Republic of Latvia

Cabinet

Regulation No. 774

Adopted 13 December 2016

**Procedures for Preparing Requests for the Tariff Suspension and the Application of Quotas, and also Objections**

*Issued pursuant to*

*Section 6, Clause 8 of the Customs Law*

1. This Regulation prescribes the procedures by which:

1.1. the requests for the tariff suspension and the application of quotas shall be submitted;

1.2. the objections in relation to the requests submitted by other Member States of the European Union for the tariff suspension and the application of quotas shall be prepared.

2. An economic operator who is applying for the tariff suspension or the application of quota for the import of raw materials, unfinished goods or their components (hereinafter – the goods) from the third countries shall submit a request to the Ministry of Finance for the tariff suspension or the application of quota (Annex 1) (hereinafter – the request) if the following conditions have been met:

2.1. the goods are not being produced in the European Union or the goods in the European Union are not produced in sufficient quantity to satisfy the demand of all the relevant production or processing undertakings, or the goods do not display the features characteristic to a finished article and they are not being sold to the end user without further processing;

2.2. the planned amount of the customs duty or the customs duty paid in the previous years for the import of the relevant goods reaches EUR 15 000 per year;

2.3. the goods have not been included in an exclusive trading agreement.

3. In order to achieve the amount of the customs duty referred to in Sub-paragraph 2.2 of this Regulation, an economic operator may submit the request together with other economic operators (also registered in another European Union Member State).

4. An economic operator shall append a declaration of a specific sample regarding non-existence of an exclusive trading agreement to the request (Annex 2).

5. An economic operator shall submit the request:

5.1. by 1 March of the current year – for the import of the goods from 1 January of the next year, applying the exemption from customs duty;

5.2. by 1 September of the current year – for the import of the goods from 1 July of the next year, applying the exemption from customs duty.

6. If the conditions referred to in Paragraph 2 of this Regulation have been met, an economic operator has the right to request that the current time period for the tariff suspension is extended, by submitting a request by 1 April of the current year to the Ministry of Finance for the prolongation of the time period for the tariff suspension (Annex 3) (hereinafter – the request for the prolongation of the time period).

7. The Ministry of Finance in cooperation with the Ministry of Foreign Affairs, the Ministry of Economics, and the Ministry of Agriculture shall, within two weeks, assess the request or the request for the prolongation of the time period submitted by the economic operator. If the request or the request for the prolongation of the time period conforms to the requirements referred to in Paragraph 2 of this Regulation, the Ministry of Finance shall prepare and submit the request or the request for the prolongation of the time period to the European Commission.

8. The Ministry of Finance shall publish the information on the goods referred to in the requests and the requests for the prolongation of the time period submitted by other Member States of the European Union on its website. The number of the request, the Combined Nomenclature code of the goods, the description of the goods, and the quantity demanded (in statistical units) shall be indicated in the information.

9. An economic operator has the right to submit an objection to a request for the tariff suspension or the application of quota (Annex 4) (hereinafter – the objection) in relation to the requests and the requests for the prolongation of the time period submitted by other Member States of the European Union if:

9.1. he goods are currently produced in Latvia;

9.2. it is possible to acquire equivalent or substitute goods in Latvia.

10. An economic operator shall submit the objection to the Ministry of Finance:

10.1. by 20 May of the current year – in relation to the requests of the Member States which have been submitted to the European Commission by 15 March;

10.2. by 20 November of the current year – in relation to the requests of the Member States which have been submitted to the European Commission by 15 September;

10.3. by 20 April of the current year – in relation to the requests for the prolongation of the time period submitted by Member States.

11. The Ministry of Finance in cooperation with the Ministry of Foreign Affairs, the Ministry of Economics, and the Ministry of Agriculture shall, within two weeks, assess the objection submitted by the economic operator. If the objection conforms to the requirements referred to in Paragraph 9 of this Regulation, the Ministry of Finance shall prepare and submit the objection to the European Commission.

12. Within 10 days after the meeting of the Economic Tariff Questions Group of the European Commission (hereinafter – the EC working group) in which the requests referred to in Paragraph 2, 6, or 9 of this Regulation have been examined, the Ministry of Finance:

12.1. may request, in writing (electronically), additional information from the economic operator which is necessary for the EC working group for taking the relevant decision;

12.2. shall inform, in writing (electronically), the economic operator of the opinion or decision of the EC working group.

13. Cabinet Regulation No. 810 of 29 September 2008, Procedures for the Submission of Applications Regarding the Revocation of Customs Duty and Application of Quotas, as well as for Preparation of Rejections in Relation to Applications Submitted by Other European Union Member States Regarding Revocation of Customs Duty and Application of Quotas (*Latvijas Vēstnesis*, 2008, No. 155; 2014, 255), is repealed.

Prime Minister Māris Kučinskis

Minister for Finance Dana Reizniece-Ozola

**Annex 1**

Cabinet Regulation No. 774

13 December 2016

**IESNIEGUMS PAR MUITAS NODOKĻA ATCELŠANU VAI KVOTAS PIEMĒROŠANU**

***REQUEST FOR TARIFF SUSPENSION OR TARIFF QUOTA***

(neatbilstošo svītrot*/delete inappropriate measure*)

**I daļa**

*Part I*

(Nodokļu politikas un muitas savienības ģenerāldirektorāta tīmekļvietnē publicējamā informācija*/to be published on DG TAXUD website*)

1. Kombinētās nomenklatūras kods

*Combined Nomenclature code*

2. Precīzs preces apraksts atbilstoši Kombinētās nomenklatūras kritērijiem

*Precise product description taking into account customs tariff criteria*

3. Ķīmisko vielu preces (galvenokārt Kombinētās nomenklatūras 28. un 29. nodaļā minētās):

*For chemical products only (mainly Chapter 28 and 29 of Combined Nomenclature)*

3.1. *CUS* Nr. (numurs Eiropas muitas ķīmisko vielu sarakstā *ECICS*)

*CUS No (Reference number in European Customs Inventory of Chemicals)*

3.2. *CAS* Nr. (numurs Ķīmijas referatīvā žurnāla informatīvā dienesta sarakstā)

*CAS No (Chemical Abstracts Service Registry Number)*

3.3. citi numuri

*other No*

(CUS un CAS numuri atrodami tīmekļvietnē *http://ec.europa.eu/taxation\_customs/dds2/ecics/*)

(*CAS and CUS numbers can be found on the website http://ec.europa.eu/taxation\_customs/dds2/ecics/*)

**II daļa**

*Part II*

(informācija Ekonomikas tarifu jautājumu darba grupai (ETJG)*/to be public for the members of ETQG*)

4. Detalizēta informācija par preci (komerciālais apzīmējums, izmantošanas (apstrādes) veids, importētās preces paredzamais lietojums, izstrādājums, kurā attiecīgā prece ir jāiestrādā, un tā gala lietojums)

*Further information including commercial denomination, mode of operation, intended use of the imported product, type of product in which it is to be incorporated and end-use of that product*

5. Struktūrformula (norāda tikai ķīmiskajām vielām)

*Structural formula (for chemical products only)*

6. Uz preci attiecas patents

*Products are subject to a patent*

Jā *(Yes)*

Nē *(No)*

Ja attiecas, norāda patenta numuru un izdevējiestādi

*If yes, number of the patent and issuing authority*

7. Uz preci attiecas antidempinga/pretsubsīdiju pasākums

*Products are subject to an anti-dumping/anti-subsidy measure*

Jā *(Yes)*

Nē *(No)*

Ja attiecas, norāda, kāpēc tiek pieprasīta muitas nodokļa atcelšana vai kvota

*If yes, further explanation why a tariff suspension/quota is requested*

8. Eiropas Savienības uzņēmumi (nosaukums, adrese), ar kuriem ir pārrunāts par identisku, līdzvērtīgu vai aizvietojamu preču piegādi (obligāti jānorāda, ja tiek pieprasīta kvota)

*Name and addresses of firms known in the EU approached with a view to the supply of identical, equivalent or substitute products (obligatory for quota requests)*

Pārrunu datums un rezultāts

*Dates and results of these approaches*

Iemesli, kādēļ minēto uzņēmumu preces nav piemērotas attiecīgajam mērķim

*Reasons for the unsuitability of the products of these firms for the purpose in question*

9. Tarifu kvotas apjoma aprēķins

*Calculation of tariff quota volume*

Pieprasītāja gada patēriņš

*Annual consumption of applicant*

Eiropas Savienības uzņēmumu ražošanas apjoms gadā

*Annual EU production*

Pieprasītais tarifu kvotas apjoms

*Requested tariff quota volume*

10. Cita informācija (piemēram, par līdzīgu tarifu atcelšanu vai kvotām, spēkā esošu saistošu izziņu par tarifu)

*Special remarks (indication of similar tariff suspensions or quotas, indication of existing binding tariff information, other*

**III daļa**

*Part III*

(informācija Komisijai*/for Comission only*)

11. Paredzamais importa apjoms 20\_\_\_\_. gadā (informācija par pieprasījuma pirmo gadu):

*Anticipated annual imports for 20\_\_\_ (first year of the validity period requested)*

11.1. vērtība (EUR)

*value (in EUR)*

11.2. daudzums (svara mērvienība un papildu mērvienība, ja nepieciešams attiecīgajam Kombinētās nomenklatūras kodam)

*quantity (in weight and supplementary unit if applicable for the CN code in question)*

12. Importa apjoms 20\_\_. gadā (informācija par iepriekšējo kalendāra gadu):

*Imports (for 20\_\_\_ year) (year preceding the year in which the request is made)*

12.1. vērtība (EUR)

*value (in EUR)*

12.2. daudzums (svara mērvienība un papildu mērvienība, ja nepieciešams attiecīgajam Kombinētās nomenklatūras kodam)

*quantity (in weight and supplementary unit if applicable for the CN code in question)*

13. Plānotie neiekasētie muitas nodokļi gadā (EUR)

*Estimated uncollected customs duties (in EUR) on an annual basis*

14. Iesniegumā norādīto preču izcelsme

*Origin of requested goods*

Ārpus Eiropas Savienības esošā ražotāja nosaukums

*Name of non-EU producer*

Valsts

*Country*

15. Eiropas Savienībā esošo lietotāju nosaukumi un adreses

*Names and addresses of the user in the EU*

Adrese

*Address*

Telefona/faksa numurs

*Telephone/Fax*

Elektroniskā pasta adrese

*E-mail*

16. Pielikumi:

*Annexes*

16.1. deklarācija, kas apliecina, ka uz ievestajām precēm neattiecas atsevišķs (izņēmums) tirdzniecības līgums (obligāti iesniedzams)

*Declaration that the imported products are not the subject of an exclusive trading agreement (join extra sheet) (obligatory)*

16.2. preces drošības datu lapas, paskaidrojošas informatīvās lapas, brošūras u. c.

*products data sheets, explanatory leaflets, brochures, etc.*

Lappušu skaits

*Number of pages*

Ja kādi no II vai III daļā minētajiem informācijas datiem ir konfidenciāli, tos iesniedz uz atsevišķām lapām ar skaidru norādi uz konfidencialitāti. Konfidencialitātes līmenis ir jānorāda arī uz titullapas

*If any of the items of information in part II or III is confidential, separate pages, clearly labelled as such, have to be added. The level of confidentiality needs to be specified also on the cover page*

Minister for Finance Dana Reizniece-Ozola

**Annex 2**

Cabinet Regulation No. 774

13 December 2016

**DEKLARĀCIJA PAR ATSEVIŠĶA (IZŅĒMUMA) TIRDZNIECĪBAS LĪGUMA1 NEESĪBU**

***DECLARATION OF NON-EXISTENCE OF AN EXCLUSIVE TRADING AGREEMENT***

Nosaukums/*Name*

Adrese/*Address*

Telefona/faksa numurs/*Telephone/fax*

E-pasts/*E-mail*

Parakstītāja vārds, uzvārds un amats/*Name and function of signatory*

|  |  |  |
| --- | --- | --- |
| Apliecinu |  | vārdā, |
|  | (uzņēmuma nosaukums) |  |

|  |  |
| --- | --- |
| ka uz šādu preci |  |
|  | (preces apraksts) |
| neattiecas atsevišķs (izņēmuma) tirdzniecības līgums. |

*I herewith declare, on behalf of (company's name) that the following product(s): (product description)*

Paraksts2, datums/*Signature, date*

Notes.

1 Exclusive trading agreements are any agreements hindering other undertakings which are not the submitters of the request to import the goods indicated in the request.

2The detail of the document “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

Minister for Finance Dana Reizniece-Ozola

**Annex 3**

Cabinet Regulation No. 774

13 December 2016

**IESNIEGUMS PAR MUITAS NODOKĻA ATCELŠANAS TERMIŅA PAGARINĀŠANU**

***REQUEST FOR PROLONGATION OF A TARIFF SUSPENSION***

**I daļa**

*Part I*

(atklātā informācija*/public)*

Kombinētās nomenklatūras vai TARIC kods

*Combined Nomenclature or TARIC code*

Precīzs preces apraksts

*Precise product description*

**II daļa**

*Part II*

Iesniegums iesniegts attiecībā uz (importētāja/Eiropas Savienībā esošā lietotāja nosaukums un adrese)

*Request submitted for (name and address of the importer/the user in the EU)*

Preces importa apjoms 20\_\_\_\_. gadā (informācija par iesniegumā norādītā jaunā derīguma laikposma pirmo gadu)

*Imports (year 20\_\_\_ , first year of the new validity period requested)*

- vērtība (EUR)

*value (in EUR)*

- daudzums (svara mērvienība un papildu mērvienība, ja nepieciešams attiecīgajam Kombinētās nomenklatūras kodam)

*quantity (in weight and supplementary unit if applicable for the CN code in question)*

Plānotie neiekasētie muitas nodokļi gadā (EUR)

*Estimated uncollected customs duties (in EUR) on an annual basis*

Minister for Finance Dana Reizniece-Ozola

**Annex 4**

Cabinet Regulation No. 774

13 December 2016

**IESNIEGUMA NORAIDĪJUMS PAR MUITAS NODOKĻA ATCELŠANU VAI KVOTAS PIEMĒROŠANU**

***OBJECTION TO A REQUEST FOR TARIFF SUSPENSION OR TARIFF QUOTA***

(neatbilstošo svītrot*/delete inappropriate measure*)

**I daļa**

*Part I*

Iesnieguma numurs/*Request No*

Kombinētās nomenklatūras kods/*Combined Nomenclature code*

Preču apraksts/*Goods description*

Reģistrācijas numurs*/Working No*

 Preces pašlaik ražo Latvijā, un tās ir pieejamas tirgū

*Goods are currently produced in Latvia and are available on the market*

 Līdzvērtīgus vai aizstājējizstrādājumus pašlaik var iegādāties Latvijā

*Equivalent or substitute products are currently obtainable within Latvia*

Skaidrojoši komentāri, kāpēc un kā līdzvērtīgs vai aizstājējizstrādājums var aizstāt iesniegumā norādīto preci. Jāpievieno informācija par tehniskajiem datiem, kas pierāda piedāvātā izstrādājuma raksturīgās pazīmes un kvalitāti.

*Explanatory comments (differences, why and how it may replace the requested product). Technical data sheets which prove the character and quality of the offered product have to be attached*

 Cita informācija/*Other*

Ierosinātais kompromiss (skaidrojošie komentāri)/*Suggested compromise (explanatory comments)*

Pārcelšana uz tarifu kvotu/*Transfer into tariff quota*

Ierosinātais kvotas apjoms/*Suggested quota volume*

Daļēja tarifa atcelšana/*Partial tariff suspension*

Ierosinātā nodokļa likme/*Suggested duty rate*

Citi priekšlikumi/*Other proposals*

Piezīme/*Remarks*

Uzņēmums, kas pašlaik ražo identisku, līdzvērtīgu vai aizstājējizstrādājumu Latvijā (un arī citā Eiropas Savienības dalībvalstī)

*Company producing currently an identical, equivalent or substitute product within Latvia (and in other country of EU)*

Uzņēmuma nosaukums/*Name of the company*

Kontaktpersona/*Person of contact*

Adrese/*Address*

Telefona/faksa numurs/*Telephone/fax*

E-pasts*/E-mail*

Izstrādājuma tirdzniecības nosaukums/*Product trade name*

**II daļa**

*Part II*

Ražošanas jauda, kas ir pieejama tirgum (piemēram, nav piesaistīta vai saistīta ar līgumiem)

*Production capacity (available for the market; e. g. not bound in house or by contracts)*

Pašlaik/*Present*

Turpmāko sešu mēnešu laikā/*Within the next six months*

Minister for Finance Dana Reizniece-Ozola