Republic of Latvia

Cabinet

Regulation No. 495

Adopted 26 July 2016

**Regulations Regarding the Requirements to be Met when Issuing, Suspending, and Cancelling a Document of Prior Consent for the Transfer of Firearms and Ammunition or Explosives between the Member States of the European Union**

*Issued pursuant to*

*Section 7, Paragraph two of the Law on the Circulation of Goods of Strategic Significance*

1. The Regulation prescribes the requirements to be met when issuing, suspending, and cancelling a document of prior consent for the transfer of firearms and ammunition or explosives between Member States of the European Union. The requirements of this Regulation shall also apply to the mail-order sale of firearms and ammunition.

2. The State Police shall issue a document of prior consent for the transfer of firearms and ammunition or explosives between Member States of the European Union to a merchant who has obtained the special permit (licence) of the State Police or the Ministry of Defence for the relevant commercial activity involving firearms and ammunition or explosives (hereinafter – the special permit (licence)).

3. In order to receive the document of prior consent for the transfer of firearms and ammunition between Member States of the European Union (Annex 1), a merchant shall submit a relevant submission to the State Police.

4. The submission referred to in Paragraph 3 of this Regulation shall include the following information:

4.1. the name (firm name) of the consignee and consignor (supplier) of goods, their registration number (a sole proprietorship shall indicate his or her given name, surname, date and place of birth, passport (identity card) number, date of issue, issuing authority), legal address, telephone and fax numbers, special permit (licence) number, and also the address of the consignee to which firearms or ammunition is sent;

4.2. the category, class and number, name of goods, the type, make, model, series, number, and calibre of a firearm, the type, calibre, marking of ammunition as specified in the Common Military List of the European Union and the National List of Goods and Services of Strategic Significance of the Republic of Latvia, and also the number of firearms and ammunition;

4.3. the preferred term of validity of the document of prior consent for the transfer of firearms and ammunition between Member States of the European Union.

5. In order to receive the document of prior consent for the transfer of explosives between Member States of the European Union (Annex 2), a merchant shall submit a relevant submission to the State Police. The submission shall be accompanied by a form in accordance with Annex 2 to this Regulation, by filling out sections 1, 2, 3, and 4 therein.

6. If the explosives are intended to be transported in transit through the Republic of Latvia:

6.1. a merchant who has obtained the document of prior consent for the transfer of explosives between Member States of the European Union (Annex 2) in another Member State of destination shall submit to the State Police a relevant submission requesting to make a note in section 5 of the document of prior consent;

6.2. a merchant who has not obtained the document of prior consent for the transfer of explosives between Member States of the European Union (Annex 2) in another Member State of destination shall submit to the State Police the submission referred to in Paragraph 5 of this Regulation.

7. If several Member States of the European Union are intended to be crossed with a cargo of firearms and ammunition or explosives, a merchant shall indicate the border crossing points in the submission referred to in Paragraph 3 or 5 of this Regulation and obtain approval from the relevant countries for transit. In case of the transfer of explosives, the consignee of explosives shall, upon request of competent authorities, send to the authorities of the Member State of dispatch and Member State of transit all information at its disposal on the transfer of explosives.

8. The State Police shall examine the submission referred to in Paragraph 3 or 5 of this Regulation within 15 days.

9. When examining the submission referred to in Paragraph 3 or 5 of this Regulation, the State Police shall verify whether the transfer of firearms an ammunition or explosives meets the requirements for the circulation of firearms and ammunition or explosives. If the transfer meets the requirements, the State Police shall issue the document of prior consent for the transfer of firearms and ammunition (Annex 1) or explosives (Annex 2) between Member States of the European Union.

10. If the State Police establishes during examination of the submission referred to in Paragraph 3 or 5 of this Regulation that it has no possibility to ascertain whether the consignee of explosives indicated in the submission has the right to receive explosives, the State Police shall send the relevant information to the European Commission. A merchant shall only commence the transfer of explosives if the consignee has obtained the approval for its transfer.

11. The document of prior consent shall be drawn up in three copies. One copy of the document shall be sent to the Committee for Control of Goods of Strategic Significance, two copies shall be issued to the merchant (one copy shall be kept in the merchant’s record-keeping, while the other shall be sent by the merchant to the consignee or consignor of goods respectively). As regards each transfer of firearms and ammunition, the State Police shall, during the relevant transfer, send information at its disposal to a Member State of the European Union to the territory of which the firearms and ammunition are transferred and, where necessary, also to Member States of transit.

12. The term of validity of the document of prior consent shall not exceed one year, and it shall not be longer than the term of validity of the special permit (licence).

13. If the State Police is of the opinion that a specific type of explosives may be transferred within the territory of Latvia without the document of prior consent, the State Police shall issue approval for a certain period of time which allows to transfer explosives. A copy of such approval prepared in accordance with the procedures laid down in laws and regulations regarding drawing up and preparation of documents shall accompany the explosives to be transferred until they reach their destination. The State Police may suspend or cancel the approval at any moment by taking a reasoned decision.

14. The State Police shall take the decision to refuse to issue the document of prior consent in the following cases:

14.1. the term of validity of the special permit (licence) has expired, the special permit (licence) has been cancelled or its operation has been suspended;

14.2. the types of firearms and ammunition or explosives indicated in the submission do not correspond to the types of firearms and ammunition or explosives indicated in the special permit (licence) of the merchant;

14.3. the importation of firearms and ammunition or explosives into the Republic of Latvia is prohibited in accordance with laws and regulations or international agreements of the Republic of Latvia;

14.4. it establishes that firearms, ammunition, or explosives can be used illegally thus posing a threat to public safety.

15. The State Police shall take the decision to suspend operation of the document of prior consent in the following cases:

15.1. operation of the special permit (licence) is being suspended;

15.2. facts are being examined, and the results could lead to the cancellation of the document of prior consent or special permit (licence);

15.3. there are reasonable suspicions that firearms, ammunition, or explosives will be used illegally thus posing a threat to public safety.

16. The State Police shall take the decision to cancel the document of prior consent in the following cases:

16.1. the special permit (licence) has been cancelled;

16.2. the importation of firearms and ammunition or explosives into the Republic of Latvia is prohibited in accordance with laws and regulations or international agreements of the Republic of Latvia;

16.3. it establishes that firearms, ammunition, or explosives are used illegally thus posing a threat to public safety.

17. The State Police shall immediately inform the European Commission of any decisions taken on the transfer of explosives or ammunition on the basis of Sub-paragraph 14.4, 15.3, or 16.3 of this Regulation.

18. The decision to refuse to issue and the decision to suspend or cancel the document of prior consent may be contested and appealed in accordance the procedures laid down in the Administrative Procedure Law.

19. A merchant shall hand over the unused document of prior consent to the State Police within five working days after expiry of its term of validity.

20. The State Police shall store information on the documents of prior consent for the transfer of firearms and ammunition or explosives between Member States of the European Union that are in effect.

21. Cabinet Regulation No. 736 of 6 November 2007, Procedures by Which the State Police Issues Documents of Prior Consent for the Transfer of Firearms and Ammunition or Explosives between Member States of the European Union (*Latvijas Vēstnesis*, 2007, No. 181), is repealed.

**Informative Reference to European Union Directives**

This Regulation contains legal norms arising from:

1) Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons;

2) Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses.

Acting for the Prime Minister – Minister for Finance Dana Reizniece-Ozola

Minister for the Interior Rihards Kozlovskis

**Annex 1**

Cabinet Regulation No. 495

26 July 2016

**Document of Prior Consent for the Transfer of Firearms and Ammunition between Member States of the European Union**

|  |  |
| --- | --- |
| Attēls, kurā ir teksts  Apraksts ģenerēts automātiski | **IEPRIEKŠĒJĀS PIEKRIŠANAS DOKUMENTS ŠAUJAMIEROČU UN MUNĪCIJAS PĀRVIETOŠANAI STARP EIROPAS SAVIENĪBAS DALĪBVALSTĪM**  (Padomes Direktīva 91/477/EEK un Eiropas Padomes un Parlamenta Direktīvas 2014/28/ES 12. pants)  ***PRIOR CONSENT TO TRANSFER FIREARMS AND AMMUNITION***  *(Council Directive 91/477/EEC and Article 12 of Directive 2014/28/EU of the European Parliament and of the Council)* |
| LATVIJA |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | |  | | | **Numurs**  ***(Number)*** | |
| **1. Nosūtītājvalsts**  ***(Member State of sender)*** | | | **2. Saņēmējvalsts**  ***(Member State of consignee)*** | | | |
| **3. Nosūtītājs *(Sender)***  fiziskā persona *(Natural person)*  juridiskā persona *(Legal person)*  Uzvārds *(Surname)*  Vārds *(First name)*  Dzimšanas datums *(Birth date)*  Dzimšanas vieta *(Birth place)*  Pases/personas apliecības Nr.  *(Passport/ID No.)*  Izdošanas datums *(Date of issue)*  Izdevējiestāde *(Issuing authority)*  Komersanta nosaukums  *(Company name)*  Licences Nr.  *(Special permission No.)*  Adrese *(Address)*  Tālruņa Nr. *(Phone No.)*  Faksa Nr. *(Fax No.)* | | | **4. Saņēmējs *(Consignee)***  fiziskā persona *(Natural person)*  juridiskā persona *(Legal person)*  Uzvārds *(Surname)*  Vārds *(First name)*  Dzimšanas datums *(Birth date)*  Dzimšanas vieta *(Birth place)*  Pases/personas apliecības Nr.  *(Passport/ID No.)*  Izdošanas datums *(Date of issue)*  Izdevējiestāde *(Issuing authority)*  Komersanta nosaukums  *(Company name)*  Licences Nr.  *(Special permission No.)*  Adrese *(Address)*  Tālruņa Nr. *(Phone No.)*  Faksa Nr. *(Fax No.)* | | | |
| **5. Pārvietošanai atļauto šaujamieroču vai munīcijas (vajadzīgo atzīmēt) apraksts**  ***(Consent is given for firearms or ammunition devices as follows)*** | | | | | | |
| Nr. p.k.  *(No.)* | Kategorija, klase, Nr. (pēc sarakstiem)  *(Category, class, ML, Control List item No.)* | Nosaukums, tips, marka, modelis, sērijas numurs, marķējums, kalibrs un citi zināmie raksturojošie dati  *(Name, type, model, make, serial number, markings, calibre and other known characteristics)* | | | Mērvienības  *(Measurement units)* | Skaits  *(Quantity)* |
|  |  |  | | |  |  |
| **6. Pieteicējs *(Applicant)***  fiziskā persona *(Natural person)*  juridiskā persona *(Legal person)*  Uzvārds *(Surname)*  Vārds *(First name)*  Komersanta nosaukums  *(Company name)*  Adrese *(Address)*  Datums *(Date)*  Paraksts *(Signature)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | **7. Šo iepriekšējās piekrišanas dokumentu izsniedz Latvijas Republikas Valsts policija**  ***(This prior consent is authorised by the State Police of the Republic of Latvia)***  Datums *(Date)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Iepriekšējās piekrišanas dokuments ir spēkā līdz \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Date of expiration)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Valsts policijas amatpersonas amats, vārds, uzvārds, paraksts)  *(Position, name, surname, signature of Police Officer)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (tālrunis/fakss) *(Contact phone/fax)* | | |

Minister for the Interior Rihards Kozlovskis

**Annex 2**

Cabinet Regulation No. 495

26 July 2016

**Document of Prior Consent for the Transfer of Explosives between Member States of the European Union**

|  |  |
| --- | --- |
| Attēls, kurā ir teksts  Apraksts ģenerēts automātiski | **IEPRIEKŠĒJĀS PIEKRIŠANAS DOKUMENTS SPRĀGSTVIELU PĀRVIETOŠANAI STARP EIROPAS SAVIENĪBAS DALĪBVALSTĪM (izņemot munīciju)**  (Direktīvas 2014/28/ES 11. pants)  ***INTRA-COMMUNITY TRANSFER OF EXPLOSIVES (except ammunition)***  *(Article 11 of Directive 2014/28/EU)* |
| LATVIJA |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Atļaujas veids/*Nature of authorisation* | | | | | | | | | | | | |
| Derīguma termiņš/*Expiry date*\* | | | | | | | | | | | | |
| Atsevišķs pārvadājums/*Single transfer (Article 9(5))* | | | | | | | | Daudzkārtējs pārvadājums/*Multiple transfer (Article 9(6))* | | | | |
|  | | | | | | | | | | | | |
| 2. Informācija par iesaistītajiem dalībniekiem/*Details of operators concerned* | | | | | | | | | | | | |
| 2.1. Saņēmējs, pieprasītājs/*Recipient applicant*\* | | | | | | | | 2.2. Piegādātājs/*Supplier* | | | | |
| Nosaukums/*Name*  Adrese/*Address (headquarters)*  Tālrunis/*Telephone*  Fakss/*Fax*  E-pasts/*E-mail*  Paraksts/*Signature* | | | | | | | | Nosaukums/*Name*  Adrese/*Address (headquarters)*  Tālrunis/*Telephone*  Fakss/*Fax*  E-pasts/*E-mail*  Paraksts/*Signature* | | | | |
| 2.3. Pārvadātāji/Transport operator(s) | | | | | | | | | | | | |
| Nosaukums/*Name*  Adrese/*Address (headquarters)*  Tālrunis/*Telephone*  Fakss/*Fax*  E-pasts/*E-mail* | | | | | Nosaukums/*Name*  Adrese/*Address (headquarters)*  Tālrunis/*Telephone*  Fakss/*Fax*  E-pasts/*E-mail* | | | | | Nosaukums/*Name*  Adrese/*Address (headquarters)*  Tālrunis/*Telephone*  Fakss/*Fax*  E-pasts/*E-mail* | | |
| 3. Pilns sprāgstvielu apraksts/Full description of explosives | | | | | | | | | | | | |
| ANO Nr./  *UN No*.\* | Klase, sadaļa/  *Class-Division* | | Tirdzniecības nosaukums/  *Trade name*\* | | | | CE marķējums/  *CE Marking* | | Rūpnīcas adrese/  *Factory address* | | Daudzums/  *Quantity*\* | Cita informācija/  *Other information* |
|  |  | |  | | | |  | |  | |  |  |
| 4. Detalizēts pārvietojuma plāns/*Transfer details* | | | | | | | | | | | | |
| 4.1. Vieta un kalendāra grafiks/*Location and calendar schedule* | | | | | | | | | | | | |
| Nosūtīšanas vieta/  *Place of departure* | | | |  | | | | Nosūtīšanas datums/  *Departure date* | | |  | |
| Saņemšanas vieta/  *Place of delivery* | | | |  | | | | Plānotais saņemšanas datums/  *Expected arrival date* | | |  | |
| 4.2. Vispārējā maršruta apraksts/*General circumstances of the itinerary* | | | | | | | | | | | | |
| Dalībvalsts/  *Member state* | | | | Ievešanas punkts/  *Point of entry* | | | | Izvešanas punkts/  *Point of exit* | | | Transporta veids/  *Means of transport* | |
|  | | | |  | | | |  | | |  | |
| 5. Tranzīta dalībvalstu kompetento iestāžu atļaujas, ieskaitot drošu identifikāciju (zīmogs)/*Authorisations from the authorities in the Member States of transit including secure identification (e.g. stamp)* | | | | | | | | | | | | |
| Izcelsmes valsts/  *Contry of origin* | | Atļaujas datums/  *Date of authorisation* | | | | Atļaujas numurs/  *Authorisation number* | | | Derīguma termiņš/  *Expiry date* | |  | |
|  | |  | | | |  | | |  | |
| Tranzīta valstis/  *Transit countries* | | Atļaujas datums/  *Date of authorisation* | | | | Atļaujas numurs/  *Authorisation number* | | | Derīguma termiņš/  *Expiry date* | |
|  | |  | | | |  | | |  | |
| 6. Saņēmējas dalībvalsts kompetento iestāžu atļauja (ieskaitot drošu identifikāciju)/*Authorisation from the authority in the Member State of recipient (including secure identification)* | | | | | | | | | | | | |
| Datums/*Date* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Paraksttiesīgā amatpersona/  *Position in signatory authority* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | | | | | | | |
| (amats, vārds, uzvārds, paraksts/*post, name, signature*) | | | | | | | | | | | | |
| Notes.  1. The consignee of explosives shall fill out sections 1, 2, 3, and 4 of the document of prior consent and send it to the competent authorities of the recipient country for approval.  2. In addition to the authorisation obtained from the competent authority of the recipient country (section 6), the person responsible for transit shall inform the competent authorities of the Member States of transit whose approval is necessary in section 5. Approval of such institutions may be on a single document or a set of several documents. Approval must be securely identifiable.  3. If the competent authority of a Member State deems that special security measures are required, they must be indicated in the authorisation. If none of the competent authorities of Member States deems that special security measures are required, only the information marked with an asterisk (\*) shall be indicated.  4. In all cases the document of prior consent shall be in the possession of the consignor of explosives until the place of their reception.  5. “Full description of explosives” is their trade name and the UN transport name or the UN transport name, as well as any other information identifying the good. If explosives do not have the CE mark, it must be clearly indicated.  6. “Quantity” is the number of units or weight of explosives. | | | | | | | | | | | | |

Minister for the Interior Rihards Kozlovskis