordance with general procedure.

V. State Fee for the Issuance of a Special Permit (Licence)

28. The rate of the State fee for the issuance of a special permit (licence) shall be 1280.58 euros. The special permit (licence) shall be re-registered free of charge.

[13 August 2013]

29. The State fee for cancelled special permits (licences) or special permits (licences) not claimed shall not be refunded.

30. The State fee for the issuance of special permits (licences) shall be transferred into the State basic budget.

VI. Closing Provisions

31. Cabinet Regulation No. 612/1 of 29 July 2008, Procedures for the Issuance of Special Permits (Licences) for Commercial Activities with the Goods Referred to in the Common Military List of the European Union (*Latvijas Vēstnesis*, 2008, No. 127), is repealed.

32. A special permit (licence), which has been received by the merchant in accordance with Cabinet Regulation No. 612/1 of 29 July 2008, Procedures for the Issuance of Special Permits (Licences) for Commercial Activities with the Goods Referred to in the Common Military List of the European Union, shall retain its legal status after coming into force of this Regulation. Re-registration of the abovementioned special permits (licences) shall take place in accordance with the requirements of this Regulation.

Prime Minister

V. Dombrovskis

Minister for Defence

A. Pabriks

Application for Receipt of a Special Permit (Licence)

I request to issue

(name, registration number, legal address,

telephone number, and electronic mail address of the merchant)

a special permit (licence) for commercial activities with the goods referred to in the Common Military List of the European Union.

- Mark with a cross, if the special permit (licence) is required in printed form.

Appended (mark with a cross the documents submitted):

- Document certifying that the merchant owns or the merchant has the warehouse, in which the merchant will store the goods of strategic significance, in its possession, use or according to a storage contract, as well the plan of such warehouse
- Document certifying that the storage facility is equipped with an alarm and the alarm is connected to the central alarm panel
- List, in which participants of the merchant – natural persons (except stakeholders whose participation in the equity capital of the company is less than 10 per cent of the equity capital of the company), procuration holders, managers, and persons holding positions in administrative institutions, as well as such employees of the merchant who are directly related to the manufacture, repair, selling, storage, transportation, guarding of goods of strategic significance or provision of relevant services are indicated (the position and personal identity number of each person shall be indicated)
- Opinion of a psychiatrist and narcologist regarding health condition of participants of the merchant – natural persons (except stakeholders whose participation in the equity capital of the company is less than 10 per cent of the equity capital of the company), procuration holders, managers, and persons holding positions in administrative institutions, as well as employees who are directly related to the manufacture, repair, selling, storage, transportation, guarding of goods of strategic significance or provision of relevant services
- Certified copies of employment contracts of such employees of the merchant, who are directly related to the manufacture, repair, selling, storage, transportation, guarding of goods of strategic significance or provision of relevant services
- Information regarding such goods referred to in sections of the Common Military List of the European Union (indicate the corresponding designations of the groups of goods), with

which conducting of commercial activities is planned and with which conducting of commercial activities is not planned

(other documents appended)

Signature of the merchant _____

_____ 20_____

Place for a seal

Note. * The details of the document “signature” and “place for a seal” shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for Defence

A. Pabriks

Sample Special Permit (Licence)

(supplemented lesser State coat of arms)

REPUBLIC OF LATVIA
MINISTRY OF DEFENCE
SPECIAL PERMIT (LICENCE) NO. ____

Issued to _____ (name, registration number, and legal address of the merchant)

regarding the right to conduct commercial activities with goods referred to in sections of the Common Military List of the European Union (indicate the corresponding designations of the groups of goods).

Address of the warehouse _____

Issued on ____ _____ 20____, protocol of the meeting of the licensing commission No. ____

Repeatedly issued on ____ _____ 20____, protocol of the meeting of the licensing commission No. ____

Chairperson of the licensing commission	_____	_____
	(given name, surname)	(signature)

Place for a seal

Notes.

1. The merchant shall require a licence issued by the Committee for Control of Goods of Strategic Significance for the performance of each individual export, import, transit, or transfer transaction of the goods referred in the Common Military List of the European Union (among European Union Member States).
2. * The details of the document “signature” and “place for a seal” shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.