Republic of Latvia

Cabinet

Regulation No. 327

Adopted 9 July 2019

**Procedures for the Proposition and Enforcement of International and National Sanctions**

*Issued pursuant to*

*Section 3.1, Paragraph two, and Section 11, Paragraphs four and five of the Law on International Sanctions and National Sanctions of the Republic of Latvia*

**I. General Provision**

1. This Regulation prescribes:

1.1. the procedures for the proposition of international sanctions;

1.2. the general procedures for the enforcement of sanctions;

1.3. the procedures for the enforcement of national sanctions which have been imposed in accordance with Section 3, Clause 3 of the Law on International Sanctions and National Sanctions of the Republic of Latvia (hereinafter – the Law).

**II. Enforcement of Civil Legal Restrictions**

2. The authorities responsible for keeping the public registers referred to in Section 5, Paragraph three of the Law:

2.1. the Court Administration as the manager of the Sate Unified Computerised Land Register;

2.2. the Enterprise Register;

2.3. the Patent Office;

2.4. *valsts akciju sabiedrība “Ceļu satiksmes drošības direkcija”* [the State stock company Road Traffic Safety Directorate];

2.5. *valsts akciju sabiedrība “Latvijas Jūras administrācija”* [the State joint-stock company Maritime Administration of Latvia] as the maintainer of the Latvian Ship Register database;

2.6. the State Technical Supervision Agency as the manager of the State Information System for the Tractor-type Machinery and Drivers Thereof;

2.7. the Agricultural Data Centre as the manager of the Agricultural Data Centre Information System;

2.8. *valsts aģentūra “Civilās aviācijas aģentūra”* [the State agency Civil Aviation Agency] as the holder of the Civil Aviation Aircraft Register of the Republic of Latvia.

3. In accordance with Section 5, Paragraphs two and three of the Law, civil legal restrictions are applied to prevent the use of economic resources as an analogue or substitute to money. Civil legal restrictions shall be applied so as to prevent the possibility for the subject of sanctions to acquire financial or economic benefit (financial resources, goods, services) using economic resources.

4. The Court Administration, upon receipt of information regarding imposition or amendment of the international or national sanctions, shall examine whether the State Unified Computerised Land Register contains information regarding the subject of sanctions which can be unambiguously identified in the laws and regulations by which the international or national sanctions have been imposed, and if the subject of sanctions:

4.1. owns an immovable property, shall inform the district (city) court of the need to ensure the enforcement of the international or national sanctions;

4.2. does not own an immovable property, shall include the subject of sanctions in the Index of Persons of the State Unified Computerised Land Register.

5. The Court Administration, upon receipt of information regarding the revocation of national or international sanctions, shall:

5.1. inform the district (city) court of those subjects of sanctions against whom the district (city) court has enforced the international or national sanctions;

5.2. delete information regarding the subject of sanctions from the Index of Persons of the State Unified Computerised Land Register.

6. The Patent Office, upon receipt of information regarding the imposition or amendment of international or national sanctions, shall take the decision:

6.1. to stop the registration of trademarks, designs, topographies of semiconductor products applied for in accordance with the procedures of the national procedure or granting of a patent, if the relevant application has been submitted and a civil legal restriction has been applied to its applicant or owner;

6.2. not to approve a European patent in Latvia if such request has been submitted, and a civil legal restriction has been applied to its owner;

6.3. to stop making an entry on transactions with trademarks, designs, topographies of semiconductor products registered in accordance with the procedures of the national procedure or granting a patent, and extended or approved European patent, if the relevant application has been submitted and a civil legal restriction has been applied to its submitter, holder of rights, successor in title, or licensee.

7. The Patent Office, upon receipt of information regarding the revocation of national or international sanctions, shall:

7.1. resume the procedure for the registration of trademarks, designs, topographies of semiconductor products applied for in accordance with the procedures of the national procedure or granting a patent;

7.2. resume making an entry on transactions with trademarks, designs, topographies of semiconductor products registered in accordance with the procedures of the national procedure or granting a patent, and extended or approved European patent.

8. The Agricultural Data Centre, upon receipt of information regarding the imposition or amendment of international or national sanctions, shall take the decision:

8.1. to refuse to register a herd, if a civil legal restriction has been applied to an animal owner;

8.2. to refuse to register the change of the animal owner and the change of the herd for an animal, if a civil legal restriction has been applied to an animal owner.

**III. Freezing of Funds**

9. In accordance with Section 5, Paragraph one of the Law and according to the imposed financial restrictions the freezing of funds shall be enforced by prohibiting:

9.1. to act with the financial resources and financial instruments of the subject of sanctions;

9.2. to make, directly or indirectly, financial resources and financial instruments available and to provide financial services to the subject of sanctions;

9.3. to participate in activities by which the imposed financial restrictions would be directly or indirectly circumvented.

10. If justified suspicions arise to a person that he or she has such financial resources or financial instruments in his or her holding, control, or other form which are directly or indirectly, completely or partially in the ownership, possession, holding, or control of the subject of sanctions (including such financial resources or financial instruments of the subject of sanctions which have been transferred to third persons), and if corresponding financial restrictions have been imposed on such subject of sanctions, the person has an obligation, without delay and without a prior notice, to freeze such financial resources and financial instruments, without carrying out any further activities involving them and by making them unavailable to the subject of sanctions and third parties.

11. A person shall carry out activities involving the frozen financial resources or financial instruments only according to the decision of the competent authority on the application of exemptions in the enforcement of sanctions or also if sanctions against the subject of sanctions have been revoked.

12. If a person has an obligation to transfer financial resources or financial instruments to the subject of sanctions on which corresponding financial restrictions have been imposed, in order to execute the contractual obligations which have arisen prior to the imposition of sanctions, or to execute a court decision, the person may, upon prior approval from the Financial and Capital Market Commission, do it only if it is intended to transfer the financial resources or financial instruments for holding to a participant of the financial and capital market under supervision of the Financial and Capital Market Commission in order to ensure that the participant of the financial and capital market carries out enforcement of the financial restrictions imposed in relation to such financial resources or financial instruments.

13. In case of freezing of funds, the ownership rights of the subject of sanctions to the financial resources and financial instruments frozen are not changed and they are not confiscated or transferred for holding to the competent authorities.

**IV. Identification of the Subject of Sanctions**

14. Upon enforcing national sanctions or proposing international sanctions against a natural person, the relevant person is identified according to at least the following criteria (if they are known):

14.1. all known and used given names, surnames, and aliases of the person in the original language in standard transliteration of the International Civil Aviation Organisation;

14.2. sex of the person;

14.3. place of birth;

14.4. date of birth;

14.5. nationality;

14.6. address of the place of residence;

14.7. number of the personal identification document.

15. Upon enforcing national sanctions or proposing international sanctions against a legal person, the relevant person is identified according to at least the following criteria (if they are known):

15.1. full name of the legal person;

15.2. place of activity;

15.3. place of registration;

15.4. date of registration;

15.5. registration number;

15.6. beneficial owner.

**V. Proposition of International Sanctions**

16. Upon requesting to propose the imposition of international sanctions, the Cabinet shall assess the opinions of the State security institutions and competent authorities, the evidence submitted, the requests received from foreign countries, the potential impact of the imposition of international sanctions on the fundamental rights of the person, the political significance of such request, and the potential impact on international relations.

17. The Cabinet shall determine to which international organisation the request regarding the imposition of international sanctions will be submitted.

18. After taking of the Cabinet decision on the request to propose the imposition of international sanctions, the Ministry of Foreign Affairs shall, without delay, submit it to the relevant international organisation.

**VI. Imposition of National Sanctions**

19. The national sanctions are imposed on the basis of the information collected by the State security institutions and competent authorities.

20. Upon assessing the request of a foreign country to impose national sanctions of the Republic of Latvia, the State security institutions and competent authorities shall assess whether the evidence submitted by such foreign country justifies the imposition of national sanctions, whether the fundamental rights of the person were conformed to in obtaining of evidence, as well as the political significance of such request and its potential impact on international relations.

21. The Minister for Foreign Affairs shall inform the Cabinet of the received requests of foreign countries to impose national sanctions and of opinions of the State security institutions and competent authorities.

22. The Minister for Foreign Affairs shall inform the relevant foreign country of the decision taken by the Cabinet on the imposition of national sanctions.

23. If the Cabinet has imposed the national sanctions for combating international terrorism or manufacture, storage, movement, use, or proliferation of weapons of mass destruction and the subject of sanctions has not contested them, the Ministry of Foreign Affairs may submit a list of the relevant sanctions to the United Nations, the European Union, or another international organisation, and request such international organisation to assess the necessity to include the abovementioned sanctions in the international lists of sanctions.

**VII. Revocation of Sanctions**

24. If sanctions of the United Nations have been imposed on a natural or legal person within the jurisdiction of the Republic of Latvia and the person wishes that such sanctions against him or her are revoked, the person must address a submission to the Ministry of Foreign Affairs.

25. The Ministry of Foreign Affairs shall, without delay, inform the relevant supervisory committee of the sanctions regime of the United Nations or the Ombudsman, if such has been specified for the sanctions regime, of the submission referred to in Paragraph 24 of this Regulation.

26. If the sanctions of the European Union have been imposed on a person within the jurisdiction of the Republic of Latvia and the person wishes that such sanctions against him or her are revoked, the person must address a submission to the Ministry of Foreign Affairs. The person may also address the request to revoke the sanctions imposed on him or her to the responsible institution of any other European Union Member State or to the Court of Justice of the European Union.

27. The Ministry of Foreign Affairs shall, without delay, inform the Council of the European Union of the submission referred to in Paragraph 26 of this Regulation.

28. In order to revoke the national sanctions, the subject of sanctions must address a submission to the Ministry of Foreign Affairs.

29. The Ministry of Foreign Affairs shall inform the Cabinet of the submission referred to in Paragraph 28 of this Regulation in accordance with the procedures laid down in laws and regulations, and the Cabinet may decide on amending or revoking the national sanctions.

**VIII. Procedures for the Application of Exemptions**

30. If the Ministry of Foreign Affairs or another authority has information that a person in relation to whom a restriction on entry in the Republic of Latvia is in force is planning to enter the Republic of Latvia in conformity with the exemptions provided for in international or national sanctions, the Ministry of Foreign Affairs or the relevant authority shall, without delay, inform the State Border Guard thereof.

31. In order to take the decision referred to in Section 10, Paragraph one of the Law, the competent authority may request the Ministry of Foreign Affairs to collect opinions from the State security institutions or other authorities. In such case the Ministry of Foreign Affairs shall, based on the abovementioned opinions and within 10 days after receipt of the abovementioned request, inform the competent authority of the application of the permitted exemptions to the subject of sanctions.

32. If international sanctions have been imposed by a legal act issued by the United Nations, the European Union, or another international organisation, where Latvia is a member state (hereinafter – another international organisation), the Ministry of Foreign Affairs shall, in accordance with the provisions of the relevant legal act:

32.1. based on the information provided by the competent authorities, inform the United Nations, the European Union, or another international organisation and, if provided so in the relevant legal acts, request the consent of other member states for the application of an exemption, indicating the reason;

32.2. after the conditions for the application of exemptions indicated in the legal act of the United Nations, the European Union, or another international organisation have set in, draw up the relevant certification and send it to the competent authority.

33. The subject of sanctions, upon submitting a request for the application of exemptions to the district (city) court, shall attach to it the information of the Ministry of Foreign Affairs regarding application of the permitted exemptions, but if legal acts of the United Nations, the European Union, or another international organisation provide for special conditions for the application of exemptions, also the certification referred to in Sub-paragraph 32.2 of this Regulation.

**IX. Exchange of Information**

34. The Ministry of Foreign Affairs shall, in addition to the obligation laid down in Section 12, Paragraph one, Clause 3 of the Law to inform the competent authorities, also publish information regarding the applicable international and national sanctions on the website of the Ministry.

35. If in the course of enforcing the international sanctions the competent authorities or authorities which are responsible for keeping the public registers referred to in Section 5, Paragraph two of the Law require additional information or interpretation of the application of sanctions, the relevant authority shall, with the intermediation of the Ministry of Foreign Affairs, request the relevant information from the international organisation which imposed the sanctions.

**X. Closing Provision**

36. Cabinet Regulation No. 468 of 15 July 2016, Procedures for the Execution of International and National Sanctions (*Latvijas Vēstnesis*, 2016, No. 139; 2018, No. 206), is repealed.

Acting for the Prime Minister –

Deputy Prime Minister, Minister for Justice J. Bordāns

Minister for Foreign Affairs E. Rinkēvičs