Republic of Latvia

Cabinet

Regulation No. 485

Adopted 16 July 2024

**Procedures for the Licensing of Providers of Debt Recovery Services**

*Issued pursuant to*

*Section 5, Paragraphs four and five of the Law on Extrajudicial Recovery of Debt*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the requirements for a provider of debt recovery services so that it could receive the special permit (licence) for the provision of debt recovery services (hereinafter – the special permit (licence));

1.2. the procedures for the issuing, use, suspension, re-registration, and cancellation of the special permit (licence);

1.3. the procedures by which the State fee shall be paid for the issuing and re-registration of the special permit (licence), and the amount thereof.

2. The special permit (licence) shall be issued to a provider of debt recovery services, suspended, re-registered, and cancelled by the Consumer Rights Protection Centre.

3. The special permit (licence) shall be issued for three years.

4. A provider of debt recovery services shall place the special permit (licence) or its copy in a place visible to the consumer at the location where debt recovery services are provided, and also present it to the debtor upon a request thereof if debt recovery activities are performed outside of the location where debt recovery services are provided. A location which has been arranged for the continuous and systematic provision of services and where consulting of debtors is intended shall be regarded as the location where debt recovery services are provided.

5. Information on the number, date of issue and term of validity of the issued special permit (licence) shall be published on the website of the provider of debt recovery services, if such has been created.

6. The Consumer Rights Protection Centre shall post the following information on its website within three working days after taking the relevant decision:

6.1. on the providers of debt recovery services which have received the special permit (licence) or have re-registered it, including by indicating information on the locations where debt recovery services are provided;

6.2. on the suspension and cancellation of the special permits (licences) issued to the providers of debt recovery services;

6.3. on changes in the special permit (licence) in the case referred to in Paragraph 29 of the Regulation.

7. The Consumer Rights Protection Centre is entitled to request and receive information from a provider of debt recovery services and also to carry out the necessary inspections, including at the location where the service is provided, in order to monitor the conformity of the provider of debt recovery services and its activities with the requirements of this Regulation and the legal acts in the field of consumer rights protection, including when services related to the servicing of non-performing credit agreements are provided.

8. Prior to taking the decision to issue, suspend, re-register or cancel the special permit (licence), the Consumer Rights Protection Centre is entitled to give instructions to the provider of debt recovery services for the activities to be performed by it to ensure the conformity of the provider of debt recovery services or its activities with the requirements of this Regulation and the legal acts in the field of consumer rights protection.

9. Within the meaning of this Regulation, a beneficial owner shall be a natural person within the meaning of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing.

**II. Requirements Stipulated for a Provider of Debt Recovery Services for Obtaining the Special Permit (Licence)**

10. In order to obtain the special permit (licence), a provider of debt recovery services must conform to the following requirements:

10.1. the provider of debt recovery services is an economic operator or natural person – performer of economic activity who provides debt recovery services within the scope of professional activity, and it has not been deprived of the right to perform commercial or professional activities in the field of debt recovery;

10.2. a member of the supervisory or executive board or a member with the right of representation of an economic operator which provides debt recovery services has not been deprived of the right to perform commercial activities and the administrative penalty – deprivation of the right to hold specific offices – has not been imposed on such person;

10.3. the provider of debt recovery services who is a natural person or a member of the supervisory or executive board or a member with the right of representation, a proctor or the person responsible for the fulfilment of the requirements for the prevention of money laundering and terrorism and proliferation financing of an economic operator has impeccable reputation;

10.4. the provider of debt recovery services has developed and approved the internal procedures for the provision of debt recovery services which provide the procedures for the recovery of a debt, communication with debtors, the items forming debt recovery expenses and their financial itemised list;

10.5. the provider of debt recovery services has developed and approved the procedures for the examination of consumer complaints in order to ensure examination of the received complaints and provision of replies within a reasonable term;

10.6. at the day of issuance of the special permit (licence) there is no information as regards the provider of debt recovery services in the data base of the State Revenue Service in relation to overdue tax payments, fee payments or payments determined by the State into the State budget;

10.7. the special permit (licence) of the provider of debt recovery services has not been cancelled within the last three years;

10.8. the provider of debt recovery services (if the provider of debt recovery services is a natural person) or any of the members of the supervisory or executive board or members with the right of representation (if the provider of debt recovery services is an economic operator), or its employees whose duties include debt recovery, a proctor or the person responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing has not been convicted for the committing of an intentional criminal offence for which the liability is provided in Chapter IX, IX.1, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX or XX of the Criminal Law, except when the criminal record has been extinguished, and has not been convicted for violations of legal acts in the field of prevention of money laundering and terrorism and proliferation financing;

10.9. the provider of debt recovery services has developed an internal control system for the prevention of money laundering and terrorism and proliferation financing in conformity with the requirements of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing;

10.10. the provider of debt recovery services is able to prove legal origin of the attracted financing;

10.11. the provider of debt recovery services intending to recover a debt arising from a non-performing credit agreement in the host Member State of the debt has submitted the following information to the Consumer Rights Protection Centre:

10.11.1. information on the host Member State and the Member State in which the loan was granted if this country is not the Republic of Latvia or the host Member State;

10.11.2. information on the outsourcing service provider, if any, and its legal address;

10.11.3. the contract entered into between the provider of debt recovery services and the outsourcing service provider;

10.11.4. information demonstrating the ability of the provider of debt recovery services to communicate with the borrower in the respective European Union Member State in the language of the respective Member State or in the language used in the non-performing credit agreement;

10.11.5 information demonstrating that the provider of debt recovery service complies in its activities with the Guidelines on the Assessment of Adequate Knowledge and Experience of the Management or Administrative Organ of Credit Servicers of the European Banking Authority in accordance with Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU (EBA/GL/2023/09, 15 December 2023).

11. Sub-paragraph 10.7 of this Regulation shall also apply to a case if:

11.1. a natural person has been a member of the supervisory or executive board or a member with the right of representation, a proctor or the person responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing of such economic operator who provides debt recovery services whose special permit (licence) has been cancelled or refused;

11.2. a member of the supervisory or executive board or a member with the right of representation, a proctor or the person responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing of the economic operator has been a member of the supervisory or executive board or a member with the right of representation, a proctor or the person responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing of such economic operator who provides debt recovery services whose special permit (licence) has been cancelled or refused.

12. Sub-paragraph 10.7 of the Regulation shall not apply to the case when the special permit (licence) has been cancelled in accordance with Sub-paragraph 42.1, 42.2, 42.3 or 42.4 of the Regulation.

**III. Issuing of the Special Permit (Licence)**

13. A provider of debt recovery services shall submit a signed application (Annex 1) to the Consumer Rights Protection Centre for obtaining the special permit (licence). The documents referred to in Annex 1 to the Regulation that have been prepared in accordance with the laws and regulations regarding developing and drawing up of documents shall be appended to the application.

14. Documents of foreign legal and natural persons must be legalised, unless other procedures have been laid down in laws of the Republic of Latvia or international agreements approved by the *Saeima* of the Republic of Latvia. If a document is in a foreign language, it shall require a notarised translation or translation certified in accordance with the laws and regulations regarding the procedures for the certification of document translations in the official language.

15. If the application referred to in Paragraph 13 of the Regulation has been submitted electronically, a provider of debt recovery services shall certify the application and the electronic copies of the documents appended thereto with a secure electronic signature and time stamp in accordance with the laws and regulations regarding drawing up of electronic documents.

16. In order to prepare documents for taking the decision to issue, re-register, suspend or cancel the special permit (licence), the Consumer Rights Protection Centre shall obtain the following information, where necessary:

16.1. from the data base of the State Revenue Service – information about overdue tax payments, fee payments or payments determined by the State into the State budget of a provider of debt recovery services;

16.2. from the Enterprise Register – information in the current wording about the provider of debt recovery services, members of its executive or supervisory board or members with the right of representation, a proctor, and a beneficial owner if the provider of debt recovery services is an economic operator;

16.3. from the Punishment Register maintained by the Information Centre of the Ministry of the Interior (hereinafter – the Punishment Register) – information about criminal and administrative record of providers of debt recovery services – a natural person or members of the supervisory or executive board or members with the right of representation, a proctor and the person responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing of an economic operator – and the criminal record of such employees whose duties include recovery of debts.

17. The Consumer Rights Protection Centre has the right to verify information on the members of the economic operator who provides debt recovery services and also to obtain information on its beneficial owners. Legal persons are obliged to provide the Consumer Rights Protection Centre with all information required for the verification of the information referred to in this Paragraph, except for the information available to the Consumer Rights Protection Centre in public registers.

18. The Consumer Rights Protection Centre shall, within 45 days after receipt of all the information referred to in Sub-paragraph 10.11 of this Regulation, inform the supervisory and control authority of the host Member State and the supervisory and control authority of the European Union Member State where the loan has been granted of the actions intended by the provider of debt recovery services. The Consumer Rights Protection Centre shall inform the provider of debt recovery services of the date of notification and also the date on which the supervisory and control authority of the host Member State acknowledged receipt of the information.

19. The provider of debt recovery services may start providing services in the host Member State as soon as one of the following conditions has entered into effect:

19.1. information received from the supervisory and control authority of the host Member State confirming receipt of the notification referred to in Paragraph 18 of this Regulation;

19.2. two months have passed since the date on which the provider of debt recovery services has sent the Consumer Rights Protection Centre the notification referred to in Paragraph 18 of this Regulation and the notification referred to in Sub-paragraph 19.1 of this Regulation has not been received.

20. The Consumer Rights Protection Centre, having assessed the information referred to in Sub-paragraph 10.11 of this Regulation and having established the non-conformity referred to in Sub-paragraph 22.1 of this Regulation, is entitled to refuse the provider of debt recovery services the provision of a debt recovery service arising from a non-performing credit agreement.

21. If all the documents referred to in this Regulation have not been appended to the application or the information indicated therein is incomplete or inaccurate, the documents have not been drawn up in accordance with the requirements laid down in legal acts or additional information for taking the decision referred to in Paragraph 24 of the Regulation is necessary, the Consumer Rights Protection Centre shall inform the provider of debt recovery services thereof in writing, indicating a time limit until which the relevant documents or information must be submitted, and shall extend the time limit for taking the decision accordingly.

22. After examining the application and evaluating the information at the disposal thereof, the Consumer Rights Protection Centre shall take the decision to refuse to issue the special permit (licence) if:

22.1. the provider of debt recovery services does not meet the requirements referred to in Paragraph 10 of the Regulation;

22.2. the provider of debt recovery services does not submit the information which is necessary for taking the decision within the time limit indicated in Paragraph 21 of the Regulation.

23. According to the information at its disposal, the Consumer Rights Protection Centre shall take the decision to refuse to issue the special permit (licence) if:

23.1. the economic operator, a member of its supervisory or executive board or a member with the right of representation, or a proctor has committed a significant administrative offence in the field of trade, provision of services and finances, consumer rights or personal data protection during the last year. In evaluating whether the administrative offence should be recognised as significant, the Consumer Rights Protection Centre shall take into account the nature and duration of the offence committed, the impact caused (losses to consumers) and also other circumstances of significance to the case;

23.2. the provider of debt recovery services has not complied with the decisions of the Consumer Rights Protection Centre addressed thereto in relation to the protection of collective interests of consumers;

23.3. actions or planned actions of the provider of debt recovery services in the provision of debt recovery services does not meet the requirements of the legal acts in the field of consumer rights protection and the prevention of money laundering and terrorism and proliferation financing;

23.4. the provider of debt recovery services has not fulfilled the written commitment stipulated in the laws and regulations in the field of consumer rights protection to eliminate violations within a specific time limit;

23.5. it is established that the provider of debt recovery services has provided false information;

23.6. the provider of debt recovery services has not fulfilled the instructions of the Consumer Rights Protection Centre referred to in Paragraph 8 of the Regulation;

23.7. public information of negative nature that can be verified is available regarding the provider of debt recovery services – a natural person or a member of the executive or supervisory board, or a member with the right of representation, a proctor, or a beneficial owner of the economic operator –, and such information attests to a potential relation to proceeds of crime or their laundering, terrorism or proliferation.

24. The Consumer Rights Protection Centre shall take the decision to issue the special permit (licence) or to refuse to issue the special permit (licence) within a month from the day when the application referred to in Paragraph 13 of the Regulation and the documents appended thereto was received.

25. The Consumer Rights Protection Centre shall notify the decision referred to in Paragraph 24 of the Regulation to the provider of debt recovery services in accordance with the Law on Notification.

26. After taking the decision to issue the special permit (licence), the Consumer Rights Protection Centre shall issue the standard special permit (licence) of a specific form (Annex 2) to the provider of debt recovery services. The Consumer Rights Protection Centre shall issue the special permit (licence) in the form of an electronic or printed document.

27. The special permit (licence) shall enter into effect when the decision referred to in Paragraph 24 of the Regulation to issue the special permit (licence) has been notified to the provider of debt recovery services or on the date indicated in the special permit (licence). If the special permit (licence) is re-registered, it shall enter into effect on the day following the expiry of the term of validity indicated in the previous special permit (licence).

28. If the special permit (licence) has been damaged, stolen or lost, the provider of debt recovery services shall inform the Consumer Rights Protection Centre thereof in writing without delay after establishing the abovementioned fact by lodging an application for the issuance of a duplicate of the special permit (licence). Within five working days after receipt of the application, the Consumer Rights Protection Centre shall issue a duplicate of the special permit (licence). Until the issuance of the duplicate of the special permit (licence), the provider of debt recovery services is entitled to provide debt recovery services.

29. If the information indicated in the special permit (licence) has changed during the term of validity thereof, the provider of debt recovery services shall submit an application to the Consumer Rights Protection Centre for the necessary amendments to the special permit (licence) (Annex 3) within 10 working days after the relevant changes occur.

30. If the information indicated in Paragraph 2 of Annex 1 to the Regulation has changed during the term of validity of the special permit (licence), the provider of debt recovery services has an obligation to inform the Consumer Rights Protection Centre thereof and to submit the most current information within 10 working days after occurrence of the changes.

31. If the information indicated in Paragraph 4 of Annex 1 to this Regulation has changed or changes have been made to the composition of the supervisory or executive board, to the information on the proctor or beneficial owner during the term of validity of the special permit (licence), the provider of debt recovery services has an obligation to inform the Consumer Rights Protection Centre thereof and to submit the most current information within 10 working days after the changes have occurred. If the employee is a foreigner, in addition a statement on criminal records shall be submitted, issued by the institution of the country of permanent place of residence of the person which maintains information about criminal records in accordance with the laws of the relevant country, if such information cannot be obtained from the Punishment Register. The statement must be issued not more than six months ago.

32. During the term of validity of the special permit (licence), upon request of the Consumer Rights Protection Centre, the provider of debt recovery services has the obligation to provide information on the debt recovery services provided in the previous calendar year (the number of debts serviced and recovered, the number of debt recovery contracts entered into, and also information on the sectors (fields) in which debt recovery was performed, information on the amount and legal origin of the financing attracted in the previous calendar year, information on the financing returned in the previous calendar year) and other information.

**IV. Re-Registration of the Special Permit (Licence) and the Documents Required Therefore**

33. An application for the re-registration of the special permit (licence) shall be submitted, as well as examined, the decision to re-register or to refuse to re-register the special permit (licence) shall be taken and it shall be notified in accordance with the procedures and the time limits laid down in Chapters II and III of this Regulation, insofar as it is not stipulated by Chapter IV.

34. If a provider of debt recovery services which has received the special permit (licence) wishes to extend the term of validity thereof (to re-register the special permit (licence)), it shall submit an application for the re-registration of the special permit (licence) (Annex 4) to the Consumer Rights Protection Centre not earlier than four months and not later than two months prior to expiry of the term of validity of the special permit (licence) indicated in Paragraph 3 of the Regulation. The documents referred to in Annex 4 prepared in accordance with the laws and regulations regarding the development and drawing up of documents shall be appended to the application.

35. If a provider of debt recovery services does not submit an application for the re-registration of the special permit (licence) within the time limit referred to in Paragraph 34 of the Regulation, but wishes to continue the provision of debt recovery services, it shall submit the documents referred to in this Regulation for the receipt of a new special permit (licence) in accordance with the procedures laid down in Chapter III of this Regulation, paying a State fee for the receipt of a new special permit (licence) in the amount stipulated in this Regulation.

36. The Consumer Rights Protection Centre is entitled to take the decision to refuse to re-register the special permit (licence) if the provider of debt recovery services has not provided the information referred to in Paragraph 29, 31 or 32 of the Regulation to the Consumer Rights Protection Centre within the stipulated time limits.

**V. Suspension of Operation and Cancellation of the Special Permit (Licence)**

37. The Consumer Rights Protection Centre is entitled to take the decision to suspend the validity of the special permit (licence) issued to a provider of debt recovery services for a period of up to six months if:

37.1. the provider of debt recovery services does not conform to the requirements referred to in Paragraph 10 of the Regulation;

37.2. the provider of debt recovery services does not provide the documents and information to the Consumer Rights Protection Centre requested thereby which are necessary for the inspection of the provider of debt recovery services, or does not cooperate with the Consumer Rights Protection Centre in accordance with Paragraph 8 of the Regulation to eliminate violations in the field of the consumer rights protection;

37.3. the provider of debt recovery services has not complied with the decision of the Consumer Rights Protection Centre for the protection of collective interests of consumers or does not fulfil the written commitment stipulated in the legal acts in the field of the consumer rights protection to eliminate the committed violation within a specific time limit;

37.4. the provider of debt recovery services has not submitted the information referred to in Paragraphs 30, 31 and 32 of the Regulation to the Consumer Rights Protection Centre within the specified time limits;

37.5. the sum of overdue tax payments, fee payments or other payments stipulated by the State of the provider of debt recovery services exceeds EUR 1420. In such case, the Consumer Rights Protection Centre is entitled to suspend the operation of the special permit (licence) until the moment when it receives information regarding the full payment of the debt;

37.6. the provider of debt recovery services systematically fails to comply with the procedures drawn up for the provision of debt recovery services and examination of consumer complaints;

37.7. the operation of the provider of debt recovery services does not conform to the requirements of the legal acts in the field of consumer rights protection and the prevention of money laundering and terrorism and proliferation financing;

37.8. the Consumer Rights Protection Centre has information at its disposal about violations committed by the provider of debt recovery services or members of its supervisory or executive board, or members with the right of representation (if the provider of debt recovery services is an economic operator) in the field of economic activities or consumer rights protection during the term of validity of the special permit (licence);

37.9. the Consumer Rights Protection Centre has information at its disposal about violations committed by the provider of debt recovery services, its employees or members of its supervisory or executive board, or members with the right of representation (if the provider of debt recovery services is an economic operator), a proctor or the person responsible for the prevention of money laundering and terrorism and proliferation financing in the field of personal data protection and the prevention of money laundering and terrorism and proliferation financing during the term of validity of the special permit (licence);

37.10. the Consumer Rights Protection Centre has information at its disposal about violations committed by the provider of debt recovery services, members of its supervisory or executive board, or members with the right of representation (if the provider of debt recovery services is an economic operator), a proctor or the person responsible for the prevention of money laundering and terrorism and proliferation financing in the field of taxes during the term of validity of the special permit (licence).

38. If the provider of debt recovery services has committed the violations referred to in Sub-paragraph 37.9 of this Regulation, the Consumer Rights Protection Centre is entitled to require the provider of debt recovery services to eliminate the violation and to make changes in its management and governance bodies within the specified time limit.

39. The Consumer Rights Protection Centre shall notify the provider of debt recovery services of the decision to suspend the operation of the special permit (licence) within three working days after taking of the decision, indicating the justification for the suspension of the operation.

40. If the provider of debt recovery services has eliminated the violations or the non-conformity with the requirements established in the decision of the Consumer Rights Protection Centre to suspend the operation of the special permit (licence), the Consumer Rights Protection Centre shall take the decision to restore the validity of the special permit (licence) within 10 working days from the day when the provider of debt recovery services or another institution has provided information to the Consumer Rights Protection Centre on the elimination of the violation. If additional information or the verification of information is necessary to take a decision, the deadline for taking the decision may be extended for up to one month.

41. The Consumer Rights Protection Centre shall notify the provider of debt recovery services in writing of the decision to restore the validity of a suspended special permit (licence) within three working days after taking the decision.

42. The Consumer Rights Protection Centre shall take the decision to cancel the special permit (licence) if:

42.1. the provider of debt recovery services has not commenced the provision of the service within six months after the Consumer Rights Protection Centre has taken the decision to issue the special permit (licence) or has discontinued economic activities for a period exceeding six months;

42.2. the provider of debt recovery services has submitted an application (Annex 5) with a request to cancel the special permit (licence);

42.3. the provider of debt recovery services has been declared insolvent;

42.4. a court ruling has been made or information has been included in the Enterprise Register on the termination of the operation of the provider of debt recovery services;

42.5. the validity of the special permit (licence) has been temporarily suspended in accordance with Paragraph 37 of the Regulation, and the provider of debt recovery services has not eliminated violation or non-conformity with the requirements due to which the validity of the special permit (licence) was suspended within the specified time limit.

43. The Consumer Rights Protection Centre is entitled to take the decision to cancel the special permit (licence) if:

43.1. significant violations of the laws and regulations in the field of consumer rights protection and the prevention of money laundering and terrorism and proliferation financing have been established. In evaluating whether the respective violations should be recognised as significant, the Consumer Rights Protection Centre shall take into account the nature and duration of the committed violation, the impact caused (losses to consumers), as well as other circumstances of significance to the case;

43.2. the Consumer Rights Protection Centre has information at its disposal that during the validity of the special permit (licence) administrative penalties for significant administrative offences in the field of trade, service provision and finances, consumer rights or personal data protection were imposed on the provider of debt recovery services or members of its supervisory or executive board, or members with the right of representation, if the provider of debt recovery services is an economic operator, a proctor or the person responsible for the prevention of money laundering and terrorism and proliferation financing;

43.3. the provider of debt recovery services has provided false information to the Consumer Rights Protection Centre.

44. A provider of debt recovery services whose special permit (licence) has been cancelled may submit an application for the receipt of a new special permit (licence) not earlier than three years after the day when the decision to cancel the special permit (licence) has entered into effect, except when the special permit (licence) has been cancelled upon a request of the provider of debt recovery services in accordance with Sub-paragraph 42.2 of the Regulation. If the special permit (licence) is cancelled, the State fee for the issuance or re-registration of the special permit (licence) shall not be reimbursed to the provider of debt recovery services.

**VI. Amount of the State Fee and Procedures for the Payment Thereof**

45. The amount of the State fee for the issuance of the special permit (licence) shall be EUR 3555.

46. The amount of the State fee for the re-registration of the special permit (licence) shall be EUR 1420.

47. The provider of debt recovery services shall pay the State fee for the issuance or re-registration of the special permit (licence) prior to submitting the application referred to in Paragraphs 12 and 29 of the Regulation to the Consumer Rights Protection Centre.

48. The provider of debt recovery services shall pay the State fee through the intermediation of such payment service provider which has the rights to provide payment services within the meaning of the Law on Payment Services and Electronic Money by indicating the purpose of the payment – State fee for the issuance or re-registration of the special permit (licence).

49. The State fee shall be transferred in the revenues account of the State basic budget in the Treasury.

50. If the issuance or re-registration of the special permit (licence) is refused, the State Revenue Service shall repay the paid State fee in the amount of 50 per cent to the provider of debt recovery services in accordance with the procedures laid down in the law On Taxes and Fees on the basis of a decision of the Consumer Rights Protection Centre to refuse to issue or re-register the special permit (licence).

**Informative Reference to European Union Directive**

The Regulation contains legal norms arising from Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU.

Prime Minister E. Siliņa

Acting for the Minister for Finance – the Minister for Smart Administration and Regional Development I. Bērziņa

**Annex 1**

Cabinet Regulation No. 485

16 July 2024

**Application for the Receipt of the Special Permit (Licence)**

To the Consumer Rights Protection Centre

1. Information about the provider of debt recovery services

|  |  |
| --- | --- |
| Given name, surname/name (firm name) of the provider of debt recovery services |   |
|   |   |
| Registration code/registration number in the Commercial Register or equivalent competent authority |   |
|   |   |
| Address/legal address of the location of the practice |   |
|   |   |
| Address(es) of the location where debt recovery services shall be provided |   |
|   |   |
| Telephone number |   |
|   |   |
| Fax number |   |
|   |   |
| E-mail address |   |

2. Contact person of the provider of debt recovery services

|  |  |
| --- | --- |
| Given name, surname |   |
|   |   |
| Telephone number |   |
|   |   |
| Fax number |   |
|   |   |
| E-mail address |   |

3. Information on the payment of the State fee

|  |  |
| --- | --- |
| Given name, surname or name of the payer of the State fee |   |
|   |   |
| Date of payment |   |
|   |   |
| Amount |   |
|   |   |
| Identification number of the payment order assigned by the payment institution |   |

4. Employees of the provider of debt recovery services whose duties include debt recovery

|  |  |
| --- | --- |
| Given name, surname,personal identity number |   |
| Given name, surname,personal identity number |   |
| Given name, surname,personal identity number |   |
| Given name, surname,personal identity number |   |
| Given name, surname,personal identity number |   |

5. Information on the person(s) responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Name | Surname | Position | Contact details(including telephone number, electronic mail address) |
|   |   |   |   |   |
|   |   |   |   |   |

6. I request the issuance of the special permit (licence) for the provision of debt recovery services in the Republic of Latvia from \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

Note. To be completed if the provision of debt recovery services is intended to be commenced not earlier than four months after the application for obtaining the special permit (licence) has been submitted.

7. I wish to receive a licence (mark as required with an x):

in the form of an electronic document

in the form of a printed document

8. I certify that:

8.1. the provider of debt recovery services has drawn up and appended to the application:

8.1.1. internal procedures for the provision of debt recovery services which determine the procedures for the recovery of debt, communication with debtors, the items forming debt recovery expenses and their financial itemised list;

8.1.2. the procedures for examining complaints of consumers;

8.1.3. information on the beneficial owners to the extent specified in Section 18.1, Paragraph four of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing;

8.1.4. documents certifying the legal origin of the attracted financing;

8.1.5. information on the host Member State and the Member State in which the loan was granted;

8.1.6. information on the outsourcing service provider, if any, and its legal address;

8.1.7. information demonstrating the ability of the provider of debt recovery services to communicate with the borrower in the respective European Union Member State in the language of the respective Member State or in the language used in the non-performing credit agreement;

8.2. the employees of the provider of debt recovery services who recover debts, a proctor or the person(s) responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing has (have) not been convicted for the committing of an intentional criminal offence for which liability has been provided in Chapter IX, IX.1, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, or XX of the Criminal Law, except when the criminal record has been extinguished, and the relevant person has not been convicted for violations of laws and regulations in the field of prevention of money laundering and terrorism and proliferation financing;

8.3. the provider of debt recovery services has developed an internal control system for the prevention of money laundering and terrorism and proliferation financing;

8.4. the provider of debt recovery services complies in its activities with the Guidelines on the Assessment of Adequate Knowledge and Experience of the Management or Administrative Organ of Credit Servicers of the European Banking Authority in accordance with Directive (EU) 2021/2167 (EBA/GL/2023/09, 15 December 2023).

9. Appended (mark with an x):

 a statement on the criminal and administrative record from the institution of the country of the permanent place of residence of the person which maintains information about criminal records in accordance with the laws of the relevant country (if the provider of debt recovery services (natural person) or a member of its supervisory or executive board, or a member with the right of representation (if the provider of debt recovery services is an economic operator) is a foreigner) if such information cannot be obtained from the Punishment Register maintained by the Information Centre of the Ministry of the Interior (hereinafter – the Punishment Register). The statement must be issued not earlier than six months ago;

 a statement on the criminal record from the institution of the country of the permanent place of residence of the person which maintains information about criminal records in accordance with the laws of the relevant country if the employee of the provider of debt recovery services whose obligations include debt recovery is a foreigner and such information cannot be obtained from the Punishment Register. The statement must be issued not earlier than six months ago;

 internal procedures for the provision of debt recovery services which determine the procedures for the recovery of debt, communication with debtors, the positions forming debt recovery expenses and their financial itemised list;

 the procedures for examining complaints of consumers;

 the authorisation of an authorised representative (if the submission is filed by an authorised representative);

 procedures/procedure for the prevention of money laundering and terrorism and proliferation financing;

 draft initial and repeated notification on debt liabilities;

 outsourcing contract (if a service of an outsourcing service provider is used)

 other documents (specify which) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
|  |   |   |
| (given name and surname of the provider of debt recovery services or its official) |  | (signature) |
|   |   |   |
|   |   |   |
| (date) |   |   |

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

**Annex 2**

Cabinet Regulation No. 485

16 July 2024

**Special Permit (Licence) No. \_\_\_\_\_\_\_**

**Consumer Rights Protection Centre**

|  |  |
| --- | --- |
| Given name, surname/name (firm name) of the provider of debt recovery services |   |
|   |   |
| Registration code/registration number in the Commercial Register or equivalent competent authority |   |
|   |   |
| Legal address |   |

Special permit (licence) issued for the provision of debt recovery services in the Republic of Latvia from \_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_ on the basis of a decision No. \_\_\_\_\_\_\_\_ of the Consumer Rights Protection Centre of \_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

Special permit (licence) is valid until \_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

|  |  |  |  |
| --- | --- | --- | --- |
| Director of the Consumer Rights Protection Centre |   |   |   |
|   | (given name, surname) |  | (signature)Place for a seal |

Note. The details of the document “signature” and “Place for a seal” shall not be completed if the electronic document has been drawn up in conformity with the laws and regulations regarding the drawing up of electronic documents.

**Annex 3**

Cabinet Regulation No. 485

16 July 2024

**Application for Making Amendments to the Special Permit (Licence)**

To the Consumer Rights Protection Centre

|  |  |
| --- | --- |
| Given name, surname/name (firm name) of the provider of debt recovery services |   |
|   |   |
| Special permit (licence) number |   |
|   |   |
| Registration code/registration number in the Commercial Register or equivalent competent authority |   |
|   |   |
| Legal address |   |

Please make the following amendments to the special permit (licence):

|  |
| --- |
|   |
|   |

Appended (mark as appropriate with an x):

 the authorisation of an authorised representative (if the submission is filed by an authorised representative);

 other documents (specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
|   |
| (given name and surname of the official) |  | (signature) |
|   |   |   |   |
| (date)  |   |   |   |

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

**Annex 4**

Cabinet Regulation No. 485

16 July 2024

**Application for the Re-Registration of the Special Permit (Licence)**

To the Consumer Rights Protection Centre

I request the re-registration of the special permit (licence) for the provision of debt recovery services in the Republic of Latvia from \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Information about the provider of debt recovery services

|  |  |
| --- | --- |
| Given name, surname/name (firm name) of the provider of debt recovery services |   |
|   |   |
| Special permit (licence) number |   |
|   |   |
| Registration code/registration number in the Commercial Register or equivalent competent authority |   |
|   |   |
| Address(es) of the location where debt recovery services shall be provided |   |

2. Contact person of the provider of debt recovery services

|  |  |
| --- | --- |
| Given name, surname |   |
|   |   |
| Telephone number |   |
|   |   |
| Fax number |   |
|   |   |
| E-mail address |   |

3. Information on the payment of the State fee

|  |  |
| --- | --- |
| Given name, surname or name (firm name) of the payer of the State fee |   |
|   |   |
| Date of payment |   |
|   |   |
| Amount |   |
|   |   |
| Identification number of the payment order assigned by the payment institution |   |

4. I wish to receive the special permit (licence) (mark as required with an x):

 in the form of an electronic document

 in the form of a printed document

5. I certify that:

5.1. the provider of debt recovery services has drawn up:

5.1.1. internal procedures for the provision of debt recovery services, which determine the procedures for the recovery of debt, communication with debtors, the items forming debt recovery expenses and their financial itemised list;

5.1.2. the procedures for examining complaints of consumers;

5.1.3. procedures/procedure for the prevention of money laundering and terrorism and proliferation financing;

5.2. the employees of the provider of debt recovery services who recover debts, a proctor or the person(s) responsible for the fulfilment of requirements for the prevention of money laundering and terrorism and proliferation financing has (have) not been convicted for the committing of an intentional criminal offence for which liability has been provided in Chapter IX, IX.1, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX or XX of the Criminal Law, except when the criminal record has been extinguished, and the relevant person has not been convicted for violations of laws and regulations in the field of prevention of money laundering and terrorism and proliferation financing;

5.3. the provider of debt recovery services complies in its activities with the Guidelines on the Assessment of Adequate Knowledge and Experience of the Management or Administrative Organ of Credit Servicers of the European Banking Authority in accordance with Directive (EU) 2021/2167 (EBA/GL/2023/09, 15 December 2023).

6. Appended (mark as appropriate with an x):

 a statement on the criminal and administrative record from the institution of the country of the permanent place of residence of the person which maintains information about criminal records in accordance with the laws of the relevant country (if the provider of debt recovery services (natural person) or a member of its supervisory or executive board, or a member with the right of representation (if the provider of debt recovery services is an economic operator) is a foreigner) if such information cannot be obtained from the Punishment Register maintained by the Information Centre of the Ministry of the Interior (hereinafter – the Punishment Register). The statement must be issued not earlier than six months ago;

 a statement on the criminal record from the institution of the country of the permanent place of residence of the person which maintains information about criminal records in accordance with the laws of the relevant country if the employee of the provider of debt recovery services whose obligations include debt recovery is a foreigner and such information cannot be obtained from the Punishment Register. The statement must be issued not earlier than six months ago;

 the authorisation of an authorised representative (if the submission is filed by an authorised representative);

 outsourcing contract (if a service of an outsourcing service provider is used)

 other documents (specify which) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
|   |   |   |
| (given name and surname of the provider of debt recovery services or its official) |  | (signature) |
|   |   |   |   |
|   |   |   |   |
| (date) |   |   |   |

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

**Annex 5**

Cabinet Regulation No. 485

16 July 2024

**Application for the Cancellation of the Special Permit (Licence)**

To the Consumer Rights Protection Centre

I request the cancellation of a special permit (licence) starting from \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

|  |  |
| --- | --- |
| Given name, surname/name (firm name) of the provider of debt recovery services |   |
|   |   |
| Special permit (licence) number |   |
|   |   |
| Registration code/registration number in the Commercial Register or equivalent competent authority |   |
|   |   |
| Address/legal address of the location of the practice |   |
|   |   |
| Telephone number |   |
|   |   |
| E-mail address |   |

Appended (mark as appropriate with an x):

 the authorisation of an authorised representative (if the submission is filed by an authorised representative)

 other documents (specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
|   |   |   |
| (given name and surname of the provider of debt recovery services or its official) |  | (signature) |
|   |   |   |   |
|   |   |   |   |
| (date)  |   |   |   |

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