Republic of Latvia

Cabinet

Regulation No. 148

Adopted 5 March 2024

**Procedures for the Training and Examining of Candidates for Administrators of Insolvency Proceedings and for the Official Activities of Administrators of Insolvency Proceedings**

*Issued pursuant to*

*Section 13.1, Paragraph three, Section 15, Paragraph two, Section 16.1, Paragraph five, Section 16.2, Paragraph six, Section 17.1, Paragraph two, Section 17.2, Paragraph two, Section 17.3, Paragraph two, and Section 17.4, Paragraph two of the Insolvency Law*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the minimum content and duration of a training course for candidates for administrators of insolvency proceedings (hereinafter – the administrator), and also the information to be included in the certification of the attendance of the training course (hereinafter – the certification);

1.2. the procedures for the operation of the Examination Commission (hereinafter – the Commission);

1.3. the procedures for examining administrators, the minimum amount of knowledge, and the evaluation procedures;

1.4. the procedures for appointing administrators to the office;

1.5. the form and content of the office certificate of the administrator (hereinafter – the office certificate), and also the procedures for issuing and handing it out;

1.6. the procedures for the qualification examination of administrators, the areas in which the knowledge and skills of the administrator shall be tested, and the evaluation procedures;

1.7. the procedures for releasing, removing, and suspending administrators from the office and for suspending the official activities thereof.

2. The Insolvency Control Service shall immediately ensure that the responsible institution which makes entries in the Insolvency Register has access to the information on the decisions taken by the Insolvency Control Service on the issuance of the office certificate and the period of validity of the office certificate, the removal, release, and suspension of administrators from the office, and also the suspension of official activities and reinstatement in office.

**II. Training of the Candidate for the Administrator**

3. The candidate for the administrator shall undergo a training programme in at least the following areas and amount:

3.1. insolvency, management of merchants, and professional ethics of administrators – 40 academic hours;

3.2. accounting and finance, taxes and administration thereof – 30 academic hours;

3.3. civil procedure law – 10 academic hours;

3.4. labour law and protection of employees in the case of insolvency of the employer – 10 academic hours;

3.5. record-keeping, archiving, and personal data protection – 10 academic hours;

3.6. prevention of money laundering and terrorism and proliferation financing – 10 academic hours.

4. The organiser of the training shall issue the certification to the candidate for the administrator if the candidate for the administrator has attended at least 80 % of the training programme. The certification shall include at least the following information:

4.1. the full name and registration number of the organiser of the training;

4.2. the given name, surname, and personal identity number of the candidate for the administrator (if the person does not have a personal identity number, the date of birth shall be indicated);

4.3. the time of the training;

4.4. the number of the academic hours attended;

4.5. the number and date of issuance of the certification.

**III. Organisation of the Examination of the Administrator**

5. The Insolvency Control Service shall, within two working days after receipt of the minutes of the Insolvency Advisory Board, publish on its website information on the decision taken to organise the examination of the administrator (hereinafter –the examination).

6. The Insolvency Control Service shall organise the examination not later than within one year after publication of the information referred to in Paragraph 5 of this Regulation.

7. The Insolvency Control Service shall, not later than four months before the examination, post a notification on its website regarding the application for the examination, specifying the date of the examination, the term for the application, and also the procedures for the payment and submission of documents. The Insolvency Control Service shall, not later than one month before the examination, publish on its website information on the time and address of the examination, and also the laws and regulations necessary for the second part of the examination.

8. The term for applying for the examination shall be one month from posting the notification referred to in Paragraph 7 of this Regulation on the website of the Insolvency Control Service.

9. The candidate for the administrator shall submit to the Insolvency Control Service an application for taking the examination. The following shall be indicated in the application:

9.1. the given name, surname;

9.2. the personal identity number (if the person does not have a personal identity number, the date of birth shall be indicated);

9.3. the electronic mail address;

9.4. the telephone number;

9.5. information on the payment made, indicating the reference number (if known), payment date, payment document number, amount, name and registration number of the payer – legal person, or the given name, surname, and personal identity number of the payer – natural person (if the person does not have a personal identity number, the date of birth shall be indicated), or by attaching a document certifying the payment or a copy thereof (uncertified) if it contains the abovementioned information;

9.6. the documents accompanying the application.

10. The Insolvency Control Service shall contact the candidate for the administrator electronically in accordance with the laws and regulations regarding drawing up of electronic documents.

11. The candidate for the administrator shall attach his or her curriculum vitae (CV), the certification referred to in Paragraph 4 of this Regulations, and derivatives of such documents to the application for taking the examination:

11.1. a document certifying education and, if education has been obtained abroad, a statement confirming that the education document to be issued in Latvia or the academic degree to be awarded in Latvia corresponds to or is equivalent to the education document issued abroad or the academic degree awarded abroad in accordance with Section 13, Paragraph one, Clause 2 of the Insolvency Law;

11.2. a document certifying at least a three-year work experience in the office of a lawyer or an equivalent office after obtaining the education specified in Section 13, Paragraph one, Clause 2 of the Insolvency Law (a statement from the employer, a job description, and others);

11.3. a document certifying proficiency in the official language at the highest level in accordance with the requirements of the Official Language Law if the examination of the proficiency in the official language has been taken before February 2001 and proficiency in the official language at the highest level is not certified by the education documents to be submitted to the Insolvency Control Service.

12. When submitting the application referred to in Paragraph 9 of this Regulation, the candidate for the administrator shall certify the following with his or her signature:

12.1. he or she conforms to the requirements laid down in Section 13, Paragraph one, Clauses 1, 2, 3, 4, and 6 of the Insolvency Law;

12.2. the restrictions specified in Section 13, Paragraph two of the Insolvency Law do not apply to the candidate for the administrator;

12.3. the payment for taking the examination has been made;

12.4. all the information provided is true and the submitted derivatives of documents correspond to the original documents.

13. The candidate for the administrator shall, upon request of the Insolvency Control Service, present the original documents to the Insolvency Control Service within the specified term.

14. After receiving the application for taking the examination, the Insolvency Control Service shall immediately verify whether the application contains all necessary information, the documents referred to in Paragraph 11 of this Regulation have been appended to the application, and the examination fee has been paid. In case of identifying any deficiencies, the Insolvency Control Service shall immediately call on the candidate for the administrator to rectify the identified deficiencies within the term set by the Insolvency Control Service.

15. The Insolvency Control Service shall provide the Commission with information that could indicate a non-conformity of the candidate for the administrator with the requirement for an impeccable reputation. The Commission shall, within two months after receipt of the abovementioned information, prepare an opinion on the conformity or non-conformity of the candidate for the administrator with the requirement for an impeccable reputation. The Commission shall send the opinion to the Insolvency Control Service within two working days. If, due to objective circumstances, it is not possible to prepare the opinion on the conformity or non-conformity of the candidate for the administrator with the requirement for an impeccable reputation within two months, the Commission shall notify the Insolvency Control Service thereof, specifying the term for preparing the abovementioned opinion.

16. The Director of the Insolvency Control Service shall, not later than within 15 working days after receipt of the opinion, take a decision on permission or refusal for the candidate for the administrator to take the examination.

17. The Director of the Insolvency Control Service shall, within a month after receipt of the application referred to in Paragraph 9 of this Regulation, take a decision on permission or refusal for the candidate for the administrator to take the examination if it is not required to evaluate the conformity of the candidate for the administrator with the requirement for an impeccable reputation.

18. The Director of the Insolvency Control Service shall refuse to grant the permission for taking the examination to the candidate for the administrator if any of the following circumstances is present:

18.1. the candidate for the administrator does not conform to the requirements laid down in Section 13, Paragraph one, Clause 1, 2, 3, or 4 of the Insolvency Law;

18.2. any of the restrictions referred to in Section 13, Paragraph two of the Insolvency Law applies to the candidate for the administrator;

18.3. at the moment of submitting the application, the period of validity of the certification referred to in Section 15, Paragraph one of the Insolvency Law has expired;

18.4. the documents and derivatives of documents referred to in Paragraph 11 of this Regulation have not been appended to the application;

18.5. the candidate for the administrator has failed to present the originals of the documents appended to the application or has not rectified the identified deficiencies within the term set by the Insolvency Control Service;

18.6. the opinion of the Commission on the non-conformity of the candidate for the administrator with the requirement for an impeccable reputation has been received;

18.7. the candidate for the administrator has failed to pay the examination fee in full.

**IV. Procedures for the Operation of the Commission**

19. A meeting of the Commission shall be convened and chaired by the chairperson of the Commission or, in his or her absence, by the deputy chairperson of the Commission.

20. Members of the Commission shall elect the chairperson of the Commission and the deputy chairperson of the Commission from among the members of the Commission for five years.

21. The secretary of the Commission shall ensure and organise the operation of the Commission. The secretary of the Commission shall be appointed by the Director of the Insolvency Control Service by an order. The secretary of the Commission shall not be a member of the Commission.

22. Minutes of the meetings of the Commission are taken. The minutes shall be signed by the chairperson of the Commission and the secretary of the Commission.

23. The Commission shall have a quorum if at least four members of the Commission are present at the meeting.

24. The Commission shall take decisions by open ballot with a majority of the votes cast. In the case of a tied vote, the chairperson of the Commission shall have the casting vote.

25. Meetings of the Commission shall be closed.

26. The chairperson of the Commission shall grant the right to become acquainted with the information related to the evaluation process of candidates by providing a written permission in conformity with the procedures laid down in the Freedom of Information Law.

27. The Commission shall prepare a catalogue of examination topics for the areas provided for in Paragraph 3 of this Regulation and it shall be approved at a meeting of the Commission. The Insolvency Control Service shall post on its website the catalogue of examination topics approved by the Commission.

28. The Commission may issue by-laws of the Commission determining the procedures for convening and conducting meetings of the Commission, and also the procedures for preparing and agreeing on minutes of the Commission, and other issues related to organising the operation of the Commission. The by-laws of the Commission shall be approved at a meeting of the Commission and signed by the chairperson of the Commission.

**V. Course of the Examination**

29. The Insolvency Control Service shall ensure the course of the examination.

30. The Commission shall develop examination questions according to the catalogue of topics approved by the Commission. The Commission shall hand over the examination questions to the Insolvency Control Service not later than 10 working days before the day of the examination.

31. The examination shall consist of the following parts:

31.1. general testing of theoretical knowledge of the candidate for the administrator in writing – a test consisting of 20 questions (hereinafter – the first part of the examination);

31.2. resolution of a practical task (case) in writing (hereinafter – the second part of the examination);

31.3. a structured interview (hereinafter – the third part of the examination) in which the Commission shall test the competence of the candidate for the administrator, i. e. motivation to take the office of the administrator, communication and organisational skills, systemic thinking skills, and dispute resolution skills, and shall ask questions related to the profession of the administrator.

32. Each part of the examination shall take place on a different day.

33. The candidate for the administrator shall take the first and second part of the examination, using the examination work performance sheet.

34. The time for preparing answers in the first part of the examination shall be one hour, and in the second part – two hours. The third part of the examination shall last for half an hour.

35. Representatives of the Insolvency Control Service and one member of the Commission shall participate in the first and second part of the examination. Representatives of the Insolvency Control Service and at least four members of the Commission, including the chairperson of the Commission or the deputy chairperson of the Commission, shall participate in the third part of the examination.

36. The course of each part of the examination shall be recorded in minutes by a representative of the Insolvency Control Service. The following shall be indicated in the minutes:

36.1. the date and place of the course of the examination;

36.2. the representatives of the Insolvency Control Service and the members of the Commission who are present in the relevant part of the examination;

36.3. the start time of the examination;

36.4. any other events related to the course of the examination.

37. The minutes of the examination shall be signed by the representatives of the Insolvency Control Service and the members of the Commission who are present in the relevant part of the examination.

38. When arriving for each part of the examination, the candidate for the administrator shall present a personal identification document to the representative of the Insolvency Control Service. The representative of the Insolvency Control Service shall enter the given name, surname, and personal identity number of the candidate for the administrator (if the person does not have a personal identity number, the date of birth shall be indicated) in the examination logbook (Annexes 1 and 2), and the candidate for the administrator shall confirm with a signature that he or she has arrived for the relevant part of the examination.

39. After registration, the candidate for the administrator shall take a seat in the examination room according to the instructions of the representative of the Insolvency Control Service.

40. Upon invitation of the representative of the Insolvency Control Service, the candidate for the administrator shall select work performance sheets:

40.1. with test questions in the first part of the examination;

40.2. with the practical task (case) in the second part of the examination.

41. If the candidate for the administrator is late for the start of the first and second part of the examination, he or she shall be permitted to take the examination, but the work time shall not be extended.

42. If the candidate for the administrator is late for the third part of the examination, he or she shall be permitted to take the examination after the last invited candidate for the administrator has provided answers in the third part of the examination. The Commission may allow the candidate for the administrator to take the third part of the examination at a time specified previously for another candidate for the administrator if the respective candidate has failed to arrive for the third part of the examination at that time.

43. During the course of the first and second part of the examination, not more than one candidate for the administrator may leave the examination room at the same time. Prior to leaving the examination room, the candidate for the administrator shall hand over his or her examination work performance sheet to the representative of the Insolvency Control Service. The representative of the Insolvency Control Service shall make a note on the work performance sheet of the candidate for the administrator in respect of the fact and time of the absence of the candidate. Time for the performance of work shall not be extended for the candidate for the administrator.

44. Works of the candidate for the administrator shall be anonymous. The candidate for the administrator shall not indicate his or her given name, surname, or any other identifying data on the examination work performance sheet.

45. When taking the first part of the examination, the candidate for the administrator is prohibited from using any aids. In the second part of the examination, the candidate for the administrator has the right to use the laws and regulations (in paper form) brought along without comments.

46. During the examination, the candidate for the administrator is prohibited from using any communication tools (for example, means of telecommunication, electronic note books, smart watches), using unauthorised aids (for example, texts of laws and regulations, legal literature), talking, or disturbing other candidates for the administrator.

47. If the candidate for the administrator fails to meet the conditions referred to in Paragraph 45 of this Regulation, a representative of the Insolvency Control Service or a member of the Commission who is present at the part of the examination shall issue a warning to the candidate for the administrator. The member of the Commission shall enter the information on the abovementioned fact on the first page of the examination work performance sheet (in the column “notes”) and the examination logbook. If the candidate for the administrator commits a repeated violation after receipt of the warning, the member of the Commission shall make an entry regarding this fact on the first page of the examination work performance sheet (in the column “notes”) and in the examination logbook, and the respective candidate for the administrator shall be expelled from the examination room. It is considered that the candidate for the administrator has obtained an unsuccessful evaluation.

48. At the end of the time for the preparation of answers or upon completing the preparation of answers before the specified time, the candidate for the administrator shall hand over the examination work performance sheets to the representative of the Insolvency Control Service and leave the examination room.

49. Successful passing of the first part of the examination shall constitute a precondition for permitting the candidate for the administrator to take the second and third part of the examination. The Insolvency Control Service shall notify the candidate for the administrator of the result of the first part of the examination electronically within five working days after receipt thereof. The Insolvency Control Service shall inform the candidate for the administrator who has successfully passed the first part of the examination that he or she may take the second and third part of the examination and shall indicate the time of arrival for the third part of the examination according to the surname of the candidate for the administrator in alphabetical order.

50. In the third part of the examination, the candidates for the administrator shall be invited to the examination room in alphabetical order of their surnames according to the time of arrival specified previously.

**VI. Procedures for Evaluating the Examination**

51. A member of the Commission shall refrain from evaluating responses of the candidate for the administrator in the third part of the examination if the candidate for the administrator is the spouse, former spouse of the member of the Commission, kin in a direct line to all degrees, a collateral line to the fourth degree, or affinity to the third degree of the member of the Commission or his or her spouse. The member of the Commission shall refrain from evaluation if the member of the Commission is personally directly or indirectly interested in the outcome of the examination or there are other circumstances that raise justified doubts about his or her objectivity. Refraining of the member of the Commission from the evaluation shall be recorded in the minutes, indicating the reason.

52. Until the day of the meeting of the Commission where the specific part of the examination will be evaluated, the examination work performance sheets handed over by the candidate for the administrator shall be kept by the Insolvency Control Service. On the day of the meeting of the Commission where answers to the questions of the specific part of the examination will be evaluated, the secretary of the Committee shall hand over to the Commission the examination work performance sheets handed over by the candidate for the administrator. If the evaluation of answers takes place in several meetings of the Commission, the Commission shall, during intervals between the meetings of the Commission, hand over to the secretary of the Commission for storage at the Insolvency Control Service the examination work performance sheets handed over by the candidates for the administrator until the next meeting of the Commission.

53. The Commission shall evaluate examination works of the candidates for the administrator according to the description of the examination evaluation (Annex 3) at a meeting of the Commission. The Commission shall not evaluate the examination work and shall make a corresponding entry in the examination work evaluation sheet if the Commission identifies one of the following circumstances:

53.1. the candidate for the administrator has indicated his or her given name, surname, or other identifying data in the examination work performance sheet;

53.2. the examination work performance sheet contains an indication of the member of the Commission who is present in the relevant part of the examination that the candidate for the administrator has committed two of the violations referred to in Paragraph 46 of this Regulation.

54. After the day of the first part of the examination, the Commission shall, within two working days, evaluate the answers to the questions of the first part of the examination by comparing them with the correct answers prepared by the Commission in advance. The candidate for the administrator shall receive 0.5 points for each correct answer to the questions of the first part of the examination.

55. The first part of the examination shall be passed if the candidate for the administrator has received an evaluation which is equal to or higher than eight points. The Commission shall enter the evaluation result in the evaluation sheet for the first part of the examination (Annex 4).

56. One member of the Commission shall evaluate the work of the first part of the examination, and the Commission shall attach the evaluation sheet of this work to the examination work. After evaluation of all works of the first part of the examination, the Commission shall immediately submit to the Insolvency Control Service the evaluation sheets of the first part of the examination accompanied by the work performance sheets for the first part of the examination of the candidates for the administrator.

57. The answer of the candidate for the administrator to the question of the second part of the examination shall be independently evaluated by at least two members of the Commission on a 10-point scale. The number of all points awarded by the members of the Commission evaluating the answer of the specific candidate for the administrator shall be summed up and divided by the number of members of the Commission who evaluated the specific answer of the candidate for the administrator. The evaluation of the second part of the examination shall consist of the arithmetical mean of the points obtained. Where necessary, the obtained arithmetical result shall be rounded to the nearest whole number (a decimal with a digit of “5”or higher after the decimal point shall be rounded up, and a decimal with a digit of “4”or lower after the decimal point shall be rounded down). The Commission shall enter the obtained evaluation in the evaluation sheet for the second part of the examination (Annex 5).

58. If the candidate for the administrator receives an evaluation which is equal to or higher than six points for the answer to the question of the second part of the examination, the examination shall be passed.

59. Each member of the Commission participating in the third part of the examination shall evaluate the third part of the examination, indicating in the evaluation sheet (Annex 6) whether the competences of the candidate for the administrator referred to in Sub-paragraph 31.3 of this Regulation are sufficient for the fulfilment of official duties of the administrator. If the member of the Commission indicates in the evaluation sheet that the competences of the candidate for the administrator are insufficient, he or she shall justify such evaluation in the column “notes” in the evaluation sheet.

60. If at least three members of the Commission have indicated in the evaluation sheet for the third part of the examination that the competences of the candidate for the administrator are insufficient, it shall be considered that the examination has not been passed.

61. The chairperson of the Commission shall approve the evaluation sheet for each part of the examination.

62. The Commission shall, within 15 working days from the day of the second part of the examination after evaluation of all works, submit the evaluation sheets for the second and third part of the examination to the Insolvency Control Service and append the work performance sheets for the second part of the examination of the candidates for the administrator.

**VII. Procedures for Appointing the Administrator to the Office and Issuing the Office Certificate**

63. The director of the Insolvency Control Service shall, within one month after receipt of evaluation sheets for the second and third part of the examination of all candidates for the administrator, take a decision on whether the candidate for the administrator has passed the examination or not and immediately send it to the candidate for the administrator.

64. After taking the decision that the candidate for the administrator has passed the examination, the director of the Insolvency Control Service shall, within three working days, issue an order regarding the appointing of the candidate for the administrator to the office and the issuance of the office certificate. The order and the office certificate shall be immediately sent to the administrator.

65. The office certificate shall contain the following information:

65.1. the issuing body;

65.2. the number of the office certificate;

65.3. the given name, surname;

65.4. the name of the office;

65.5. the date of issue of the office certificate;

65.6. the period of validity of the office certificate.

66. The numbering of office certificates shall be arranged in succession, taking into account the number of the last certificate issued.

67. The Insolvency Control Service shall maintain a register of office certificates (Annex 7).

68. If the given name or surname of the administrator has changed, the administrator shall submit a submission to the Insolvency Control Service for issuing a new office certificate and append a document certifying the changes. The director of the Insolvency Control Service shall issue a new office certificate to the administrator within five working days from the day of receipt of the submission.

69. The office certificate shall be considered invalid if the administrator has been released or removed from the office, suspended from the performance of official activities of the administrator, or the official activities of the administrator have been suspended, or a new office certificate has been issued to the administrator in accordance with Paragraph 68 of this Regulation.

**VIII. Qualification Examination of the Administrator**

70. The procedures referred to in Chapters III, V, and VI of this Regulation shall be applicable in relation to the qualification examination of the administrator insofar as it has not been laid down otherwise in this Chapter.

71. The Insolvency Control Service shall, not later than two months before the qualification examination, post a notification on its website and the Electronic Insolvency Accounting System (hereinafter – the System) regarding the application for the qualification examination, specifying the date thereof, the term for the application, and also the procedures for the payment and drawing up of documents. The Insolvency Control Service shall, not later than one month before the qualification examination, publish information on its website and in the System on the time and place of the qualification examination, and also the laws and regulations necessary for the qualification examination.

72. The administrator shall, within a month from posting the notification regarding the application for the qualification examination, submit an application for the qualification examination to the Insolvency Control Service, indicating the information referred to in Paragraph 9 of this Regulation and appending documents or derivatives thereof certifying attendance of the qualification improvement activities by the administrator in the areas indicated in Paragraph 3 of this Regulation in the amount determined in the Insolvency Law.

73. Qualification improvement activities shall include the qualification improvement activities organised by State institutions, not exceeding half of the amount specified in Section 16.2, Paragraph two of the Insolvency Law.

74. When submitting an application for the qualification examination, the administrator shall certify with his or her signature that:

74.1. he or she conforms to the requirements laid down in Section 13, Paragraph one of the Insolvency Law;

74.2. the restrictions specified in Section 13, Paragraph two of the Insolvency Law do not apply to the administrator;

74.3. the payment for taking the qualification examination has been made;

74.4. all the information provided is true and the submitted derivatives of documents correspond to the original documents.

75. After receipt of the application for the qualification examination, the Insolvency Control Service shall immediately verify whether the administrator has indicated the necessary information, appended derivatives of documents, and made the payment for the examination. In case of identifying any deficiencies, the Insolvency Control Service shall immediately call on the administrator to rectify the identified deficiencies within the term set by the institution.

76. The director of the Insolvency Control Service shall, within 15 working days after receipt of the application for the qualification examination, take the decision on permission or refusal for the administrator to take the qualification examination.

77. The director of the Insolvency Control Service shall take the decision to refuse to take the qualification examination if:

77.1. any of the restrictions referred to in Section 13, Paragraph two of this Law applies to the administrator;

77.2. the administrator has failed to attend the qualification improvement activities in the amount determined in the Insolvency Law until the moment of submitting the application;

77.3. the administrator has failed to rectify the deficiencies identified in the application for the qualification examination within the term set by the Insolvency Control Service;

77.4. the administrator has failed to pay for the qualification examination in full.

78. If the administrator conforms to the requirements laid down in Section 16.2, Paragraph 1.1 of the Insolvency Law, he or she shall, within a month from posting the notification regarding application for the qualification examination, submit a submission to the Insolvency Control Service for extending the period of validity of the office certificate, appending documents or derivatives thereof certifying attendance of qualification improvement activities by the administrator in the areas indicated in Paragraph 3 of this Regulation in the amount determined in the Insolvency Law.

79. The director of the Insolvency Control Service shall, within 15 working days from receiving the submission referred to in Paragraph 78 of this Regulation, take the decision to extend the period of validity of the office certificate or to refuse to extend the period of validity of the office certificate.

80. If, during organisation of the qualification examination, the official activities of the administrator have been suspended or the administrator has been suspended from the performance of official activities, the administrator shall, not later than one month from posting the notification regarding application for the qualification examination, submit to the Insolvency Control Service an application for the qualification examination or a motivated submission for extending the term for taking the qualification examination until the next time when the qualification examination is organised after expiry of the term for the suspension of official activities of the administrator or the suspension thereof from the office.

81. During the qualification examination, the administrator shall resolve a practical task (case) in writing and answer questions related to the practical task.

82. The qualification examination tests the knowledge of the administrator in the areas referred to in Paragraph 3 of this Regulation according to the catalogue of examination topics.

83. The time allowed for the administrator to provide answers in the qualification examination shall be three hours, using the laws and regulations brought along which conform to the requirements referred to in Paragraph 45 of this Regulation.

84. The qualification examination work shall be evaluated on a 10-point scale in accordance with Paragraph 57 of this Regulation, entering the evaluation in the qualification examination work evaluation sheet (Annex 8).

85. If the administrator receives an evaluation in the qualification examination which is equal to or higher than six points, it shall be considered that the qualification examination has been passed.

86. The chairperson of the Commission shall approve the qualification examination evaluation sheets.

87. The Commission shall, within 15 working days from the day of the qualification examination after evaluation of all works, submit the qualification examination evaluation sheets accompanied to the Insolvency Control Service and append the work performance sheets of the qualification examination of administrators.

88. The director of the Insolvency Control Service shall, within a month after receipt of examination evaluation sheets of all administrators, on the basis of the evaluation provided by the Commission, take the decision to extend the period of validity of the office certificate of the administrator or to refuse to extend the period of validity of the office certificate of the administrator and immediately send the relevant decision to the administrator.

89. If the administrator receives the decision to refuse to extend the period of validity of the office certificate of the administrator, the administrator has the right, within 10 working days from the day of notification of the decision, to submit to the director of the Insolvency Control Service a request to retake the qualification examination the next time when the qualification examination is organised in accordance with Section 16.2, Paragraph seven of the Insolvency Law.

90. If the administrator could not take the qualification examination due to objective circumstances, he or she shall, within 10 working days after the qualification examination, submit the submission referred to in Section 16.2, Paragraph eight of the Insolvency Law to the director of the Insolvency Control Service and append the documents which justify the circumstances due to which the administrator could not take the qualification examination.

91. The director of the Insolvency Control Service shall, within 15 working days from receiving the submission for extending the term for taking the qualification examination, take the decision to extend the term for taking the qualification examination or to refuse to extend the term for taking the qualification examination.

**IX. Release, Removal, and Suspension of the Administrator from the Office and Suspension of Official Activities**

92. If the administrator submits a submission to the Insolvency Control Service for removal from the office, the director of the Insolvency Control Service shall, within 15 working days from the day of receiving the submission, take the decision to remove the administrator from office and immediately send it to the administrator.

93. The director of the Insolvency Control Service shall, within 15 working days from the day when the Insolvency Control Service establishes any of the circumstances referred to in Section 17.2 of the Insolvency Law, take the decision to remove the administrator from the office and immediately send it to the administrator.

94. If the administrator has failed to submit the submission for extending the term for taking the qualification examination of the administrator within the term indicated in Paragraph 90 of this Regulation or if the director of the Insolvency Control Service takes the decision to refuse to extend the term for taking the qualification examination or to refuse to extend the period of validity of the office certificate, the director of the Insolvency Control Service shall take the decision to remove the administrator from the office within the term referred to in Paragraph 93 of this Regulation.

95. The Insolvency Control Service shall provide the Commission with information that could attest to the non-conformity of the administrator with the requirement for an impeccable reputation. The Commission shall, within two months after receipt of the abovementioned information, prepare an opinion on the conformity or non-conformity of the administrator with the requirement for an impeccable reputation. The Commission shall send the opinion to the Insolvency Control Service within two working days. If, due to objective circumstances, it is not possible to prepare the opinion on the conformity or non-conformity of the administrator with the requirement for an impeccable reputation within two months, the Commission shall notify the Insolvency Control Service thereof, specifying the term for preparing the abovementioned opinion.

96. If the Commission prepares the opinion on the non-conformity of the administrator with the requirement for an impeccable reputation, the director of the Insolvency Control Service shall take the decision to remove the administrator from the office within the term referred to in Paragraph 93 of this Regulation.

97. The director of the Insolvency Control Service may take the decision to suspend the administrator from the performance of official activities of the administrator within 15 working days from the day when the Insolvency Control Service receives information on the decision of the person directing the proceedings to recognise the administrator as a suspect or accused in a criminal case. The Insolvency Control Service shall immediately send the decision to the administrator.

98. Upon receipt of the information on the ruling of the person directing the proceedings which has entered into effect in a criminal case, the director of the Insolvency Control Service shall, depending on the type of the ruling, take the decision, within 15 working days, to remove the administrator from the office or reinstate the administrator in office if the period of validity of his or her office certificate has not expired and the qualification examination has been passed. The Insolvency Control Service shall immediately send the decision to the administrator.

99. If information has been received from the person directing the proceedings which removes the grounds for suspending the administrator, and the period of validity of the office certificate of the administrator has expired, and also he or she has not taken the qualification examination, the director of the Insolvency Control Service shall, within the term specified in Paragraph 88 of this Regulation, after passing of the qualification examination, take the decision to extend the period of validity of the office certificate of the administrator and concurrently reinstate the administrator in office. The Insolvency Control Service shall immediately send the decision to the administrator.

100. The administrator shall submit a submission to the Insolvency Control Service for suspending official activities, indicating the time of suspension of official activities and appending documents certifying the grounds for the suspension of official activities.

101. The director of the Insolvency Control Service shall, within 15 working days from receipt of the submission for suspending official activities, take the decision to suspend official activities of the administrator and immediately send it to the administrator.

102. After entry into effect of the decision to suspend official activities, the administrator shall immediately submit to a court applications for resignation from the performance of the obligations of the administrator in the proceedings in which he or she is appointed. If, within two weeks after taking of the decision to suspend official activities, the administrator does not submit the application for resignation to the court, the Insolvency Control Service shall submit an application to the court for the removal of the administrator from the performance of the obligations of the administrator.

103. If the administrator is released, removed, or suspended from the office, the Insolvency Control Service shall immediately submit an application to the court for the removal of the administrator from the performance of the obligations of the administrator.

104. The administrator may request to extend the term for the suspension of official activities not later than two weeks before expiry of the term for the suspension of official activities.

105. The administrator shall inform the Insolvency Control Service if grounds for the suspension of official activities are removed, concurrently requesting the Insolvency Control Service to reinstate the administrator in office.

106. The director of the Insolvency Control Service shall take the decision to renew official activities of the administrator before expiry of the term for the suspension of official activities of the administrator if the term for the suspension of official activities indicated in the decision of the director of the Insolvency Control Service to suspend official activities has expired before expiry of the period of validity of the office certificate, the administrator has not submitted a submission for extending the term for the suspension of official activities, and he or she has passed the qualification examination. The Insolvency Control Service shall immediately send the decision to the administrator.

107. If the term for the suspension of official activities of the administrator has expired after expiry of the period of validity of the office certificate and the administrator has not taken the qualification examination before expiry of the term for the suspension of official activities, the director of the Insolvency Control Service shall take the decision to extend the period of validity of the office certificate after passing of the qualification examination, concurrently taking the decision to renew official activities of the administrator. The Insolvency Control Service shall immediately send the decision to the administrator.

**X. Closing Provisions**

108. The Insolvency Control Service shall destroy the office certificates at its disposal which have been issued before coming into force of this Regulation, after the term for the course of the qualification examination and for extending the term of validity of the office certificate of administrators has passed, as provided for in Paragraph 75 or 76 of Transitional Provisions of the Insolvency Law.

109. Paragraph 73 of this Regulation shall come into force on 1 January 2026.

110. Cabinet Regulation No. 288 of 30 May 2017, Procedures for Training Applicants for the Office of Administrator of Insolvency Proceedings, for Examining Them, Procedures for the Operation of the Examination Commission and Procedures for Appointing, Releasing, Removing and Discharging from Office and the Suspension of Professional Activity of the Administrators of Insolvency Proceedings (*Latvijas Vēstnesis*, 2017, Nos. 108, 168), is repealed.

Prime Minister E. Siliņa

Acting for the Minister for Justice – Minister for Finance A. Ašeradens

**Annex 1**

Cabinet Regulation No. 148

5 March 2024

**Logbook of the Examination for Candidates for Administrators of Insolvency Proceedings and of the Qualification Examination for Administrators of Insolvency Proceedings**

|  |  |  |
| --- | --- | --- |
| Part of the |   | examination |
|   | (first/second) |   |
|  |  |  |
|  | (place, date) |  |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Given name, surname | Personal identity number (if the person does not have a personal identity number, the date of birth shall be indicated) | Signature of the candidate confirming arrival | Paper number of the candidate | Note regarding the time of handing over the work performance sheets | Identification number allocated to the candidate | Note regarding the warning issued during the examination | Notes |
|   |   |   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |   |   |

**Annex 2**

Cabinet Regulation No. 148

5 March 2024

**Logbook of the Third Part of the Examination for Candidates for Administrators of Insolvency Proceedings**

|  |  |  |
| --- | --- | --- |
|  | Third part of the examination |  |
|  |  |  |
|  | (place, date) |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Given name, surname | Personal identity number (if the person does not have a personal identity number, the date of birth shall be indicated) | Signature of the candidate confirming arrival | Notes |
|   |   |   |   |   |
|   |   |   |   |   |
|   |   |   |   |   |

**Annex 3**

Cabinet Regulation No. 148

5 March 2024

**Description of Evaluation of the Examination for Candidates for Administrators of Insolvency Proceedings and of the Qualification Examination for Administrators of Insolvency Proceedings**

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Valuation | Level of acquisition | Explanation |
| 1. | 10 | Outstanding | Knowledge exceeds the required amount of knowledge and demonstrates independent acquisition of in-depth knowledge and profound understanding of issues related to the laws and regulations governing activities of administrators of insolvency proceedings |
| 2. | 9 | Excellent | Thorough understanding of the laws and regulations governing activities of administrators of insolvency proceedings and the ability to freely apply knowledge in resolving issues related to the performance of official duties |
| 3. | 8 | Very good | Thorough understanding of the laws and regulations governing activities of administrators of insolvency proceedings, skill acquired to practically apply the acquired knowledge in the performance of official duties, however, at the same time, lack of deeper understanding and ability to use this knowledge with understanding in order to resolve more complex issues |
| 4. | 7 | Good | Understanding of the laws and regulations governing activities of administrators of insolvency proceedings, skill acquired to apply the acquired knowledge in the performance of official duties, however, individual minor deficiencies in understanding of specific topics can be identified |
| 5. | 6 | Almost good | Satisfactory understanding of the laws and regulations governing activities of administrators of insolvency proceedings, however, lack of depth in understanding specific questions and an inability to apply the acquired knowledge in solving individual issues can be identified |
| 6. | 5 | Average | Satisfactory understanding of the most commonly used laws and regulations governing activities of administrators of insolvency proceedings, however, insufficient understanding of several issues can be identified at the same time |
| 7. | 4 | Almost average | Overall satisfactory understanding of the most commonly used laws and regulations governing activities of administrators of insolvency proceedings, however, deficiencies in the ability to apply the acquired knowledge in practice can be identified at the same time |
| 8. | 3 | Poor | Superficial knowledge of the laws and regulations governing activities of administrators of insolvency proceedings, lack of skill to apply them practically in the performance of official duties |
| 9. | 2 | Very poor | Superficial knowledge of individual laws and regulations governing activities of administrators of insolvency proceedings |
| 10. | 1 | Unsatisfactory | Lack of understanding of the most commonly used laws and regulations governing activities of administrators of insolvency proceedings |

**Annex 4**

Cabinet Regulation No. 148

5 March 2024

**Evaluation Sheet for the First Part of the Examination for the Candidate for the Administrator of Insolvency Proceedings**

|  |  |
| --- | --- |
| 1. Identification No. of the candidate for the administrator |   |
| 2. Date of taking the examination |   |
| 3. Evaluation results |   |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Question number | Evaluation, points | Notes | Given name, surname of the evaluator | Date of evaluation | Signature of the evaluator |
| 1. |   |   |   |   |   |
| 2. |   |
| 3. |   |
| 4. |   |
| 5. |   |
| 6. |   |
| 7. |   |
| 8. |   |
| 9. |   |
| 10. |   |
| 11. |   |
| 12. |   |
| 13. |   |
| 14. |   |
| 15. |   |
| 16. |   |
| 17. |   |
| 18. |   |
| 19. |   |
| 20. |   |
| TOTAL |   |

4. Total evaluation result of the examination work is points.

5. Date

|  |  |  |  |
| --- | --- | --- | --- |
| Chairperson of the Examination Commission |   |   |   |
|   | (given name, surname) |   | (signature) |

**Annex 5**

Cabinet Regulation No. 148

5 March 2024

**Evaluation Sheet for the Second Part of the Examination for the Candidate for the Administrator of Insolvency Proceedings**

|  |  |
| --- | --- |
| 1. Identification No. of the candidate for the administrator |   |
| 2. Date of taking the examination |   |
| 3. Examination paper No. |   |

4. Evaluation results

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Evaluation, points | Notes | Given name, surname of the evaluator | Date of evaluation | Signature of the evaluator |
|   |   |   |   |   |

5. Evaluation result of the examination work is points.

6. Date

|  |  |  |  |
| --- | --- | --- | --- |
| Chairperson of the Examination Commission |   |   |   |
|   | (given name, surname) |  | (signature) |

**Annex 6**

Cabinet Regulation No. 148

5 March 2024

**Evaluation Sheet for the Third Part of the Examination for the Candidate for the Administrator of Insolvency Proceedings**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | (place, date) |  |

|  |  |
| --- | --- |
| Member of the Commission |   |
|   | (given name, surname) |
|   |   |
| Candidate for the administrator |   |
|   | (given name, surname) |

|  |  |
| --- | --- |
| Competencesyes/no | Notes |
|   |   |
|   |   |
|   |   |

|  |  |
| --- | --- |
| Signature of the member of the Commission  |   |
|   |   |   |   |
| Chairperson of the Examination Commission |   |   |   |
|   | (given name, surname) |  | (signature) |

**Annex 7**

Cabinet Regulation No. 148

5 March 2024

**Register of the Office Certificates of Administrators of Insolvency Proceedings**

|  |  |  |
| --- | --- | --- |
| Date |   |  |
| Place |   |  |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Given name, surname | Personal identity number (if the person does not have a personal identity number, the date of birth shall be indicated) | Number of the office certificate | Period of validity of the office certificate | Date of issue of the office certificate | Date of suspension and renewal of official activities | Term for the extension of official activities | Datefrom which the office certificate is recognised as invalid |
| of | until | suspended | renewed | until |
|   |   |   |   |   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |   |   |   |   |

**Annex 8**

Cabinet Regulation No. 148

5 March 2024

**Work Evaluation Sheet of the Qualification Examination for the Administrator of Insolvency Proceedings**

|  |  |
| --- | --- |
| 1. Identification No. of the administrator |   |
| 2. Date of taking the examination |   |
| 3. Examination paper No. |   |

4. Evaluation results

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Evaluation, points | Notes | Given name, surname of the evaluator | Date of evaluation | Signature of the evaluator |
|   |   |   |   |   |

5. Total evaluation result of the examination work is points.

6. Date .

|  |  |  |  |
| --- | --- | --- | --- |
| Chairperson of the Examination Commission |   |   |   |
|   | (given name, surname) |  | (signature) |