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

10 November 2009 [shall come into force from 14 November 2009];

27 October 2015 [shall come into force from 30 October 2015];

27 March 2018 [shall come into force from 30 March 2018];

5 November 2018 [shall come into force from 8 November 2018];

17 December 2019 [shall come into force from 17 January 2020];

12 May 2020 [shall come into force from 19 May 2020].

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. 632

Adopted 1 August 2006

**By-law of the Consumer Rights Protection Centre**

*Issued pursuant to*

*Section 16, Paragraph one of the State Administration Structure Law*

**I. General Provisions**

1. The Consumer Rights Protection Centre (hereinafter – the Centre) is an institution of direct administration supervised by the Minister for Economics.

2. The purpose of the Centre is to implement the protection of consumer rights and interests, market supervision and also supervision of dangerous equipment and legal metrology.

[*10 November 2009*]

**II. Competence, Functions and Tasks of the Centre**

3. Implementation of the rights and obligations laid down in the Consumer Rights Protection Law and other laws and regulations and the performance of functions in the field of the protection of consumer rights and interests, market supervision, and also supervision of dangerous equipment and legal metrology shall be within the competence of the Centre.

[*10 November 2009*]

4. In order to ensure the fulfilment of functions, the Centre has the following tasks:

4.1. to control and supervise the conformity of the goods and services offered (to be offered) in the market with the safety requirements, and also other requirements laid down in laws and regulations in conformity with the competence thereof;

4.2. to supervise the conformity of the information on the goods and services referred to in Sub-paragraph 4.1 of this Regulation with the requirements laid down in laws and regulations;

4.3. to supervise the conformity of the information on the goods and services referred to in Sub-paragraph 4.1 of this Regulation provided by manufacturers, importers, distributors or service providers with the requirements laid down in laws and regulations;

4.3.1to perform the functions of a supervisory authority in conformity with the competence thereof implementing market supervision in accordance with:

4.3.11. Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur;

4.3.12. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters;

4.3.13. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council;

4.3.14. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC;

4.3.15. Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC;

4.3.16. Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC;

4.3.17. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU;

4.4. [27 October 2015];

4.5. to check whether the procedures for undertaking, drawing up and fulfilment of guarantee obligations are complied with;

4.6. to check whether the weight, measure and payment for food and non-food goods are specified correctly;

4.7. to check whether the procedures for the indication of the price for goods and services are complied with;

4.8. consult consumers regarding the consumer rights protection matters;

4.9. to inform manufacturers, importers, authorised representatives, distributors, service providers, users of measurement instruments and possessors of dangerous equipment of their obligations with regard to the fulfilment of the requirements laid down in laws and regulations;

4.10. to participate in the Community Rapid Information System RAPEX in order to provide the information on dangerous goods discovered on the Latvian market and to check the received information on dangerous goods, and also to ensure exchange of information among market supervision and control institutions, when performing the functions of the national contact point of the Community Rapid Information System RAPEX, in conformity with the market supervision competence of the Centre;

4.11. to evaluate the conformity of the advertisement and commercial practice with the requirements laid down in laws and regulations and take the relevant decisions;

4.12. to evaluate the compliance of the provision of complex tourism services with the requirements specified in laws and regulations;

4.13. to evaluate the compliance of an offer expressed to consumers, draft contract, as well as contracts entered into and the fulfilment of obligations with the requirements specified in laws and regulations and take the relevant decision;

4.14. to check whether the procedures for notification and use of the right of renunciation specified in laws and regulations are included in the contracts entered into with consumers;

4.15. [27 October 2015];

4.16. to supervise the compliance of measurement instruments, which are offered on the market in the regulated sphere, with the requirements specified in laws and regulations;

4.17. to carry out the metrological supervision of the measurement instruments put into service;

4.18. to carry out the metrological control of prepacked goods;

4.19. [27 October 2015];

4.20. [27 October 2015];

4.21. in performing the functions of the European Consumer Centres Network in Latvia, to compile the information and inform consumers regarding consumer rights in the Member States of the European Union and regarding cross-border marketing, as well as to co-ordinate the solving of matters regarding the cross-border complaints of consumers in the European Union;

4.21.1to supervise the compliance with Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers’ nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC in respect of the consumers;

4.22. to perform tasks intended for the single liaison office and the competent authority in accordance with the requirements specified in Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004;

4.22.1 to perform tasks intended for the contact point with regard to online dispute resolution in accordance with the requirements specified in Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC;

4.22.2 to perform tasks intended for the single contact point in accordance with the Law on Out-Of-Court Consumer Dispute Resolution Bodies;

4.22.3 to perform the functions of the secretariat of the Commission for Settlement of Consumer Disputes;

4.22.4in accordance with its competence, to supervise the compliance with Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market in respect of the consumers;

4.23. to supervise and control the compliance with the requirements of the laws and regulations in the field of the supervision of dangerous equipment;

4.24. to investigate dangerous equipment accidents;

4.25. to maintain a dangerous equipment register;

4.26. in conformity with competence to participate in drafting laws and regulations and to provide proposals for drafting the laws and regulations in the field of consumer rights protection, market supervision, supervision of dangerous equipment and State metrological control and supervision;

4.27. to inform State administration institution or the relevant local government if it has been established that officials have failed to comply with the requirements of the laws or other laws and regulations in the field of supervision of dangerous equipment;

4.28. to co-operate with international institutions and non-governmental organisations, which operate in the field of consumer rights protection, market supervision, supervision of legal metrology and dangerous equipment;

4.29. to represent consumer interests in special committees and cross-border co-operation networks;

4.30. to perform other tasks in accordance with the laws and regulations which govern the field of the protection of consumer rights and interests, market supervision, advertisements, commercial practice, information society services, metrology and supervision of dangerous equipment.

[*10 November 2009; 27 October 2015; 27 March 2018; 5 November 2018; 17 December 2019; 12 May 2020*]

**III. Officials and Employees of the Centre and Ensuring the Lawfulness of Activities Thereof**

5. The work of the Centre shall be managed by the director of the Centre. The director of the Centre shall fulfil the functions of the manager of the institution of the direct administration specified in the State Administration Structure Law, as well as shall determine the structure of the Centre, functions of each division and subordination.

6. Officials of the Centre within the scope of competency are entitled to:

6.1. without a special permit, payment and other restrictions, visit unhindered any buildings, premises, territories and other places where the production of goods or manufacture, storage, trade of items are performed or services are provided, and also the places where measurement instruments subject to the State metrological control and dangerous equipment subject to supervision and control are used or possibly are used, and perform the tasks laid down in this Regulation and other laws and regulations in the field of the protection of consumer rights and interests, market supervision, supervision of legal metrology and dangerous equipment;

6.2. perform without hindrance all the activities required for performance of the control;

6.3. request and receive free of charge from manufacturers, sellers, service providers, possessors of dangerous equipment and users of measurement instruments or authorised representatives thereof, the State and local government authorities, and also from natural persons and legal persons of private rights, the information and documents necessary for the performance of the tasks of the Centre or fulfilment of the professional duties of an official;

6.4. determine the time period within which manufacturers, sellers, service providers, possessors of dangerous equipment and users of measurement instruments or authorised representatives thereof, the State and local government authorities, and also natural persons and legal persons of private rights shall provide a reply in writing, explanation or information to the Centre or shall rectify the discovered infringements of laws and regulations;

6.5. draw up deeds on compliance with laws and regulation in the fields within the competence of the Centre, perform control purchases and control orders, and also draw up statements of administrative violations, examine administrative violation matters and impose administrative fines;

6.6. request and receive samples of the goods free of charge in accordance with the procedures laid down in laws and regulations for carrying out of laboratory or other type expert-examination;

6.7. in cases prescribed by laws and regulations, suspend the selling of goods or the provision of services until the receipt of an opinion by testing laboratories or experts or the taking of a decision if:

6.7.1. information regarding the goods or the labelling does not conform to the requirements prescribed by laws and regulations;

6.7.2. declarations of conformity or conformity approvals are not ensured for the goods, or there is a reasonable suspicion that the goods declarations of conformity or conformity approvals are not ensured for the goods;

6.7.3. there is a reasonable suspicion of the non-compliance of goods or services with safety requirements;

6.7.4. if the amount of actual content of prepacked goods fails to comply with norms;

6.7.5. [27 October 2015];

6.7.1 suspend the use of dangerous equipment if non-compliance with the requirements of laws and regulations has been discovered due to which human health and life, the environment and material assets may be exposed to a threat;

6.8. on the basis of the opinion of testing laboratory or experts, the information received from the rapid information exchange system on dangerous goods, or a decision of the officials of the Centre, prohibit to sell, request to withdraw the goods from circulation or to discontinue provision of services if they do not comply with the requirements laid down in laws and regulations or regulatory technical documents;

6.9. request that manufacturers, sellers, service providers, users of measurement instruments and possessors of dangerous equipment ensure the presence of the facility manager, responsible official of the facility or other representative during a control, and also, if necessary, invite witnesses and carry out a control without the presence of the facility representative, if a manufacturer, seller, service provider, user of measurement instruments or possessor of dangerous equipment does not fulfil the abovementioned requirement;

6.10. request that manufacturers, sellers, service providers, users of measurement instruments and possessors of dangerous equipment fulfil the requirements laid down in laws and regulations and rectify non-compliance;

6.11. withdraw goods and items, which are a subject of administrative violation;

6.12. if necessary, invite employees of law-enforcement institutions;

6.13. implement other rights which are laid down in the laws and regulations governing the field of the protection of consumer rights and interests, market supervision, supervision of dangerous equipment and metrology.

[*10 November 2009; 27 October 2015; 27 March 2018*]

7. It is prohibited for officials of the Centre to disclose the commercial secrets of legal persons and natural persons, which have become known to them during the performance of their official duties.

8. In performing the duties of office outside work (service) premises, officials of the Centre shall present a service identification document.

9. The administrative acts issued by the officials of the Centre may be contested by lodging the relevant submission to the director of the Centre. The administrative acts issued by the director of the Centre may be appealed to the Administrative District Court in accordance with the procedures laid down in the Administrative Procedure Law.

[*10 November 2009*]

10. The actual action of the officials of the Centre may be contested by lodging the relevant submission to the director of the Centre. The actual action of the director of the Centre may be appealed to the Administrative District Court in accordance with the procedures laid down in the Administrative Procedure Law.

[*27 March 2018*]

**IV. Report Regarding the Activities of the Centre and Utilisation of Resources**

11. The Centre shall submit a report to the Ministry of Economics not less than once a year regarding the fulfilment of functions of the Centre and utilisation of the budget resources, as well as the annual public report prepared in accordance with the procedures specified in laws and regulations.

12. The Centre shall use the State budget resources for ensuring the functions referred to in Sub-paragraph 4.21 of this Regulation – subsidies from general revenues and from the European Commission from the resources intended for this purpose.

13. The Centre shall inform the public on a regular basis regarding consumer rights, operation of the Centre and results thereof, using direct communications, Internet home page (www.ptac.gov.lv), informative materials or the mass media.

**V. Closing Provisions**

[*27 March 2018*]

14. The following regulations are repealed:

14.1. Cabinet Regulation No. 889 of 26 October 2004, By-law of the Consumer Rights Protection Centre (*Latvijas Vēstnesis*, 2004, No. 171; 2005, No. 63; 2006, No. 90);

14.2. Cabinet Regulation No. 174 of 8 March 2005, By-law of the State Metrological Inspection (*Latvijas Vēstnesis*, 2005, No. 43).

15. Sub-paragraphs 4.3.14, 4.3.15 and 4.3.16 of this Regulation shall come into force on 21 April 2018.

[*27 March 2018*]

16. Sub-paragraph 4.21.1 of this Regulation shall come into force on 3 December 2018.

[*5 November 2018*]

Prime Minister A. Kalvītis

Minister for Economics A. Štokenbergs