Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

17 August 2021 [shall come into force on 17 August 2021];

1 September 2021 [shall come into force on 1 September 2021];

7 September 2021 [shall come into force on 7 September 2021];

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17 November 2021 [shall come into force on 17 November 2021].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Order No. 518

Adopted 10 August 2021

**Regarding the Declaration of Emergency Situation**

1. Taking into consideration the huge increase in the number of cases of illegal crossing of the state border of the Republic of Latvia and the Republic of Belarus and also observing the number of cases of illegal crossing of the state border of the Republic of Lithuania and the Republic of Belarus, the emergency situation shall be declared from 11 August 2021 to 10 February 2022 in the following administrative territories:

1.1. Ludza municipality;

1.2. Krāslava municipality;

1.3. Augšdaugava municipality;

1.4. the city of Daugavpils.

[*21 October 2021*]

2. The National Armed Forces and the State Police shall provide assistance to the State Border Guard for ensuring border surveillance of the state border of the Republic of Latvia and the Republic of Belarus in order to prevent the illegal border crossing.

3. The State Border Guard, the National Armed Forces, and the State Police shall use the means and procedures at their disposal in order to prevent persons from the illegal crossing of the state border of the Republic of Latvia and the Republic of Belarus.

4. Upon establishing that the person tries to illegally cross the state border of the Republic of Latvia and the Republic of Belarus or has illegally crossed the border, the State Border Guard, the National Armed Forces, and the State Police shall order the person to immediately stop the attempt to illegally cross the state border of the Republic of Latvia and the Republic of Belarus or shall order to immediately return to the country from which the person crossed the border and shall perform the required measures to ascertain that the relevant person complies with such an order.

[*17 November 2021*]

4.1The State Border Guard shall issue food and basic necessities to the persons referred to in Paragraphs 4 and 5 of this Order, if necessary. The State Border Guard shall be allowed to apply the exception referred to in Section 3, Paragraph eight of the Public Procurement Law in order to ensure the abovementioned persons with food and basic necessities.

[*1 September 2021*]

5. Upon establishing that the person does not comply with the order referred to in Paragraph 4 of this Order, the State Border Guard, the National Armed Forces, and the State Police has the right, in a state of extreme necessity, to apply physical force and special means in order to ensure the execution thereof.

[*17 November 2021*]

5.1The State Emergency Medical Service and the State and local government in-patient medical treatment institutions shall, upon request of the State Border Guard, ensure the necessary medical assistance to the persons referred to in Paragraphs 4 and 5 of this Order. The State Emergency Medical Service has the right to establish and equip additional teams to ensure the required medical assistance, including to assess the health condition of the abovementioned persons.

[*1 September 2021*]

6. It shall be determined that the application of persons regarding granting the status of a refugee or alternative status shall not be accepted by units of the State Border Guard and other institutions located in the territory where the emergency situation has been declared.

7. [21 October 2021]

8. The State Border Guard and the Office of Citizenship and Migration Affairs shall be allowed to apply the exception referred to in Section 3, Paragraph eight of the Public Procurement Law in order to ensure the accommodation of the asylum seekers arriving from the Republic of Belarus, and the provision thereof with food and basic necessities.

8.1 The State Border Guard and the State Police shall be allowed to apply the exception referred to in Section 3, Paragraph eight of the Public Procurement Law in order to ensure the accommodation and catering of the personnel of the State Border Guard and the State Police involved in the implementation of measures necessary for the execution of this Order and the supply of such personnel with the clothing, personal protective equipment and inventory required for the fulfilment of service duties and with testing for the determination of SARS-CoV-2, and also in order to maintain the means of transport involved in convoying and border surveillance measures and the technical means to be used in border surveillance.

[*17 August 2021*]

8.2 Such time for the fulfilment of service duties above the time specified for the fulfilment of service duties which exceeds the maximum time for the fulfilment of service duties specified in the Law on the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration and the law On State Security Institutions may be determined for the State Border Guard and State Police officials with special service ranks, and also to the State Security Service officials who implement the measures necessary for the execution of this Order if the Chief of the State Border Guard, State Police or Head of the State Security Service or the authorised official thereof has established that it is required for the implementation of measures provided for swift execution of this Order. Such overtime work which exceeds the maximum overtime work specified in the Labour Law may be determined for the employees of the State Border Guard, State Police or State Security Service who implement the measures necessary for the execution of this Order if the Chief of the State Border Guard, State Police or Head of the State Security Service or the authorised official thereof has established that it is required for the implementation of measures provided for swift execution of this Order, and the provisions of Section 136, Paragraph four of the Labour Law shall not be applicable to such cases.

[*7 September 2021*]

8.3 Such overtime work which exceeds the maximum overtime work specified in the Labour Law may be determined for the employees of the Office of Citizenship and Migration Affairs and civil servants who examine the cases of asylum seekers and ensure the accommodation of the asylum seekers if the head of the Office of Citizenship and Migration Affairs or the authorised person thereof has established that it is required for swift examination of the asylum seeker cases and accommodation of asylum seekers. The provisions of Section 136, Paragraph four of the Labour Law shall not be applicable to such cases.

[*17 August 2021*]

8.4 Such overtime work which exceeds the maximum overtime work specified in the Labour Law and Section 53.1, Paragraph two of the Medical Treatment Law may be determined for the employees of the State Emergency Medical Service and the State and local government in-patient medical treatment institutions who implement the measures necessary for the execution of this Order, and the provisions of Section 136, Paragraph four of the Labour Law shall not be applicable to such cases.

[*1 September 2021*]

8.5The Office of Citizenship and Migration Affairs shall ensure the asylum seekers in the accommodation centre or the asylum seekers accommodated in accordance with the procedures of Section 9, Paragraph five of the Asylum Law with food.

[*1 September 2021*]

8.6A supplement for work under conditions of increased risk and workload in the amount of the determined hourly wage rate shall be determined for the State Border Guard and State Police officials with special service ranks, and also for the State Security Service officials and employees who implement the measures necessary for the execution of this Order. The expenditure related to the supplements shall be covered from the State budget programme 02.00.00 “Funds for Unforeseen Events” based on the actually required amount.

[*17 November 2021*]

9. The expenses related to the implementation of measures necessary for the execution of this Order, including the overtime work and official travel of the personnel of the authorities involved, shall be financed from the State budget resources granted for such purpose to the authorities, and also upon reasoned request of the authorities – from the State budget programme 02.00.00 “Funds for Unforeseen Events”. In such cases, the decision to grant funding shall be taken by the Cabinet.

9.1For the time when the soldier of the National Armed Forces fulfilled the service duties by participating in the measures necessary for the execution of this Order, a supplement in the amount of 100 % of the monthly wage specified for him or her shall be disbursed to the soldier of the National Armed Forces in addition to the monthly wage. For each day when the national guardsman has performed the measures necessary for the execution of this Order, a compensation for the execution of service tasks shall be disbursed to a national guardsman in the amount specified in laws and regulations by multiplying it by a coefficient 2. The expenditure related to the supplement shall be covered from the State budget programme 02.00.00 “Funds for Unforeseen Events” based on the actually required amount. The criteria for the determination of the supplement and compensation referred to in this Paragraph and the procedures for granting thereof shall be stipulated by the Minister for Defence.

[*17 November 2021*]

9.2 Such overtime work which exceeds the maximum overtime work specified in the Labour Law may be determined for the employees of the National Armed Forces who implement the measures necessary for the execution of this Order if the Commander of the National Armed Forces or the authorised official thereof has established that it is required for the implementation of measures provided for swift execution of this Order. The provisions of Section 136, Paragraph four of the Labour Law shall not be applicable to such cases.

[*7 September 2021*]

9.3 The National Armed Forces shall compensate the employer for such remuneration disbursed by it to the employee who is a national guardsman if the employer has maintained a remuneration of such employee for the time period when the employee has been involved in the measures necessary for the execution of this Order as a guardsman. If the employer has not maintained a remuneration of the employee for the time period when the employee has been involved in the measures necessary for the execution of this Order but has incurred expenses due to the substitution of the employee, the National Armed Forces shall compensate for the expenses related to substitution which shall not exceed, during this period, the remuneration specified in the employment contract of the substituted employee in conformity with the substitution period.

[*7 September 2021*]

9.4 The disbursement of the compensation referred to in Paragraph 9.3 of this Order shall not apply to the employer which is an authority financed from the State budget.

[*7 September 2021*]

9.5 The National Armed Forces shall compensate the employer for the remuneration disbursed by it to the employee or for the remuneration for the substitution of the employee according to the actual expenses, but not more than EUR 50 per one working day or EUR 6.25 per one working hour, without exceeding the regular working time.

[*7 September 2021*]

9.6 To receive the compensation, the employer shall submit the following documents to the National Armet Forces:

9.61. an application for compensating the remuneration disbursed to the employee;

9.62. the calculation of remuneration disbursed to the employee which is approved by the employer and specifies the amount of remuneration disbursed per each working day (working hour) when the employee has not performed work due to the participation in the measures necessary for the execution of this Order;

9.63. a certification approved by the employer indicating the expenses of the employer for each working day (working hour) due to the substitution of the employee.

[*7 September 2021*]

9.7 The National Armed Forces shall examine the documents referred to in Paragraph 9.6 of this Order in accordance with the procedures specified in the Administrative Procedure Law and shall compensate the employer for the expenses referred to in Paragraph 9.3 of this Order from the State basic budget resources intended for the National Armed Forces for this purpose or provide a justified refusal if any of the documents referred to in Paragraph 9.6 of this Order have not been submitted or the abovementioned documents contain false information or the actual circumstances for the disbursement of compensation have changed.

[*7 September 2021*]

9.8If the employee has several employers, the remuneration disbursed to the employee or the expenses for the substitution of the employee in the specific time period shall, in compliance with the conditions referred to in Paragraph 9.5 of this Order, be compensated to all the employers for whom the employee has not performed work due to the participation in the measures necessary for the execution of this Order.

[*7 September 2021*]

10. If necessary, the Cabinet shall decide on requesting international assistance through the platforms of the European Union Civil Protection Mechanism, North Atlantic Treaty Organisation, and also of other international cooperation organisations and foreign countries.

Prime Minister A. K. Kariņš

Minister for the Interior M. Golubeva