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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. 1025

Adopted 27 December 2011

**Regulations Regarding Actions with Material Evidence and Seized Property**

*Issued pursuant to*

*Section 235, Paragraph seven, Section 239, Paragraph six, Section 240, Paragraph six, Section 365, Paragraphs 2.1 and three, Section 366, Paragraph four of the Criminal Procedure Law*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the place and procedures for the storage of material evidence which may not be returned to the owner or lawful possessor and which may not be stored with other materials of a criminal case;

1.2. the place and procedures for the storage of the objects seized and the circulation of which has been prohibited by law, and also money, currency, materialised financial instruments, bills of exchange, registered shares in printed form and other monetary documents, articles made from precious metals and precious stones, and also precious metals and precious stones;

1.3. the institutions in which such seized property shall be stored which may not be left in storage with the owner or user thereof, his or her family member, or another natural person or legal person, and also the procedures for the storage of such property;

1.4. in accordance with a judgment or decision, the procedures for the sale and destruction of material evidence:

1.4.1. for the material evidence the long-term storage of which is not possible or the long-term storage of which causes losses to the State if they cannot be returned to the owner or lawful possessor thereof;

1.4.2. for the material evidence which the owner or lawful possessor thereof has not withdrawn within two months from the date when a notification was sent;

1.5. in accordance with a judgment or decision, the procedures for the destruction of material evidence in respect of the following objects:

1.5.1. the instrumentalities of a criminal offence owned by a suspect or accused if they do not have any value;

1.5.2. the objects which do not have any value;

1.5.3. the objects which were intended or were used for committing a criminal offence if they do not have any value;

1.5.4. the objects the circulation of which is prohibited by law or which are harmful to the environment;

1.6. the procedures for the sale or destruction of the seized property which may not be left in storage with the owner or user thereof, his or her family member, or another natural person or legal person if the long-term storage thereof is not possible or the long-term storage causes losses to the State;

1.7. the procedures for the sale or destruction of the seized property which it is not possible to leave in storage with the persons specified in Section 365, Paragraph one of the Criminal Procedure Law if, within a month from the date when the notification of revocation of the seizure of property was sent, a person whose property has been seized and whose property was handed over for storage in accordance with Section 365, Paragraph 2.1 of the Criminal Procedure Law has not withdrawn the property belonging thereto – in accordance with the decision of the person directing the proceedings or after entering into effect of the final ruling in the criminal proceedings in accordance with the decision of a judge, prosecutor of the institution which sent the notification, or that of the head of an investigating institution or a unit thereof.

[*30 May 2017*]

2. Expenditures justified by the documents which are related to storage, sale, or destruction of material evidence shall be covered from the State budget funds granted for such purpose to the relevant institution.

3. Material evidence shall be stored, sold, or destroyed in accordance with the laws and regulations governing the relevant field by complying with the environmental protection requirements.

4. Material evidence, including an animal, the supervision of which is within the competence of the Food and Veterinary Service, upon written co-ordination with the Food and Veterinary Service, shall be stored, sold, or destroyed in accordance with the laws and regulations governing food and veterinary supervision.

5. The Provision State Agency (hereinafter – the Agency) and the relevant institution shall record the statement on acceptance and transfer of material evidence (Annex 1), the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked (Annex 2), the statement on destruction of material evidence, seized property, or property for which seizure has been revoked (Annex 3), the statement on inspection of the seized property (immovable property) (Annex 4), and the statement on acceptance and transfer of the seized property (immovable property) or property for which seizure has been revoked (Annex 5) in chronological sequence.

6. The Agency, the investigating institution, the office of the prosecutor, or the institution of direct administration may, in accordance with the laws and regulations in the field of public procurement, enter into a contract with a merchant on the service which is related to the transfer of material evidence for storage, storage, sale, destruction, or assessment thereof.

**II. Place and Procedures for the Storage of Material Evidence**

7. Material evidence which may not be stored together with other materials of the criminal case shall be transferred for storage to institutions or persons by a decision of the person directing the proceedings by complying with the following requirements:

7.1. the money which due to the specific features thereof is recognised as material evidence or currency, materialised financial instrument, promissory note, registered shares in printed form, or other monetary document, jewellery, precious stone or precious metal shall be stored in the safe for the storage of material evidence of the Office of the Prosecutor General or the relevant investigating institution;

7.2. the money which need not be kept in particular money notes shall be transmitted and stored in the account of deposited funds of the Office of the Prosecutor General or the relevant investigating institution in the Treasury;

7.3. the weapon or parts thereof, ammunition or parts thereof, explosive or explosive device or parts thereof, toxic substance or components thereof, narcotic or psychotropic substance, precursor shall be kept in the premises of the relevant investigating institution which are equipped with a security alarm system and ensured with armed guarding. After performance of an expert-examination, the abovementioned objects shall be kept in the relevant expert-examination institution until the time when the ruling on the final actions with the material evidence comes into effect;

7.3.1 equipment, devices, or instruments and components thereof specially designed or adapted for the performance of the measures of operational activities in a special way or for disturbing the measures of operational activities, and the software shall be kept in the premises of the Security Police or the relevant investigating institution conforming to the requirements for work with the objects of official secret. After the performance of an expert-examination, the abovementioned objects shall be kept in the Security Police until the time when the ruling on the final actions with the material evidence comes into effect;

7.4. the place for the storage of radioactive substances or other materials of strategic significance shall be co-ordinated with specialised State institutions;

7.5. the person directing the proceedings shall immediately transfer the animal which is recognised as material evidence for storage to a natural person or legal person who can ensure appropriate compliance with the regulations regarding keeping of animals;

7.6. the objects which have been withdrawn in case of aviation accidents and incidents, railway collisions and accidents, marine accidents and incidents shall be transferred for storage to the Transport Accident and Incident Investigation Bureau;

7.7. the material evidence of a small amount for the storage of which specially equipped premises are not necessary shall be kept in the storage facility for material evidence of the investigating institution, the office of the prosecutor, or the court institution, or at the merchant which ensures the storage of the material evidence in accordance with Paragraph 6 of this Regulation (hereinafter – the storage facility of material evidence) in accordance with the procedures laid down in Chapter IV of this Regulation;

7.8. the material evidence which is not referred to in Sub-paragraph 7.1, 7.2, 7.3, 7.3.1, 7.4, 7.5, or 7.6 of this Regulation or which cannot be stored in the storage facility of material evidence specified in Sub-paragraph 7.7 of this Regulation shall be transferred for storage to the Agency until the final deciding of the matter on further action with the material evidence.

[*1 March 2016; 30 May 2017*]

8. Material evidence, the movement of which is not possible, shall be stored at its place of location or transferred for storage to a natural person or legal person.

9. The person directing the proceedings shall record the material evidence and be responsible for the preservation thereof until the transfer of the material evidence for storage to the Agency, another person or institution, or until the end of the destruction of the material evidence. The Agency, another person, or institution which accepted the material evidence for storage shall be responsible for the storage thereof from the moment of its acceptance until the moment it is transferred to a person or institution, or until the moment the material evidence is sold or destroyed.

10. It is prohibited to transfer material evidence during the storage thereof for use to a natural person or legal person, State or local government institution or its official.

**III. Storage, Sale, and Destruction of Material Evidence**

11. The person directing the proceedings shall transfer the material evidence to the Agency for the sale or destruction thereof if its continued storage is not possible or its continued storage causes losses to the State.

12. If the person directing the proceedings has taken the decision to transfer the material evidence to the Agency for storage, sale, or destruction thereof, it shall:

12.1. immediately, however not later than within three working days, notify the Agency thereof in writing in printed form or in the form of an electronic document;

12.2. transfer the material evidence together with a certified copy of the inspection minutes appended to the criminal case or, if the material evidence is transferred for the sale or destruction thereof, a certified copy of the decision to transfer the material evidence for the sale or destruction thereof in printed form or in the form of an electronic document to the Agency at its premises or at the place of location of the material evidence by ensuring the taking over of the material evidence;

12.3. inform the Agency of the participation of the person directing the proceedings subject to the control of which is the relevant material evidence, or a representative delegated by the investigating institution, the office of the prosecutor, or the court institution in the assessment, sale, or destruction of the material evidence (in the status of the person present) if the decision of the person directing the proceedings provides for the sale or destruction of the material evidence;

12.4. inform the Agency of the date of coming into effect of the decision to sell or destroy the material evidence;

12.5. inform the Agency of the date of sending such notification by which the owner or lawful possessor of material evidence is informed of the decision taken which determines the return of the material evidence if in accordance with the abovementioned decision the material evidence must be returned to the owner or lawful possessor thereof.

13. The Agency shall, after receipt of the documents referred to in Sub-paragraph 12.2 of this Regulation:

13.1. immediately, however not later than within three working days, accept and record the material evidence and draw up the statement on acceptance and transfer of material evidence in two copies (not be applicable to the statements drawn up in the form of an electronic document) of which one copy shall be issued to the person directing the proceedings, but the other shall be kept at the Agency. The statement on acceptance and transfer of material evidence shall not be drawn up for the transfer of such property for storage which is withdrawn and transferred for storage to the Agency within the framework of an administrative offence case if the decision to terminate proceedings is taken in the administrative offence case and criminal proceedings have been initiated;

13.2. immediately organise the storage, sale, or destruction of the material evidence;

13.3. invite to participate the person directing the proceedings subject to the control of which is the relevant material evidence, or a representative delegated by the investigating institution, the office of the prosecutor, or the court institution as the person present in the assessment, sale, or destruction of the material evidence if the information referred to in Sub-paragraph 12.3 of this Regulation is received;

13.4. ensure that the funds which are acquired as a result of the sale of the material evidence are transferred to the account of deposited funds in the Treasury (hereinafter – the account of deposited funds). The funds which are acquired by selling the material evidence shall be stored in the account of deposited funds until taking the final ruling in the criminal case;

13.5. arrange a separate file in which all the documents which refer to the particular decision of the person directing the proceedings are stored.

[*30 May 2017*]

14. If the decision:

14.1. to sell material evidence is taken, the Agency shall establish by an order a commission in the composition of at least three commission members;

14.2. to destroy material evidence is taken, the Agency shall determine by an order one or several responsible officials of the Agency for the destruction of the material evidence (hereinafter – the responsible official).

15. Prior to the sale or destruction of material evidence, the commission for the assessment of the material evidence shall be established by an order of the Agency in the composition of at least three commission members.

16. If biological, chemical, or technical research of the composition of material evidence is necessary for the assessment thereof, or if a vehicle is recognised as material evidence, the commission referred to in Paragraph 15 of this Regulation shall not be established and such material evidence shall be transferred for the assessment to a certified assessor with which the Agency has entered into a contract.

17. Material evidence shall not be assessed before its destruction in the following cases:

17.1. the material evidence has been recognised to be unfit for use or distribution;

17.2. distribution of the material evidence is prohibited in accordance with laws and regulations;

17.3. the material evidence is harmful to the environment.

18. A person responsible for the storage of material evidence, a representative of the Agency and, where it is not possible to carry out the assessment or sale of material evidence without specific knowledge, a specialist or expert shall be included in the commission for the assessment of material evidence or commission for the sale of material evidence. The Agency may establish one commission by an order which ensures both the assessment and sale of the material evidence.

19. The Agency shall, in accordance with the procedures laid down in Paragraphs 15 and 16 of this Regulation, by assessing the material evidence which is transferred for sale to a merchant and determining its price which is not less than the value of the material evidence laid down in the assessment of a certified assessor or the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked (hereinafter – the sales price), assess the price offered by the merchant which is selected in accordance with Sub-paragraph 22.2 of this Regulation. The assessment of the material evidence to be transferred to the merchant for sale and the sales price of the material evidence laid down by the Agency may not be less than the price offered by the selected merchant. Upon assessing the material evidence which is the property of third countries (article which has not obtained the status of the goods of the European Union), the Agency shall take into account the customs value of the article indicated in the opinion of the customs authority.

20. The commission for the assessment of material evidence shall enter the assessment in the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked. The statement shall be drawn up in two copies (it shall not be applicable to the assessments drawn up in the form of an electronic document), it shall be signed by the commission members. The statement shall not be drawn up if the assessment of the certified assessor is received. The certified assessor shall draw up the assessment of the material evidence in two copies (it shall not be applicable to the assessments drawn up in the form of an electronic document) and shall be certified with a signature. One statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked or assessment of the certified assessor shall be sent to the person directing the proceedings, but the other copy shall be kept at the Agency.

21. The statement on acceptance and transfer of material evidence shall be an accompanying document upon transferring the material evidence for storage, sale, or destruction to the Agency.

22. The Agency shall sell material evidence as follows:

22.1. sell without organising an auction;

22.2. transfer for sale to a merchant with whom the contract on the sale of the material evidence is entered into if the requirements laid down in the laws and regulations in respect of the sale of the material evidence cannot be met;

22.3. sell in an auction which is organised in compliance with the procedures referred to in Paragraph 25.1 of this Regulation. The organising of the auction is mandatory if the total value of the material evidence subject to sale exceeds EUR 10 000. This condition shall not apply to the material evidence subject to rapid deterioration;

22.4. the material evidence subject to rapid deterioration and also the material evidence which cannot be sold or the estimated expenditures for the sale of which exceed the estimated revenue from the sale shall be sold, transferred for utilisation to State or local government institutions free of charge in accordance with their task. If several institutions apply for the receipt of the material evidence free of charge, it shall be transferred for utilisation to that institution which applied the first.

[*27 August 2013; 30 May 2017; 12 March 2019*]

23. The animal which is recognised as material evidence shall, prior to the sale thereof, be offered to be purchased by the natural person or legal person which has kept it at a price determined in accordance with Paragraphs 15 and 16 of this Regulation.

24. The Agency shall, at least three working days before the intended sale or destruction of material evidence (except for the case if the material evidence subject to rapid deterioration is sold or destroyed):

24.1. electronically notify the person directing the proceedings subject to the control of which is the relevant material evidence, the office of the prosecutor, or the court institution by sending the information to the official e-mail address of the institution of the person directing the proceedings, of the time and place of sale or destruction of the material evidence, except for the case referred to in Paragraph 45 of this Regulation;

24.2. publish a notification on the website of the Agency on the sale or destruction of the material evidence.

25. Upon ensuring the sale of material evidence, the Agency shall:

25.1. sell the material evidence for the sales price;

25.2. reduce the sales price and transfer it for repeated sale if no applicant has applied for the material evidence for the initially determined sales price. The sales price of the material evidence shall be reduced by not more than 20 per cent for one time sale of the initially determined sales price;

25.3. enter into the contract with the winner of the sales procedure.

25.1 An auction shall be organised in accordance with the auction regulations developed by the commission for the sale of material evidence in accordance with the following procedures:

25.11. the auction shall be announced at least five working days in advance by publishing the auction provisions on the website of the Agency;

25.12. the organiser of the auction shall indicate in the auction regulations the property to be sold, the sales price, the amount of the security and the procedures for the payment of the security, the place and time of the auction, the bid increment, the place and time for the inspection of the property to be sold, the procedures for the submission and registration of offers, and also other information necessary for the auction process;

25.13. the auction may be organised in oral or written form;

25.14. the person who wants to participate in the auction of the material evidence shall pay in the security in the amount of 10 per cent of the sales price in the account of deposited funds. It shall be considered that the security is submitted if the relevant amount of money is transferred to the account of deposited funds within the time period specified in the auction regulations;

25.15. bidding in an oral auction shall take place by conforming to the bid increment laid down in the auction regulations;

25.16. when starting auctioning of the material evidence, the auction organiser shall ask the auction participants if anyone bids more than the property value laid down in the auction regulations. Bidding of a higher price in an oral auction may be made for a certain amount which may not be less than one per cent or more than 10 per cent of the notional price which is specified in the auction regulations;

25.17. if a written auction is organised, until the day and hour laid down in the auction regulations, the offers shall be submitted in closed envelopes with a notation to which auction they are submitted, and shall be kept in closed envelopes until the auction;

25.18. the auction organiser shall not register participants and not accept any offers after the day and hour specified in the auction regulations;

25.19. in a written auction after opening the envelopes, the auction organiser shall draw up the list of offered prices from the submitted offers, refuse invalid offers by marking them in the auction minutes, and notify that the auction is terminated, and also declare the highest price and person who has bid the highest bid;

25.110. if in the written auction after opening all envelopes it appears that several participants to the auction have offered equal highest price, the auction organiser shall invite the participants to the auction which have offered an equal highest price to continue the auction in the form of an oral auction;

25.111. the organiser of the auction shall draw up the minutes on the course of the auction and publish a notification of the auction results on the website of the Agency;

25.112. the highest bidder of the material evidence shall sign a purchase contract within 10 days after the auction. The sum of the security paid in shall be included in the purchase fee, whereas the security of other participants to the auction shall be returned within the time period provided for in the auction regulations. Upon delay of the payment deadline, the highest bidder loses the submitted security;

25.113. if the highest bidder fails to pay the entire amount within the specified deadline, the auction organiser shall notify the last bidder outbid thereof by inviting him or her to keep the property for the highest price bid by him or her. Upon delay of the payment deadline, the last bidder outbid loses the submitted security. If no participant to the auction has outbid the sales price or the highest bidder has not paid the price bid, or the last bidder outbid has not paid the price bid, or the last bidder outbid refuses to buy the property, the auction shall be deemed not to have taken place. If the auction is deemed not to have taken place, the auction organiser shall return the security paid in to other participants to the auction within 10 days;

25.114. if the auction is deemed not to have taken place, the auction organiser shall organise a repeated auction by reducing the sales price of the material evidence by not more than 20 per cent of the initial sales price of the material evidence specified in the previous auction;

25.115. if the material evidence is not sold within three auctions and the commission for the sale of the material evidence recognises that the sale of the property or storage of the material evidence is not efficient economically or causes loses to the State, the material evidence may be destroyed.

[*12 March 2019*]

26. Material evidence shall be destroyed if the Agency has not managed to sell it in three sales rounds and it is not efficient economically to continue the sales process or if the material evidence qualifies as excisable goods the amount of which is less than a ton.

27. The Agency shall destroy material evidence by itself or transfer it for destruction to a merchant with which the Agency has entered into the contract on destruction.

28. An alcoholic beverage, tobacco product or oil product shall be destroyed as follows:

28.1. alcoholic beverage:

28.1.1. shall be discharged to sewer if the amount of the alcoholic beverage is less than 500 litres. The alcoholic beverage with alcohol content more than 40 per cent by volume shall be diluted with water to the abovementioned concentration;

28.1.2. shall be discharged at the place which is co-ordinated with the regional environmental board of the State Environmental Service if the amount of the alcoholic beverage is more than 500 litres. The alcoholic beverage with alcohol content more than 40 per cent by volume shall be diluted with water to the abovementioned concentration;

28.1.3. packaging shall be shredded together with the content in especially equipped installations or by using other ways of destruction if the permit for waste management is obtained or the place and conditions for destruction are co-ordinated with the relevant regional environmental board of the State Environmental Service;

28.2. tobacco product – shall be combusted in incineration installations which have obtained the permit of the polluting activity for waste incineration or co-incineration and which are equipped with devices for perception of particulates of fuel gases, or shall destroy them by mechanically shredding and transferring to the merchant which collects municipal waste and which has the corresponding waste management permit;

28.3. oil product – shall be combusted in incineration installations which have obtained the permit of the polluting activity for incineration or con-incineration of waste oil products.

29. Members of the commission for the sale of material evidence shall, prior to the sale of the material evidence, or a responsible official shall, prior to the destruction thereof, or the Agency shall, prior to the transfer of the material evidence to a merchant which ensures the sale or destruction of the material evidence, examine the conformity thereof with the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked or assessment of the certified assessor and the statement on acceptance and transfer of material evidence. Upon detecting any non-conformity, the commission for the sale of material evidence, the responsible official, or the Agency shall immediately suspend the process of sale or destruction of the material evidence and notify the State Police thereof, and also inform the person directing the proceedings of such non-conformity. The sale or destruction process shall be resumed when permitted by the person directing the proceedings.

30. The statement on destruction of material evidence, seized property, or property for which seizure has been revoked shall be drawn up on the destruction of the material evidence.

31. The Agency shall, within 10 working days, inform the person directing the proceedings on the enforcement of the ruling on the sale or destruction of the material evidence and send the document confirming the abovementioned fact, and also shall submit the calculations on expenditures related to the storage, transfer, sale, or destruction of the material evidence in order to include the abovementioned expenditures in the procedural expenditures.

31.1 Storage costs for the storage of such material evidence which is withdrawn in relation to an administrative offence case if the decision on the termination of the administrative offence case is taken and criminal proceedings have been initiated shall be determined in accordance with the laws and regulations regarding actions with the property and documents withdrawn in administrative offence cases.

[*30 May 2017*]

32. If the Agency has received the request of the person directing the proceedings to provide information on expenditures related to storage, transfer, sale, or destruction of the material evidence in order to include the abovementioned expenditures in procedural expenditures, the Agency shall immediately, however not later than within three working days after the receipt of the abovementioned request, prepare the relevant information and send it to the person directing the proceedings.

33. If it is not possible to enforce the ruling of the person directing the proceedings or enforcement of the ruling causes losses to the State, the Agency shall, immediately, however not later than within five working days, inform the person directing the proceedings of the necessity to take another ruling.

34. The following persons are prohibited from applying for the purchase of the material evidence registered in the records of the Agency:

34.1. the assessor of the material evidence;

34.2. the official who carried out the withdrawal, inventory, or assessment of the relevant material evidence or took a decision in relation to the material evidence;

34.3. the official who participated in the assessment of the material evidence or who is included in the sales commission;

34.4. the employee of the Agency;

34.5. the relative to the first degree or spouse of the persons referred to in Sub-paragraphs 34.2, 34.3, and 34.4 of this Regulation.

35. The owner or lawful possessor of material evidence has the right to address the Agency with a submission on return of the material evidence or compensation of its value. The owner or lawful possessor of material evidence shall append a copy of the ruling certified by the person directing the proceedings on return of the material evidence or compensation of its value.

36. The Agency shall immediately, however not later than within five working days, examine the submission of the owner or lawful possessor of material evidence and take a decision to return the material evidence if it is not sold or destroyed, to compensate its value or to compensate the material evidence with the object of the same species and same quality.

37. If the material evidence has been sold, the Agency shall compensate the value of the material evidence to its owner or lawful possessor from the account of deposited funds which is valid on the day of compensation or shall compensate with the object of the same species and the same quality by taking into account the assessment indicated in the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked (expenditures which are related to the storage and sale of the material evidence shall not be deducted).

38. If the material evidence has been destroyed, the value of the material evidence shall be compensated to its owner or lawful possessor from the account of deposited funds on the day of compensation or he or she shall be compensated with the object of the same species and the same quality by taking into account the assessment indicated in the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked (expenditures which are related to the storage and destruction of the relevant material evidence shall not be deducted).

39. If the funds in the account of deposited funds for the compensation of the value of the material evidence are not sufficient, the value of the material evidence shall be compensated to its owner or lawful possessor from the State budget funds for unforeseen events.

40. If the final ruling of the person directing the proceedings provides for the compensation of the material evidence with the object of the same species and the same quality, the Agency shall perform the purchase of the relevant object in accordance with the laws and regulations governing the field of public procurements.

41. The day when the ruling of the person directing the proceedings on compensation of the value of the material evidence to its owner or lawful possessor has come into effect shall be regarded to be the day of compensation.

42. The commission shall be established at the moment of the compensation of material evidence in accordance with Paragraph 15 of this Regulation, but, if biological, chemical, or technical research of the composition of the material evidence is necessary for the assessment of the material evidence, or if the material evidence is a vehicle, it shall be assessed in accordance with Paragraph 16 of this Regulation.

43. Material evidence shall be taken over by its owner or lawful possessor within the time period specified in the Criminal Procedure Law after the day on which the person directing the proceedings sent a notification of the ruling taken which determines the return of the material evidence to its owner or lawful possessor, or, if the ruling of the person directing the proceedings provides for the compensation of the value of the material evidence, within a month after coming into effect of the ruling on the return of the material evidence to the owner or lawful possessor.

44. The owner or lawful possessor of material evidence shall address the Agency within the time period referred to in Paragraph 43 of this Regulation with the submission for the compensation of the value of the material evidence and shall take over the purchased object of the same species and of the same quality to be returned to him or her for the compensation of the material evidence or the assessment amount of the material evidence in accordance with the assessment specified in the statement on inventory and assessment of material evidence, seized property, or property for which seizure has been revoked in accordance with Paragraph 42 of this Regulation.

45. If the owner or lawful possessor of material evidence does not take over the material evidence to be returned to him or her within the time period specified in the Criminal Procedure Law after the day when the person directing the proceedings has sent a notification of the ruling taken which determines the return of the material evidence or does not take over the object of the same species and of the same quality for the compensation of the material evidence within the time period specified in Paragraph 44 of this Regulation, the Agency shall sell or destroy it in accordance with the procedures laid down in Paragraph 22 or 27 of this Regulation.

46. If the Agency receives the certification of the owner of material evidence or the certification obtained by the State Police as the result of international cooperation that the owner of material evidence refuses to take over the material evidence to be returned to him or her or the purchased object of the same species and of the same quality for the compensation of the material evidence, the Agency shall sell or destroy the material evidence or the object of the same species and of the same quality for the compensation of the material evidence in accordance with the procedures laid down in Paragraph 22 or 27 of this Regulation without complying with the time period referred to in Paragraph 43 of this Regulation.

47. The decision of the Agency may be contested to the Ministry of the Interior. The decision of the Ministry of the Interior may be appealed to a court.

48. In the cases referred to in Paragraphs 45 and 46 of this Regulation, the Agency shall transfer the funds which are acquired upon selling the material evidence into the revenue of the State basic budget.

49. If confiscation of material evidence is provided for in the ruling of the criminal proceedings, the person directing the proceedings shall, within five working days, notify the Agency thereof by sending the original of the relevant ruling or a derivative thereof. The Agency shall transfer the confiscated material evidence to the State Revenue Service in accordance with the procedures laid down in the laws and regulations regarding actions with the property under the jurisdiction of the State.

[*30 May 2017; 12 March 2019*]

50. If the material evidence comes under the jurisdiction of the State at the time when the Agency has already commenced the process of selling or destroying the property, the Agency shall terminate the abovementioned process.

**IV. Storage of Material Evidence at the Storage Facility and Destruction Thereof**

51. If the person directing the proceedings transfers material evidence to the storage facility, a person responsible for the storage of the material evidence shall accept the material evidence by drawing up the statement on acceptance and transfer of material evidence in two copies (it shall not be applicable if the statement is drawn up in the form of an electronic document) of which one copy shall be issued to the person directing the proceedings for attachment to the materials of the criminal case, but the other copy shall be stored in the record-keeping of the storage facility of material evidence.

52. If the person directing the proceedings has taken the ruling on the sale or destruction of the material evidence or transfer thereof to the owner or lawful possessor which has been transferred for storage to the storage facility of material evidence, it shall inform the storage facility of material evidence thereof within the time period specified in the Criminal Procedure Law by transferring the ruling for enforcement. If the ruling provides for the return of the material evidence to the owner or lawful possessor, the person directing the proceedings shall indicate the day of sending the notification in the cover note by which he or she has informed the owner or lawful possessor of material evidence of the decision taken which determines the return of the material evidence and the specific date when the sale or destruction of the material evidence may be commenced if the owner or lawful possessor does not take it over within the time period specified in the Criminal Procedure Law.

53. The material evidence transferred to the storage facility of material evidence of the institution shall be returned to the owner or lawful possessor in accordance with the ruling of the person directing the proceedings against a signature, and the person directing the proceedings shall be informed of the enforcement of the ruling.

54. A merchant who ensures the storage of material evidence in accordance with Paragraph 6 of this Regulation shall, in accordance with the ruling of the person directing the proceedings, return the material evidence to the owner or lawful possessor by drawing up the statement on acceptance and transfer of material evidence in two copies (it shall not be applicable if the statement is drawn up in the form of an electronic document) of which one copy shall be sent to the person directing the proceedings, but the other copy shall be stored in the record-keeping of the merchant.

55. If the owner or lawful possessor of material evidence does not take over the material evidence to be returned to it within the time period specified in the Criminal Procedure Law after the day of sending the notification of the person directing the proceedings of the ruling taken which determines the return of the material evidence, the institution in which the material evidence is stored or the merchant which ensures the storage of the material evidence in accordance with Paragraph 6 of this Regulation shall, in accordance with the ruling of the person directing the proceedings, transfer it to the Agency for sale or destruction in accordance with the procedures laid down in Chapter III of this Regulation or shall destroy it in accordance with Paragraph 57 of this Regulation.

56. If the ruling on the sale or destruction of material evidence is taken, the institution in which the material evidence is stored or the merchant which ensures the storage of the material evidence in accordance with Paragraph 6 of this Regulation shall transfer the material evidence to the Agency in accordance with the procedures laid down in Chapter III of this Regulation, except for the case referred to in Paragraph 57 of this Regulation.

57. The investigating institution, the office of the prosecutor, or the court institution may carry out the destruction of the material evidence transferred to its storage facility of material evidence if specialised equipment or attraction of a merchant is not necessary for the destruction thereof.

58. A person responsible for the storage of the material evidence shall destroy the material evidence in the storage facility of material evidence of the institution by drawing up the statement on destruction of material evidence, seized property, or property for which seizure has been revoked in two copies (it shall not be applicable if the statement is drawn up in the form of an electronic document) of which one copy shall be issued to the person directing the proceedings for adding it to the materials of the criminal case, but the other – shall be stored in the record-keeping of the storage facility of material evidence. The abovementioned statement on destruction shall be signed in the storage facility of material evidence of the institution by the person responsible for the storage of the material evidence, the person directing the proceedings, or the representative delegated by the investigating institution, the office of the prosecutor, or the court institution.

59. A merchant which ensures the storage of material evidence in accordance with Paragraph 6 of this Regulation shall, within 10 working days, inform the person directing the proceedings of the return of the material evidence to the owner or lawful possessor or of the transfer of the material evidence to the Agency for the sale or destruction thereof.

60. The person directing the proceedings shall append the information referred to in Paragraph 31 or 59 of this Regulation on the enforcement of the ruling on actions with material evidence or the statement on destruction of material evidence, seized property, or property for which seizure has been revoked drawn up by the institution where the material evidence is stored to the materials of the criminal case.

61. A person responsible for the storage of the material evidence shall issue the material evidence from the storage facility of material evidence in accordance with the decision of the person directing the proceedings for the performance of procedural activities by drawing up the statement on acceptance and transfer of material evidence in two copies (it shall not be applicable if the statement is drawn up in the form of an electronic document) of which one copy shall be issued to the person directing the proceedings for adding it to the materials of the criminal case, but the other copy shall be stored in the record-keeping of the storage facility of material evidence.

**V. Storage, Sale, and Destruction of Seized Property**

62. Objects the circulation of which is prohibited by law, and also money, currency, materialised financial instruments, bills of exchange, registered shares in printed form and other monetary documents, articles made from precious metals or precious stones, and also precious metals and precious stones if they are subject to seizure and cannot be stored at the initial place of their location shall be stored in accordance with Chapter II of this Regulation.

[*30 May 2017*]

63. The seized property which may not be left for storage at its owner or user, his or her family member or another natural person or legal person, except for the property referred to in Sub-paragraph 7.7 of this Regulation, shall be stored in the Agency.

64. In the event of the seizure of a property which is an immovable property, or the property which is impossible to be moved, and which may not be left in storage with the owner or user thereof, his or her family member, or another natural person or legal person, it shall be handed over for storage (protection) to the relevant local government in the territory of which it is located.

65. The authorised representative of a local government shall, immediately, however not later than within three working days after receipt of the copy of the decision of the person directing the proceedings to transfer the seized property for storage, carry out the inspection of the property or immovable property referred to in Paragraph 64 of this Regulation, draw up the statement on inspection of the seized property (immovable property), and immediately organise storage (protection) of the property or immovable property. The authorised representative of a local government and the person directing the proceedings or another person on behalf of him or her shall participate in the inspection of the property or immovable property.

66. If it is not possible to perform the actions referred to in Paragraph 65 of this Regulation because incomplete information is indicated on the property or immovable property, a local government may ask the person directing the proceedings to obtain additional information from the person on the property or immovable property.

67. A local government shall implement storage (protection) of the seized property or seized immovable property:

67.1. by accepting the property or immovable property under supervision;

67.2. by entering into a contract with another natural person or legal person on the transfer of the property or immovable property under supervision.

68. In order to ensure the preservation of the seized property or seized immovable property, when organising storage (protection) of the property or immovable property, a local government shall select the most appropriate and financially most advantageous type of storage (protection) of the property or immovable property and take the relevant decision which is not subject to appeal. A copy of the decision shall be immediately sent to the person directing the proceedings.

69. A local government shall terminate the storage (protection) of the seized property or seized immovable property if a copy of the decision of the person directing the proceedings to revoke seizure has been received and the property or immovable property has been transferred to the person the property or immovable property whereof is subject to seizure.

70. After a copy of the decision of the person directing the proceedings to revoke the seizure of the property has been received, an authorised representative of a local government shall, immediately, however not later than within three working days, draw up the statement on acceptance and transfer of the seized property (immovable property) or property for which seizure has been revoked in three copies (it shall not be applicable if the statement is drawn up in the form of an electronic document) with the participation of the person directing the proceedings or another person on behalf of him or her, and also the person the property or immovable property whereof is subject to seizure. If the property or immovable property has been transferred under the supervision, a person who has ensured the supervision of the property or immovable property or an authorised person thereof shall also be invited. One copy of the statement shall be issued to the person who has ensured the supervision of the property or immovable property or an authorised representative thereof, the other – to the person directing the proceedings or another person who participated on behalf of him or her in the drawing up of the statement on acceptance and transfer of the seized property (immovable property) or property for which seizure has been revoked, and also to the person the property or immovable property whereof is subject to seizure.

71. A local government shall, within 10 working days after the termination of storage (protection) of the property or immovable property which is subject to seizure, submit the settlement and certified copies of the documents substantiating it to the person directing the procedures for attachment thereof to the materials of the criminal case.

72. Expenditures related to the storage of the property or immovable property referred to in Paragraph 64 of this Regulation shall be initially covered from a local government budget. Expenditures related to the storage of the property or immovable property (protection) shall be compensated to the local government from the State budget funds for unforeseen events.

73. The request of the funds of a local government for expenditures which have arisen due to the storage of the property or immovable property referred to in Paragraph 64 of this Regulation shall be submitted to the Ministry of Environmental Protection and Regional Development twice a year – by 1 September for the period of time from 1 January until 31 July, and by 1 February for the period of time from 1 August until 31 December of the previous year. The Ministry of Environmental Protection and Regional Development shall compile and assess the applications submitted by local governments and prepare the request of the funds from the budget programme “Funds for Unforeseen Events” – by 20 September for the period of time from 1 January until 31 July, and by 20 February for the period of time from 1 August until 31 December of the previous year.

74. The seized property which is stored in the Agency or storage facility of the institution, the property for which seizure has been revoked, or the property which is impossible to be moved, or the immovable property shall be handled in accordance with the procedures laid down in Chapters II, III, and IV of this Regulation, insofar it is not in contradiction with the provisions referred to in this Chapter.

75. The Agency shall transfer and store the funds which are acquired upon selling the property in the account of deposited funds which has been opened for such purpose until taking of the ruling in the criminal case on actions with them.

76. If the seized property which may not be left in storage with the owner or user thereof, his or her family member, or another natural person or legal person is confiscated, it shall be handled in accordance with the procedures laid down in laws and regulations.

**VI. Closing Provision**

77. Cabinet Regulation No. 726 of 27 September 2005, Regulations Regarding Actions with Material Evidence and Seized Property (*Latvijas Vēstnesis*, 2005, No. 155; 2008, No. 143; 2010, No. 25; 2011, No. 3, No. 98), is repealed.

Prime Minister V. Dombrovskis

Minister for the Interior R. Kozlovskis

**Annex 1**

Cabinet Regulation No. 1025

27 December 2011

**STATEMENT on Acceptance and Transfer of Material Evidence** **No. 000000**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date1) |  | (place of drawing up the statement) |

|  |
| --- |
|  |
| (person directing the proceedings, representative delegated by the institution of the person directing the proceedings or a merchant) |
|  |
| (position, given name and surname) |

transfers the material evidence withdrawn by the decision2 of \_\_\_\_ \_\_\_\_\_\_\_\_\_ 20\_\_\_ and copy of the inspection minutes2 of \_\_\_\_ \_\_\_\_\_\_\_\_\_ 20\_\_\_ or the cover note2 of \_\_\_\_ \_\_\_\_\_\_\_\_\_ 20\_\_\_ in criminal proceedings No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and

|  |
| --- |
|  |
| (institution) |
|  |
| (position, given name and surname of the person responsible for the storage of the material evidence) |

accepts

|  |  |  |  |
| --- | --- | --- | --- |
| No. | The name and characterisation of the material evidence | Unit of measurement | Quantity |
| 1 | 2 | 3 | 4 |
|  |  |  |  |

|  |  |
| --- | --- |
| Notes |  |

This statement has been drawn up in 2 copies3 on \_\_\_\_\_\_ (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) pages.

(number in words)

|  |  |  |  |
| --- | --- | --- | --- |
| Transferred by |  | Accepted by |  |
|  | (given name, surname, signature4) |  | (given name, surname, signature4) |

Notes.

1The detail of the document “date” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

2 The requirement to indicate the cover note or the decision and the copy of the inspection minutes shall apply to the cases when the material evidence is transferred to the storage facility of material evidence of the investigating institution, the office of the prosecutor, or the court institution.

3The requirement to draw up a statement in several copies shall not be applied if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

4The detail of the document “signature” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for the Interior R. Kozlovskis

**Annex 2**

Cabinet Regulation No. 1025

27 December 2011

[*27 August 2013*]

**STATEMENT on Inventory and Assessment of Material Evidence, Seized Property, or Property for which Seizure Has Been Revoked No. 000000**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date1) |  | (place of drawing up the statement) |

The commission established in accordance with the order No. \_\_\_\_\_ of the Director of the Provision State Agency of \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ in the following composition:

|  |  |  |
| --- | --- | --- |
| Chairperson of the commission | |  |
|  | | (position, given name, surname) |
| Members of the commission: |  | |
|  | (position, given name, surname) | |
|  | | |
| (position, given name, surname) | | |

has assessed the material evidence, seized property, or property for which seizure has been revoked in accordance with the decision of

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (responsible institution) |  | (position, given name, surname) |

|  |  |  |  |
| --- | --- | --- | --- |
| \_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ | | in criminal case No. |  |
| on |  | | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Name and detailed characterisation of the material evidence, seized property, or property for which seizure has been revoked | Unit of measurement | Quantity | Assessment of the material evidence, seized property, or property for which seizure has been revoked  (EUR) | Reduction laid down by the commission (%) by taking into account, for example, depreciation of the material evidence, seized property, or property for which seizure has been revoked | Assessment of the material evidence, seized property, or property for which seizure has been revoked by taking into account the reduction  (EUR) | Total amount of the assessment (Column 4 x Column 5 or Column 4 x Column 7)  (EUR) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|  |  |  |  |  |  |  |  |

In total (the total amount of the assessment in words)

|  |
| --- |
|  |

The statement has been drawn up in two copies2 on \_\_\_\_\_\_ (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) pages

(number in words)

|  |  |
| --- | --- |
| Notes |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Members of the commission |  |  |  |
|  | (given name, surname) |  | (signature3) |
|  |  |  |  |
|  | (given name, surname) |  | (signature3) |
|  |  |  |  |
|  | (given name, surname) |  | (signature3) |

Notes.

1 The detail of the document “date” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

2 The requirement to draw up a deed in several copies shall not be applied if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

3The detail of the document “signature” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for the Interior R. Kozlovskis

**Annex 3**

Cabinet Regulation No. 1025

27 December 2011

[*27 August 2013*]

**STATEMENT on Destruction of Material Evidence, Seized Property, or Property for which Seizure Has Been Revoked No. 000000**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date1) |  | (place of drawing up the statement) |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1) |  | | | | | | | | |
|  | (position, given name, surname) | | | | | | | | |
| 2) |  | | | | | | | | , |
|  | (position, given name, surname) | | | | | | | | |
| in the presence of | | | |  | | | | | |
|  | | (position, given name, surname) | | | | | | | |
| and executing | | |  | | | | the decision of \_\_\_\_ \_\_\_\_\_\_\_\_\_ 20\_\_\_ | | |
|  | | | (person directing the proceedings) | | | |  | | |
| in criminal proceedings No. | | | | |  | | on |  | |
|  | | | | | | , the following material evidence has been destroyed: | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Name of material evidence, seized property, or property for which seizure has been revoked to be destroyed | Unit of measurement | Quantity | Assessment (EUR), where necessary | Type and place of destruction |
| 1 | 2 | 3 | 4 | 5 | 6 |
|  |  |  |  |  |  |

|  |  |
| --- | --- |
| Notes |  |

Destruction started on \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_ and completed on \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_

The statement has been drawn up in two copies2 on \_\_\_\_\_\_\_ (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) pages

(number in words)

|  |  |  |  |
| --- | --- | --- | --- |
| In the presence of: |  |  |  |
|  | (given name, surname) |  | (signature3) |
|  |  |  |  |
|  | (given name, surname) |  | (signature3) |
|  |  |  |  |
|  | (given name, surname) |  | (signature3) |

Notes.

1 The detail of the document “date” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

2 The requirement to draw up a deed in several copies shall not be applied if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

3The detail of the document “signature” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for the Interior R. Kozlovskis

**Annex 4**

Cabinet Regulation No. 1025

27 December 2011

**STATEMENT on Inspection of the Seized Property (Immovable Property) No. 000000**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date\*) |  | (place of drawing up the statement) |

Inspection started on \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | The name of the seized property (immovable property) | Short characterisation of the seized property (immovable property) | Unit of measurement | Quantity |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| Notes |  |

Inspection has been finished on \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| The following participated in the inspection of the seized property (immovable property) | | |
|  |  |  |
| (position, given name, surname) |  | (signature\*) |
|  |  |  |
| (position, given name, surname) |  | (signature\*) |
|  |  |  |
| (position, given name, surname) |  | (signature\*) |
|  |  |  |

Note. \*Document properties “date” and “signature” shall not be completed if the electronic document has been drawn up in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for the Interior R. Kozlovskis

**Annex 5**

Cabinet Regulation No. 1025

27 December 2011

**STATEMENT on Acceptance and Transfer of the Seized Property (Immovable Property) or Property for which Seizure Has Been Revoked No. 000000**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date1) |  | (place of drawing up the statement) |

|  |  |
| --- | --- |
| Seized property  (immovable property) or property for which seizure has been revoked is accepted at |  |
|  | (time, address) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Name of the seized property (immovable property) or property for which seizure has been revoked | Short characterisation of the seized property (immovable property) or property for which seizure has been revoked | Unit of measurement | Quantity |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| Notes |  |
|  | |
|  | |

|  |  |
| --- | --- |
| Seized property  (immovable property) or property for which seizure has been revoked is transferred at |  |
|  | (time, address) |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| The statement has been drawn up in three copies2 on \_\_\_\_\_\_ ( |  | | | | | ) pages |
|  | (number in words) | | | | |  |
| The following participated in the drawing up of the statement on acceptance and transfer: | | | | | | |
|  | |  | |  | | |
| (position, given name, surname) | |  | | (signature3) | | |
|  | |  | |  | | |
| (position, given name, surname) | |  | | (signature3) | | |
|  | |  | |  | | |
| (position, given name, surname) | |  | | (signature3) | | |
|  | | |  | |  | |
| (given name, surname of the owner of the seized property (immovable property) or authorised person thereof, or that of the storer of the property) | | |  | | (signature3, 4) | |

Notes.

1The detail of the document “date” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

2The requirement to draw up a statement in several copies shall not be applied if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

3The detail of the document “signature” shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

4If the statement on acceptance and transfer is signed by the person authorised by the owner of the seized property (immovable property), the power of attorney shall be appended to the statement.

Minister for the Interior R. Kozlovskis