



LEGAL FRAMEWORK FOR RECEIPT OF DISASTER RELIEF IN LATVIA

Study of legal framework for receipt of relief for prevention and elimination of disaster in the territory of the Republic of Latvia, considering best practice recommendations set by IDRL Guidelines and HNS Guidelines



Coordinating Partner:

Associated Partners:



International Federation
of Red Cross and Red Crescent Societies



PREPARED IN COOPERATION WITH LAW OFFICE FORT AND STATE FIRE AND
RESCUE SERVICE



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INTRODUCTION

It is responsibility and duty of each country to protect people, animals, property and environment from disasters or threats thereof within its territory. In certain cases the affected country will not be capable to take all the necessary actions to effectively avert possible disaster or recover from its consequences without assistance. Due to this reason many countries, and Latvia among them, mutually cooperate to ensure due performance of the aforesaid duty.

Cross-border cooperation can be implemented on different levels, including based on conventions concluded within UN, by applying relevant mechanisms of UN for receipt of relief. Furthermore, cooperation can be implemented within other international organizations, including NATO and EU. In addition, Latvia, just like other countries, is particularly interested and active in cooperation with its neighbouring countries.

Appropriate and clear legal framework which establishes rights, obligations, privileges of parties involved in provision and receipt of the relief as well as procedure for receipt and provision of the relief itself, is the cornerstone of a successful cooperation.

On 30 November 2007, the state parties to the Geneva Conventions and the International Red Cross Red Crescent Movement unanimously adopted the IDRL Guidelines. The UN General Assembly has passed several resolutions encouraging countries to make use of these guidelines.

The IDRL Guidelines, as well as HNS Guidelines identify and describe preconditions for successful cooperation by combining previous experience and best practice in receipt of disaster relief. Although these guidelines are of advisory nature, currently the national law of several countries (Latvia, Finland, Iceland, Ireland and Poland) with the said guidelines.

Purpose of this study is to research legal framework in respect of prevention and recovery from disasters in the territory of the Republic of Latvia taking into account best practice recommendations set by IDRL Guidelines and HNS Guidelines in order to facilitate Latvia's preparedness to receive relief in case of disasters.

The study was conducted in cooperation with VUGD as well as upon consulting with experts in respective areas.

ABBREVIATIONS AND DEFINITIONS

CBRN	Chemical, Biological, Radiological and Nuclear Defence
CECIS	Common Emergency Communication and Information System
CPS	Civil Protection System
EADRCC	Euro-Atlantic Disaster Response Coordination Centre
ERCC	Emergency Relief Coordination Centre
EU	European Union
HEPP	Hydroelectric power plant
HNS	Host Nation Support
LRC	Latvian Red Cross
NAF	National Armed Forces
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
VARAM	Ministry of Environmental Protection and Regional Development
VUGD	State Fire and Rescue Service
HNS Guidelines	Commission Staff Working Document “EU Host Nation Support Guidelines”
Humanitarian Aid Regulation	3 June 2009 Cabinet of Ministers Regulation No 659 “Procedure for Receipt and Provision of Humanitarian Relief”
IDRL Guidelines	Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance adopted on 30 November 2007 by the state parties to the Geneva Conventions and the International Red Cross Red Crescent Movement

1. COUNTRY PROFILE

The Republic of Latvia is an independent democratic republic proclaimed on 18 November 1918. In 1998 Latvia joined the World Trade Organization and in 2004 became a member state of EU and NATO. Latvia is also a member state of UN, OSCE, Council of Europe, and the International Organization of the Francophonie.¹

Latvia is divided into 110 regions and 9 state-level cities (Daugavpils, Jēkabpils, Jelgava, Jūrmala, Liepāja, Rēzekne, Rīga, Valmiera un Ventspils). Population in Latvia amounts to 2'041'763 in total.²

The capital city of Latvia is Riga where approximately one third of Latvia's population lives. The second most populated city is Daugavpils with 103'922 inhabitants, followed by Liepaja (84'074) and Jelgava (64'898).³



Latvia lies in the north-eastern part of Europe on the shores of the Baltic Sea and borders with the other two Baltic States – Estonia and Lithuania, as well as Russia and Belarus.

Area of the country's territory is 64'589 km², of which 45% are forests. Length of the land border is 1862 km while the sea border meanders along 494 km. Latvia has land border with 4 countries: Republic of Estonia in the north (343 km), Russian Federation in the east (276 km), Republic of Belarus in the south-east (161 km), and Republic of Lithuania in the south (576 km).⁴

Key underlying factor of the climate in Latvia is its location in the temperate zone on the shores of the Baltic Sea and the Gulf of Riga, as well as geographical location and flat terrain of the territory allowing varied air masses to flow in from different directions.⁵

In the power supply system of Latvia electricity is generated at AS "Latvenergo" power plants and power plants of independent producers. Electricity is generated at HEPP facilities, thermoelectric power generation works, wind farms, biomass and biogas power plants etc. In 2012 the total electricity supply was 7459 GWh, of which 68% were generated at power plants

¹ More detailed information about the said organizations is available here: www.mfa.gov.lv.

² According to the data of the Central Statistical Bureau in 2012. More detailed information about ethnical composition, number of economically active residents, etc. is available here: <http://www.csb.gov.lv>.

³ More detailed information about regions and their territorial division and number of population is available here: www.varam.gov.lv.

⁴ More detailed information about Latvia can be found here: www.latvija.lv.

⁵ More detailed information about the climate in Latvia is available here: www.meteo.lv.

of AS "Latvenergo", 15% - procured from small electricity producers and 17% were formed of net import of electricity.⁶

2. POSSIBLE DISASTER SCENARIOS

2.1. Possible hazards⁷

2.1.1. Natural disasters

Almost all natural disasters (such as storms, hurricanes, earthquakes, heavy rains, floods, hail, sharp frost, snowstorms, ice-up, snow drifts and ice jams, high heat, drought, forest and peat-bog fires) are referred to and analyzed in the State Civil Protection Plan. However, taking into account geographical location, terrain, climate of Latvia and the fact that Latvia is located outside seismically active area as well as disasters experienced in previous years (see Annex 2) a disaster of a regional or national scale could be, most probably, caused by flood (high waters in spring, continuous rain showers, etc.).

Depending on weather conditions considerable ice jams may occur on the in spring causing rapid rise of water level. In individual regions flooding may occur even twice a year.

Such national hazard as a regional or national-scale emergency can be caused and safety of population might be threatened by theoretical dam failure in cascade of the hydroelectric power plants (HEPP) on the River Daugava:

- 1) in case of dam failure at Pļaviņu HEPP reservoir of which holds 603 million m³ of water territory of the cities of Jaunjelgava, Kegums, and Lielvarde and partially regions of Kegums, Lielvarde, and Aizkraukle will be flooded;
- 2) in case of dam failure at Keguma HEPP with the capacity of water reservoir 160 million m³ cities of Ogre and Ikšķile will be partly flooded;
- 3) in case of dam failure at Rīga HEPP reservoir of which holds 339 million m³ of water 41.9 km² of lower territories of the City of Rīga will be flooded.

Furthermore, rupture of one HEPP dam may cause a "chain reaction" rupture of protecting dikes of power plants in the lower reaches of the river. Notwithstanding the fact that Latvia is not located in a seismically active area it should be noted that theoretically a failure HEPP could be caused not only by floods, but also by an earthquake because the global seismological experience shows that induced earthquakes may occur around big water bodies; furthermore, not far from Pļaviņu HEPP are the Aizkraukle and the Piebalga tectonic fracture zones.

Flooding risk can be caused not only by failures at Daugava HEPPs, but also by dams on other big water bodies. On 9 June 2012 the extraordinary meeting of the Crisis Management Council discussed a possible national-scale flooding threat originating from the south-eastern dam on the Lake Lubāna which is in critical condition and rupturing of which not only would flood up to 60'000 ha of land, including 5 residential areas – Zvejstola, Nagli, Blodani, etc. and damage

⁶ Additional information about the electricity market in Latvia is available on the website of the Ministry of Economics www.em.gov.lv.

⁷ Possible scenarios of disasters are prepared taking into account information provided in the State Civil Protection Plan.

infrastructure objects, agricultural land and forests, but in the event of congruence of especially adverse factors could influence safety of the cascades of HEPP on the river Daugava.

Although about 50% of the territory of the country is covered with forest and swamp, until now no such fires have broken out extinguishing of which would require involvement of cross-border resources. Situation of higher fire risk forms in eastern regions of Latvia when Russian forests in the frontier lands are on fire.

2.1.2. Man-made disasters

In accordance with the State Civil Protection Plan the following man-made disasters are possible in Latvia (anthropogenic hazard is present):

- 1) Leak of hazardous substances from dangerous sites abroad and in the territory of the country (chemical and oil refineries, petroleum and petroleum product pipelines crossing the territory and terminals, gas distribution stations, piping and reservoirs);
- 2) Radiation accident upon emergency in nuclear sites abroad or at national-scale sources of ionizing radiation, when an artificial satellite falls containing radioactive materials, upon transporting radioactive materials or performing illegal handling of nuclear materials;
- 3) Traffic accidents;
- 4) Emergencies in heat supply, gas and water supply systems;
- 5) Damages of power networks.

The State Civil Protection Plan refers to chemical plants and oil refineries in Novopolock, Republic of Belarus, as the dangerous sites abroad that might pose a risk to the territory of the state, as well as pipelines of petroleum and petroleum products which in case of accident may cause water pollution in the Daugava with hazardous chemicals concentration in the water of which may exceed maximum thresholds permitted, as well as in the territory of the Republic of Lithuania – near the border with Latvia where Mazeikiai Oil Refinery and Butinge Oil Terminal are located which in case of accident can pollute the territory of Latvia and waters of the Baltic Sea. Whereas as hazardous sites in the territory of the country are mentioned petroleum and petroleum product pipelines crossing several regions (total length – 437 km), gas mains (total length 1,238 km), the underground gas reservoir Incukalna situated in the Krimulda Civil Parish (capacity – 4 billion m³ of gas), as well as sites of higher risk where hazardous substances are used, produced, applied, managed or stored.

Railway transport is of key significance in the Latvian economy. Volume of cargo carriage by rail forms about 52% of the entire volume of the carriage by road in the country. Within the structure of the carriage by rail the transit makes 85%, mainly from Russia and Belarus to the Latvian ports (East-West Transit Corridor).⁸ Mainly hazardous cargoes are carried in transit, including petroleum and petroleum products and chemical cargoes. Therefore railroad junctions on railway bridges, level crossings, where railroad crosses highways are indicated as areas of higher risk. In these objects, upon rising likelihood of emergency threat, consequences of an event may change from insignificant to catastrophic considering that hazardous cargoes are also carried along residential areas, thus putting human health and environment in jeopardy.

⁸ More detailed information about the railway sector can be found on the website of the Ministry of Transport. <http://www.sam.gov.lv/satmin/content/?cat=88>.

Potentially the most dangerous nuclear site in Latvia is the Ignalina Nuclear Power Plant shut down in 2009 which is located 8 km from the border of Latvia, because nuclear fuel previously used is stored in its territory and in subsequent years based on the infrastructure of Ignalina Nuclear Power Plant construction of the new Visagina Nuclear Power Plant might be launched. Part of the City of Daugavpils and 8 regions are located in the planning area of 30 km for emergency protection measures around the Ignalina Nuclear Power Plant, whereas regions of Daugavpils, Ilukste, Akniste, Varkava, Preili, Aglona, and Kraslava, as well as partially regions of Nereta, Viesite, Sala, Jekabpils, Krustpils, Livani, Riebini, Vilani, Rezekne, Ludza and Dagda are located in 100 km radius.

Taking into account that Latvia is a state party to NATO and the EU Member State, and the NAF are participating and in future might get involved in international operations in countries where there is risk of terrorism– international terrorism is considered to be a real risk factor for national security. However, it should be concurrently noted that Latvia is the only Northern European country where no significant threat of terrorism – attacks or arrests – has occurred.

2.1.3. Epidemics, epizooty and epiphytotic conditions

In Latvia, just like in any other country, outbreaks (threats thereof) of dangerous infectious diseases and other infectious diseases where incidence is considerable and hardly manageable and mass poisoning are possible, as well as mass affliction of animals and outbreaks of infectious diseases and proliferation of organisms hazardous for plants are possible.

2.2. Previous experience with hosting foreign relief

International relief was requested and received from Sweden, Lithuania and Estonia in 2007 when due to the Druzhba pipeline accident in Belarus (Vitebska Region) 4.1 tons of petroleum products leaked in the river Daugava. International relief was offered by Sweden, Lithuania, Estonia and Finland, but after clarification of the offered resources a decision was made to receive the relief only from Sweden, Lithuania and Estonia. Until 4 July 2009 when Humanitarian Aid Regulation came into force there was no legal framework for receipt and provision of relief, no responsible and involved institutions were established or coordination mechanism for receipt of disaster relief introduced. Thus the receipt of assistance was performed on *ad hoc* bases. With respect to receipt of disaster relief from Sweden, Lithuania and Estonia, it should be mentioned that during the disaster bilateral agreements were already concluded with the these countries and thus the relief was provided in compliance with the provisions of these agreements.

3. MEMBERSHIP IN INTERNATIONAL AND REGIONAL ORGANIZATIONS AND ASSOCIATIONS

International organizations where Latvia is a member⁹

United Nations (UN) Council of the Baltic Sea States (CBSS)
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⁹ This is not an exhaustive list of international organizations where Latvia is a member.

Organization for Security and Co-operation in Europe (OSCE) European Union (EU) Council of Europe Organization for the Prohibition of Chemical Weapons (OPCW) World Bank Food and Agriculture Organization (FAO) World Trade Organization (WTO) World Health Organization (WHO) International Civil Aviation Organization (ICAO) World Organization for Animal Health (OIE) International Monetary Fund (IMF) International Atomic Energy Agency (IAEA) International Maritime Organization (IMO) International Organization for Migration (WMO) International Red Cross Organization (IRCO) International Telecommunication Union (ITU) World Meteorological Organization (WMO) North Atlantic Treaty Organization (NATO)

As evident, Latvia is a member state in several organizations which are involved in resolving issues related to emergency situations in various ways. These organizations not only ensure information exchange among the countries but also can order, develop and fund various measures and studies in respect of emergency situations, their effect on different performance in several industries, serving as a platform in order to develop solutions for prevention of emergency situations, promote cross-border cooperation in different areas, which respectively facilitates cooperation in case of emergencies.

The following three organizations are strategically significant and materially facilitate cross-border cooperation in case of disasters:

- 1) United Nations (UN);
- 2) North Atlantic Treaty Organization (NATO);
- 3) European Union (EU).

Thus, Latvia has different mechanisms available that can be used to prevent risks of disaster as effectively as possible or eliminate consequences thereof.

Taking into account the fact that recent years have witnessed intensive work on enhancing mutual harmonization between mechanisms of different levels (UN, NATO EU), including active exchange of information, Latvia has an opportunity to select the most suitable mechanisms of all which would not overlap with other mechanisms and is the most appropriate in specific circumstances.

3.1. UN

Latvia has signed and ratified several international conventions which are concluded within the framework of UN, including conventions that have been signed considering the position of UN on specific issues. Latvia is also a state party to various organizations within the UN system.

Based on this international legislation Latvian government authorities have developed relevant plans on how to act in specific emergencies.¹⁰

In certain cases the Latvia has displayed passive position and refrained from signing and ratifying acts of international law.¹¹ However in general Latvia tries to follow good practice and ratify significant norms of law that might alleviate cross-border cooperation in cases of emergency.¹²

Latvia has not experienced such disasters that would require active application of UN mechanisms to eliminate the consequences. Of course, it does not mean that Latvia has not received any assistance from UN authorities. For example, after collapse of the Union of Soviet Socialist Republics Latvia, just like other former members of the union, used UN assistance to liquidate adverse effects and ensure wholesome functioning of the general public.

If Latvia makes decision¹³ to use UN support for elimination of effects of disasters, it will have various mechanisms available depending on respective circumstances (characteristics of the disaster, necessary relief, capacity of neighbouring countries and other EU Member States to ensure relief). The basic mechanism Latvia may use, if applying for relief within the UN support system is UNOCHA.

However, it has to be noted that mutual coordination and exchange of information may differ depending on the nature of disaster, i.e. in different situations different authorities will apply different mechanisms upon communicating with UN, its institutions and agencies.¹⁴

Irrespective of availability of UN mechanisms their practical application is unlikely. Considering policy to facilitate mutual cooperation among the member states that is developed and frequently improved by EU, Latvia probably will first ask for assistance based on EU laws or bilateral agreements. Therefore there is a higher likelihood that UN mechanisms will be used in cases

¹⁰ For example, the Cabinet of Ministers of the Republic of Latvia approved “the national preparedness plan for emergencies of oil, hazardous and noxious substance pollution at sea” which is developed based on the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) of 1990, Protocol to the OPRC relating to hazardous and noxious substances (OPRC-HNS Protocol) adopted in 2000, Convention on the Protection of Marine Environment of the Baltic Sea Area dated 1992, as well as the International Convention for the Prevention of Pollution from Ships adopted in 1973 and its Protocol of 1978 (MARPOL Convention), International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Convention on Facilitation of International Maritime Traffic adopted in 1965 with its annex.

¹¹ For example, Latvia has not signed and ratified the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998; Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 and its Optional Protocol of 8 December 2005.

¹² For example, the Vienna Convention on Early Notification of a Nuclear Accident dated 1986 and the Vienna Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency of 1986; International convention on the simplification and harmonisation of customs procedures (Kyoto Convention) of 18 May 1973 and Protocol of amendment to the International Convention on the simplification and harmonisation of customs procedures (Revised Kyoto Convention) of 26 June 1999; Istanbul Convention on Temporary Admission of 1990; Chicago Convention on International Civil Aviation of 1944 (including Annex 9).

¹³ The decision was adopted in view of the Humanitarian Aid Regulation.

¹⁴ For example, the Radiation Safety Centre of the State Environmental Service (Early Warning Group of the Inspection Department) performs functions of a communication point in cases of radiation emergencies and in accordance with 1986 Vienna Convention on Early Notification of a Nuclear Accident; the Emergency Ambulatory Medical Service performs functions of a communication point and notifies the contact point under the International Health Regulations (IHR) of the World Health Organization (WHO) about cases which may raise public health risk of international scale and in respect to safeguard measures for public health.

when Latvia will make a decision on providing relief to another non-EU member state or which has not entered into the bilateral cooperation agreement with Latvia, and which does not have access to relief systems of EU.

Latvia has gone all the way from the country which receives international aid to a country which provides the aid to countries in need of support for implementation of democratic political and economic reforms, as well as elimination of consequences caused by disasters. Therefore in recent years several national laws and regulations are drafted that establish procedure how Latvia provides support to other countries.¹⁵

Latvia provides humanitarian aid taking into account principles of provision of best humanitarian aid defined in the European Consensus on Humanitarian Aid.¹⁶ Latvia follows the fundamental principle of humanitarian aid: provide financial support in proportion to the needs, based on due evaluation of the needs in line with male and female needs. It has to be noted to this end that Latvia aims at maximum fast availability for provision of humanitarian aid.¹⁷

3.2. NATO

Latvia is a full-fledged member state of NATO, thus one of the missions of Latvia is to improve HNS¹⁸ mechanism. In this connection the Law on Memorandum of Understanding Between the Government of the Republic of Latvia and Supreme Headquarters Allied Powers Europe and Headquarters Supreme Allied Commander Transformation Regarding the Provision of Host Nation Support for the Execution of NATO Operations/Exercises was adopted on 12 October 2006. The memorandum is developed as a general agreement applicable to various HNS operations under NATO command in the territory of Latvia. It sets principles for provision of HNS and obligations to be performed by each and every party involved.

Taking into account the aforementioned memorandum the Cabinet of Ministers of the Republic of Latvia on 19 March 2008 passed Order No 147 by which it approved Policy for Foreign Military Host Nation Support System for the Years 2008-2010. The Policy was adopted in order to ensure fulfilment of requirements towards planning of various contingencies, operations and training related to HNS, emphasizing necessity for flexible approach in the process of planning

¹⁵ For example, the International Relief Law; 28 September 2010 Cabinet of Ministers Regulation 910 "Regulation of formation, training, funding of response and medical aid units, establishment of social guarantees and involvement in provision of international relief"; 27 July 2010 Cabinet of Ministers Regulation No 672 "Regulation on maximum remuneration, per diem and hotel (accommodation) expenses of persons involved in implementation of the development co-operation project"; 5 January 2010 Cabinet of Ministers Regulation No 2 "Procedure for implementation of grant project tenders"; 12 May 2009 Cabinet of Ministers Regulation No 433 "Procedure for implementation of assigned cooperation"; 13 January 2009 Cabinet of Ministers Regulation 35 "Procedure for detailing of a civil expert for participation in an international mission, and procedure for funding of the assignment".

¹⁶ The Statement on the European Consensus on Humanitarian Aid jointly approved by the Council, Commission and the Parliament in 2007 which stipulates activities of EU in the area of humanitarian aid in accordance with the principles in provision of humanitarian aid jointly defined in 2003 by donor states, UN agencies, non-governmental organizations, International Red Cross, Red Crescent.

¹⁷ See, for instance, Guidelines for Development Co-operation Policy for a period of time from 2011 until 2015. Available at: <http://www.mfa.gov.lv/data/file/AttistibasSadarbiba/asppamtnostadnes.pdf>.

¹⁸ HSN (Host Nation Support) is a civil and military support provided by the host country in peacetime, crisis or warfare circumstances to allied forces and organizations which are present in the territory of the host country, perform missions there or cross it. Such support involves measures agreed by Latvia and the sending nation(s) or NATO.

and implementing HNS. Guidelines incorporated in the policy shall be used both in peace time (inter alia, during military training) and in case of national threat (inter alia, in cases of operations referred to in Article 5 and beyond Article 5 of the North Atlantic Treaty of 4 April 1949), as well as in cases of disasters and elimination of consequences thereof.

Upon performing tasks set in the guidelines, Latvia has increased capacity to plan and implement hosting of allied forces in the territory of Latvia and the compatibility of HNS system with principles of provision of HNS developed by NATO has been advanced.¹⁹

Until now Latvia has not asked NATO for assistance in eliminating consequences of disasters; however, Latvia has participated in various operations implemented (managed) by NATO.²⁰ In addition, Latvia along with other state parties to NATO frequently takes part in different military training, inter alia, in the territory of Latvia, as well as ensures conditions necessary for air force of NATO member states to perform air patrol of the Baltic airspace.

If Latvia needs assistance of NATO member (as well as candidate or partnership) states for elimination of disaster consequences it will be able to use the available mechanism – EADRCC. Latvia will be eligible to approach EADRCC with a plea for help. In the result the Euro-Atlantic Disaster Response Unit that is coordinated by EADRCC will be involved in eliminating effects of the disaster.

The request for help has to be accepted and submitted under procedure set forth in the Humanitarian Aid Regulation. Pursuant to this regulation VUGD will ensure exchange of information related to receipt of humanitarian aid with EADRCC. It should be noted that the Humanitarian Aid Regulation regulates decision-making procedure; therefore the format and content of the request for aid will, most probably, be prepared in line with NATO guidelines and recommendations for receipt of the aid.²¹

There is a higher likelihood that in the event of disaster Latvia will use relief mechanism of NATO (EADRCC), and not the UN mechanism (UNOCHA). However, Latvia will, most probably, first of all try to use EU support and relief mechanisms of EU first or carry out cooperation based on a bilateral agreements.

3.3. EU

Latvia as a full-fledged member state of EU is subjected to EU laws and also participant of EU mechanisms available for disaster response, including but not limited to the following:

¹⁹ Evaluation of implementation of the guidelines is outlined in the informative report of 2011 “On Compliance with Host Nation Guidelines for Hosting Foreign Armed Forces in 2008-2010”.

²⁰ Since 1996 when Latvian troops began to take part in a NATO-led mission in Bosnia and Herzegovina, Latvia has been involved in several NATO operations in the Balkans, Iraq and Afghanistan. Altogether, Latvia has participated in two NATO operations in the Balkans – (1) from 1996 until 2004 in the NATO Stabilization Force in Bosnia and Herzegovina (Stabilization Force, SFOR); (2) from 2000 until fall of 2009 in Kosovo peacekeeping forces (Kosovo Force, KFOR); (3) has provided material and financial support to training mission of NATO in Iraq (NATO Training Mission Iraq, NTM-I) in 2005 and 2006, as well as (4) is involved since 2003 in NATO-led security and training mission in Afghanistan (International Security Assistance Force, ISAF) (see “Latvija un NATO”. Available: <http://www.mod.gov.lv/lv/NATO/LV%20NATO.aspx> [searched on 12 July 2013])

²¹ For example, NATO guidelines for request and receipt of assistance (*Checklist and Non-Binding Guidelines for the Request, Reception and Provision Of International Assistance in the Event of a CBRN Incident or Natural Disaster*) and Standing Operating Procedures for the Euro-Atlantic Disaster Response Unit (EADRU).

- 1) Council Regulation (EC) No 2012/2002 of 11 November 2002²²;
- 2) Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism.²³

In addition to the above mentioned there are other EU laws and regulations which regulate various issues in different areas related to the disaster relief. Latvia as a EU member state tries to comply with and act in line with these laws and regulations.

In connection with legal framework for provision of support and disaster relief primary laws of EU also should not be ignored which are certainly to be recognized as firm ground for improvement of mutual cooperation among EU member states. Specifically, emphasis should be put on the Treaty of Lisbon which introduced material modifications in the primary law of EU.

Along with the Treaty of Lisbon EU has gained possibility to implement more comprehensive, better coordinated and more effective activities for provision of disaster relief. This is related to development and application of separate mechanisms which allow ensuring harmonized EU response and coordination with NATO at the same time.

Civil protection and humanitarian aid are two main mechanisms at EU disposal which can be applied in order to ensure instant and effective aid to people affected by the disasters. These instruments are united under single European Community Humanitarian Office (ECHO²⁴), which provides an opportunity to create enhanced Emergency Response Centre that can use information and expertise of both areas and effectively connect civil protection and humanitarian aid authorities of the member states at the EU level.

The Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community (signed on 12 December 2007, came into force on 1 December 2009), stipulates also a solidarity clause which imposes a duty on the member states to provide mutual assistance in natural and man-made disasters in the territory of EU.

Latvia has positive experience in provision of assistance to other EU countries in case of disaster. As an example can be mentioned development and actual use of the High Capacity Pumping

²² EU Council Regulation by which the EU Solidarity Fund is established. The said fund shall be recognized as a new financial instrument of support which allows EU to quickly, effectively and flexibly respond to emergencies in accordance with the regulation and provide financial assistance in case of large-scale disasters, especially natural calamities, to residents of the respective regions for a purpose to facilitate faster recovery of normal living conditions in the regions affected by the disaster. Latvia has used resources of the EU Solidarity Fund. For example, after the storm on 8 January 2008 Latvia (on 11 March 2005) filed an application for receipt of necessary resources. After submission of additional information the European Parliament approved allocation of the resources on 17 November 2005 followed by European Commission Decision No K (2006)778 of 15 March 2006 and the agreement concluded on 3 April 2006 between the Commission and the State of Latvia. Pursuant to the aforesaid decisions and agreement resources were granted to Latvia in the amount of EUR 9,487,180 which had to be used within one year as of the date when the resources were allocated, i.e. as of 2 May 2006. Thus, more than one year was necessary to start using the resources granted for elimination of consequences.

²³ The decision provides establishment of the Unions civil protection mechanism, which improves cooperation between the countries and the Union and promotes coordination in civil protection area in order to ensure effectiveness of those systems aim of which is to eliminate natural and man-made disasters, ensure preparedness and reaction.

²⁴ Regardless of the fact that currently the official title is “*European Commission Directorate General for Humanitarian Aid and Civil Protection Department*”, abbreviation of the previous title „*Commission's European Community Humanitarian Office*” “ECHO” is retained, which, among other, is used in official publications, reports and other documents.

module within the project BaltFloodCombat.²⁵ The completed High Capacity Pumping module was successfully applied in Poland and Moldova and this fact was also highly praised by the European Commission.²⁶

According to the principle of subsidiarity, if Latvia is not able to eliminate consequences caused by disasters all on its own it will be eligible to reach for help from EU. In such case a relevant request will have to be filed with ECHO ERCC which will coordinate receipt of assistance from other EU member states.²⁷ The request for assistance has to be accepted and submitted under the procedure established by the Humanitarian Aid Regulations.

National laws and regulations do not provide a specific institution when the assistance should be required or information should be provided. Thus, the responsible ministry or another national institution may act in accordance with the supranational law (conventions, multilateral and bilateral agreements, EU law, etc.).

The Humanitarian Aid Regulations prescribe that VUGD shall ensure exchange of information related to receipt of humanitarian aid with ERCC. The said can be effectively enforced by using the Common Emergency Communication and Information Systems (such as CECIS).

However, the above does not mean that VUGD shall be recognized as the contact point in absolutely all disasters and at all stages. Taking into account that for overcoming various crisis situations in different areas an inter-pillar approach exists in EU, several responsible institutions are established that shall ensure information exchange in different situations using different systems.²⁸

²⁵ “BaltFloodCombat” is a EU-funded project which is jointly carried out by the Estonian Rescue Board, Latvian Fire and Rescue Service (VUGD) and Lithuanian Fire and Rescue Service within the framework of Preparatory Action on an EU Rapid Response Capability funded by the European Parliament. Within the project the High Capacity Pumping module is developed along with training of the personnel which is additionally supplied with relevant equipment in order to quickly and effectively liquidate consequences of floods in each of the Baltic States (in other states as well, if necessary). Taking into account the positive outcome of the project after its end implementation of a new project – BaltFloodCombat2 – was launched with an aim to purchase additional equipment and conduct additional training.

²⁶ For example, the Communication from the Commission to the European Parliament and the Council “Towards a stronger European disaster response: the role of civil protection and humanitarian assistance” dated 26 October 2010.

²⁷ By using MIC it is possible to provide assistance not only to EU Member States. For example, during elimination of the consequences of forest fires in Russia a proposal was submitted to Russian Federation through MIC to receive assistance from EU Member States. However, the Russian Federation did not use this assistance and instead received assistance based on bilateral agreements concluded with individual EU Member States, including Latvia. Notwithstanding the foregoing, several EU Member States, Latvia among them, used MIC in order to procure provision of coordinated and harmonized assistance to the Russian Federation.

²⁸ For example, the Radiation Safety Centre of the State Environmental Service (Early Warning Group of the Inspection Department) performs functions of a communication point and uses ECURIE system in cases of radiation emergencies, the Disease Prevention and Control Centre – early warning and response system (EWRS) in case of infectious diseases, the Emergency Ambulatory Medical Service performs functions of a communication point and uses RAS-BICHAT system in case biological and chemical health hazard occurs.

4. BILATERAL AGREEMENTS

Latvia is interested in active cooperation with its neighbouring countries in order to ensure utmost efficiency in case of various disasters.²⁹ In this respect Latvia has entered into several bilateral agreements, inter alia, with all countries which have land border with Latvia:

- 1) Republic of Belarus³⁰;
- 2) Republic of Estonia³¹;
- 3) Russian Federation³²;
- 4) Republic of Lithuania³³.

In addition to the above Latvia has entered into bilateral agreements regarding cooperation in the event of disaster with following countries:

- 1) Republic of Azerbaijan³⁴;
- 2) Ukraine³⁵;
- 3) Republic of Hungary³⁶;
- 4) Republic of Uzbekistan³⁷;
- 5) Kingdom of Sweden³⁸;
- 6) Georgia³⁹.

²⁹ Such interest derives from the preambles of the respective bilateral agreements.

³⁰ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation in Prevention of Disasters, Natural Calamity and Other Large-Scale Accidents as well as in Elimination of their Consequences dated 8 July 2003 (in force since 1 June 2004).

³¹ Framework agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on Mutual Assistance in the Event of Disasters dated 4 June 2001 (in force since 19 June 2002).

³² Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Cooperation in Prevention and Liquidation of Emergency Situations dated 20 December 2010 (in force since 29 July 2011).

³³ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on the Mutual Support in the Event of Natural Disasters and Other Large-Scale Accidents dated 31 May 2001 (in force since 2 January 2002).

³⁴ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Azerbaijan on Cooperation in Prevention and Liquidation of Emergency Situations dated 17 January 2011 (in force since 2 August 2011).

³⁵ Agreement between the Government of the Republic of Latvia and the Cabinet of Ministers of Ukraine on the Co-operation in the Field of Prevention of Disasters and Elimination of Their Consequences dated 27 April 2006 (in force since 2 November 2006).

³⁶ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Hungary on Co-operation and Mutual Assistance in the Event of Disasters and Other Large-Scale Accidents dated 19 November 2003 (in force since 21 August 2004).

³⁷ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Uzbekistan on Cooperation in the Field of Prevention and Elimination of Emergency Situations dated 6 October 2008 (in force since 13 April 2009).

³⁸ Agreement between the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on Collaboration within the Field of Emergency Prevention, Preparedness and Response dated 17 June 2002 (in force since 5 January 2003).

³⁹ According to the information provided by VUGD the agreement has been concluded on 25 September 2013.

Not all of these countries are geographically located next to the territory of Latvia that can accordingly be considered as an obstacle to a rapid receipt of relief. Regardless of this fact mutual cooperation is being developed with these countries in various areas, including such areas that are not directly related to providing material benefits in case of disasters. For example:

- 1) Exchange of experience in preparing population for actions in emergency situations;
- 2) Joint planning, development and implementation of scientific research projects, exchange of scientific and technical literature and findings of research work in area of prevention and recovery from emergency situations;
- 3) Exchange of national laws and regulations pertaining performance of this respective understanding (bilateral agreement);
- 4) Organization of joint conferences, seminars, working discussions, studies, training and specialized exhibitions in the area of prevention and recovery from disaster, etc.

The bilateral cooperation agreements are not based on one template, although they contain several common features. Issues regulated by the agreement depend on the understanding between countries (contracting parties) and these agreements may establish, including but not limited to responsible institutions which are in charge of mutual communication, content and format of the notification (request), provisions about crossing of borders, security and relief measures.⁴⁰

Latvia develops bilateral cooperation not only with countries which have concluded with bilateral agreements (interstate and intergovernmental agreements). As a specific example is mutual cooperation between Latvia and the Federal Republic of Germany could be mentioned. Namely, VUGD successfully cooperates with the Hamburg Fire Service and the Fire Service Academy Hamburg by regularly organizing trips for exchange of experience within the exchange program of experts of the EU civil protection mechanism. Currently the cooperation is continued by the Fire Safety and Civil Protection College and the Fire Service Academy Hamburg.

Bilateral agreements may serve also as grounds for more extensive cooperation with third countries. Such cooperation specifically manifests in international scientific forums, seminars, conferences, where representatives of different countries take part, who can share their experience in prevention and recovery from disasters. For example, VUGD representatives in cooperation with the Russian Federation and the Kingdom of Sweden within the Swedish-Russian project “Cross-border Cooperation of Baltic Sea Countries in Extinguishing Forest Fires” participated in the World Fire-fighter Forum. Bilateral cooperation is used as a tool for development of trilateral cooperation and is applied for development and implementation of cooperation projects between Latvia, Lithuania and Belarus.

Latvia has entered into several bilateral agreements regulating narrower issues facilitating interstate cooperation in particular emergency situations. For example, Latvia has entered into

⁴⁰ For example, the agreement concluded between Latvia and the Republic of Azerbaijan (Articles 5, 6) stipulates an oral notification (in special, urgent situation) or a written request in English or Russian, which contains:

- 1) description of the situation;
- 2) type, scope and timelines of the assistance needed.

bilateral agreements with the Republic of Lithuania⁴¹ and Ukraine⁴² that regulate mutual support in the nuclear safety area, inter alia, by providing effective exchange of information, mutual assistance in elimination of consequences, as well as scientific and technical cooperation. In addition to the foregoing there are separate general cooperation agreements which do not regulate mutual relationship of the contracting parties in the event of disasters in detail still containing a reference to the necessity of cooperation in order to ensure provision of aid in such cases.⁴³

5. NATIONAL LEGAL SYSTEM

5.1. Political System and its Characteristics

In accordance with Satversme (Constitution) of the Republic of Latvia it is an independent democratic republic where the sovereign power belongs to the Latvian nation. The nation is represented by Saeima (Parliament) which consists of a hundred members of parliament that is elected for four years by general, equal, direct, secret and proportional vote.

The Constitution of the Republic of Latvia prescribes a power-sharing system which distinguishes three branches of power – legislative, judicial and executive.

The legislative power, pursuant to Article 64 of Satversme of the Republic of Latvia belongs to Saeima as well as people under procedure and in cases stipulated by the Constitution.

The higher executive power, pursuant to Article 58 of the Constitution of the Republic of Latvia, is held by the Cabinet of Ministers; however, individual authority of the executive power is assigned to the President and also certain executive institutions (such as Central Election Commission and the State Audit Office).

The State President is elected by the Parliament for four years. The State President acts as a political but unbiased (neutral in terms of party membership) constitutional institution of the state by ensuring that a wider range of common interests of the society are considered during the decision-making process. The State President performs functions of both executive power and legislative power, also within the judicial power; however, his powers are limited in each of these branches. The State President represents the country on international level, appoints diplomatic leaders of Latvia and hosts diplomatic leaders of other countries at the residence of the State President, enforces rulings of the Parliament on ratification of international agreement and serves as the commander-in-chief of the NAF. The State President has the right to bring in a bill, as well as the right to motion dissolution of the Parliament.

⁴¹ Agreement between the Government of the Republic of Latvia and the Government of Lithuania on Early Notification of Nuclear Accidents, Exchange of Information and Co-operation in the Field of Nuclear Safety and Radiation Protection dated 3 October 2003 (in force since 11 February 2004)

⁴² Agreement between the Government of the Republic of Latvia and the Cabinet of Ministers of Ukraine on Early Notification of Nuclear Accidents, on Exchange of Information and Co-operation in the Field of Nuclear Safety and Radiation Protection dated 17 October 2001 (in force since 28 November 2007)

⁴³ For example, the agreement between the Government of the Republic of Latvia and the Government of the Republic of Poland on Cooperation among Regions and Local Governments (in force since 21 September 1992) stipulates that the parties will create favourable conditions for regional cooperation in the sphere of environmental protection, whereas the target of regional cooperation will be mutual assistance in case of accidents and natural disasters (*Clause 4*).

The judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, Supreme Court and the Constitutional Court. Only a court administers justice in Latvia.

In Latvia civil matters, criminal matters and administrative matters are reviewed in 42 courts divided into three levels – 35 district (city) courts, six regional courts and the Supreme Court.⁴⁴

The Constitution Court reviews matters concerning compliance of laws and other statutory acts with the Constitution, as well as matters assigned to its competence under the law.

5.2. National Laws and Regulations and Planning Documents

5.2.1. State Civil Protection Plan

In Latvia planning of the civil protection is conducted at the national level – in the State Civil Protection Plan; at the regional level – in the municipal civil protection plan, and on an individual level – in the company's or institution's civil protection plan. Consequently, emergency measures for the disaster management as well as prevention, preparedness, response and consequences elimination are organized at the national, regional and individual level.

The State Civil Protection Plan is a policy planning document developed based on the National Security Law and the Civil Protection Law taking into account proposals submitted by the ministries.⁴⁵ The plan stipulates actions of subjects of the civil protection system and establishes emergency measures for prevention, preparedness, response and elimination of consequences in case of national-level and regional-level disasters, as well as military invasion or war. The plan is drafted in order to ensure coordinated actions of administration, rescue services and competent authorities in providing assistance to the residents and performance of emergency measures for elimination of consequences in case of possible disasters, military invasion or war to mitigate damage to humans, property and environment.

5.2.2. Civil Protection Law

Civil Protection Law and regulations adopted on the basis of this law form legal and organizational ground for CPS. The Civil Protection Law establishes tasks of CPS, identifies and outlines rights and duties of CPS subjects. Mutual cooperation of the subjects of CPS, scope of their responsibilities and joint responsibility in case of disasters are reflected in Annex 1.

Procedure for receipt and provision of the humanitarian aid is established by the Humanitarian Aid Regulation that is issued based on the Civil Protection Law.

5.2.3. State Emergency Medical Plan

State Emergency Medical Plan has been developed in order to ensure emergency medical systems readiness to respond and provide coordinated emergency medical service in emergency medical situations and emergency society's health situations, including in cases of national threat if health and lives of population are threatened. The plan provides aim, tasks, management, and planning of the emergency medical system, potential threats, response in emergency medical

⁴⁴ More detailed information about the judicial system is available here: www.tiesas.lv.

⁴⁵ Sub-paragraph 2 of paragraph two of Article 36 of the National Security Law and paragraph one of Article 13 of the Civil Protection Law.

situations and their management, communication etc.

5.2.4. Term “disaster”

In accordance with the IDRL Guidelines a disaster means “a serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment, whether arising from accident, nature or human activity, whether developing suddenly or as the result of long-term processes, but excluding armed conflict”.⁴⁶ The Civil Protection Law offers a similar definition in terms of the content; however, criteria for establishment of the scope of the disaster are not so general as in the definition suggested by the IDRL Guidelines, as well as the definition itself does not contain possible sources of the disaster. In accordance with the Civil Protection Law the disaster is “an accident which endangers human life and health, causes human casualties, inflicts material losses or environmental damage and exceeds the capacity of the affected public to eliminate the consequences with the resources of the early response services involved in the response available in the relevant territory”.⁴⁷ Consequently, the scope of the disaster is allegedly established according to the capacity of the affected public to eliminate the consequences, and not according to scale of the disaster itself or significance of the threat posed, as it is set in the definition of the IDRL Guidelines. In accordance with the Civil Protection Law the following types of disaster are distinguished⁴⁸:

- 1) Natural disasters (for example, storms, whirlwinds, earthquakes, heavy rainfalls, flood, hail, intense cold, snowstorms, icing, snow-drifts and ice jams, heat waves, drought, fires in forests and peat bogs);
- 2) Man-made disasters:
 - a) technogenic disasters (for example, industrial accidents with a discharge of chemical, radioactive and biologically active substances, fires in buildings and national economy objects, explosions, vehicle accidents, ruptures in the dams, ruptures in the utility and energy networks, collapse of buildings and structures),
 - b) civil unrest and acts of terrorism;
- 3) Epidemics, epizootics, and epiphytotics.

Based on the nature of the disaster, scale of the damage caused and capacities of resources to be involved in the response the following types of disasters are distinguished⁴⁹:

- 1) local disasters – scale of damage caused by a disaster does not extend past borders of the administrative territory of one local government and the resources present in the administrative territory of the local government concerned are sufficient for disaster management;
- 2) regional disasters – scale of damage caused by a disaster exceeds jurisdiction area of the municipal civil protection commission and resources present in the administrative

⁴⁶ Paragraph 1 of Section 2 of IDRL Guidelines

⁴⁷ Paragraph 2 of Article 1 of the Civil Protection Law

⁴⁸ Paragraph 1 of Article 3 of the Civil Protection Law

⁴⁹ Paragraph 2 of Article 3 of the Civil Protection Law

territory of the local governments concerned and in the state are sufficient for disaster management; and

- 3) national-level disasters – scale of damage caused by a disaster affects the entire territory of the state or significant part thereof, and the resources possessed by the state are insufficient for the disaster management.

In view of the foregoing, the cross-border assistance most probably would be requested only in case of the national-level disaster. Concurrently, it should be noted that announcement of the disaster or the scale is not a precondition for request of the international aid. Issues concerning overcoming such national threat as national-level disaster (storm, heavy rainfall, intense snow, earthquakes, large-scale floods, extensive fires or fires of extra high hazard, leaks of dangerous substances, industrial emergencies, dangerous infectious diseases, civil unrest etc.) are resolved within the civil protection system; thus, these risks and threats are outlined in the State Civil Protection Plan.

5.2.5. Terms “humanitarian aid”, “international assistance” and “disaster relief”

Terms “humanitarian aid” and “international assistance” are both used in the national laws and regulations regarding receipt of relief. Term “humanitarian aid” is used in the Civil Protection Law and the Humanitarian Aid Regulation adopted based on the respective law, whereas the term “international assistance” is used in State Emergency Medical Plan, and both terms are used in the Civil Protection Plan. None of the respective laws and regulations and planning documents contain definition of any of the terms. Point 2 of the Humanitarian Aid Regulation provides that humanitarian aid is provided to the country affected by a disaster or crisis in the form of material, financial, and logistic aid (including by involving experts). More comprehensive definition of the term “humanitarian aid” can be found in the Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid which provides that the sole aim of the humanitarian aid is to prevent or relieve human suffering, in particular:⁵⁰

- 1) to save and preserve life during emergencies and their immediate aftermath and natural disasters that have entailed major loss of life, physical, psychological or social suffering or material damage;
- 2) to provide the necessary assistance and relief to people affected by longer-lasting crises arising, in particular, from outbreaks of fighting or wars, producing the same effects as those described in subparagraph (a), especially where their own governments prove unable to help or there is a vacuum of power;
- 3) to help finance the transport of aid and efforts to ensure that it is accessible to those for whom it is intended, by all logistical means available, and by protecting humanitarian goods and personnel, but excluding operations with defence implications;
- 4) to carry out short-term rehabilitation and reconstruction work, especially on infrastructure and equipment, in close association with local structures, with a view to facilitating the arrival of relief, preventing the impact of the crisis from worsening and starting to help those affected regain a minimum level of self-sufficiency, taking long-term development objectives into account where possible;
- 5) to cope with the consequences of population movements (refugees, displaced people and returnees) caused by natural and man-made disasters and carry out schemes to assist

⁵⁰ Article 3 of the Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid.

repatriation to the country of origin and resettlement there when the conditions laid down in current international agreements are in place;

- 6) to ensure preparedness for risks of natural disasters or comparable exceptional circumstances and use a suitable rapid early-warning and intervention system;
- 7) to support civil operations to protect the victims of fighting or comparable emergencies, in accordance with current international agreements.

Considering the above mentioned it can be concluded that the humanitarian aid is support, aid and protection measures which include material, financial and logistics aid and are aimed to provide support and aid to the people affected by emergency situation.

Definition of term “international assistance” can be found in the International Assistance Law. In accordance of Point 1 of Article 1 of the International Assistance Law international assistance is implementation of development cooperation and participation in international missions by Latvia. Development cooperation is providing assistance to less developed countries, whereas international mission is activity implementation of which is carried out by a civil expert and upon invitation of an international organization or based on bilateral or multilateral agreements between countries.⁵¹ The International Assistance Law provides that it is not applied to provision of humanitarian aid, except cases when voluntary contributions are made to finance humanitarian aid.⁵²

Considering the above mentioned and that the International Assistance Law concerns only provision of international assistance it can be concluded that the term “international assistance” used in the Civil Protection Plan and State Emergency Plan is not used in the sense provided by the International Assistance Law.

The term “disaster relief” is used in the IDRL guidelines.⁵³ Disaster relief means goods (supplies and materials) and services (for example, rescue and medical care) provided to meet the immediate needs of disaster-affected communities. Thus the term “disaster relief” is less comprehensive than the term “humanitarian aid” and the disaster relief can be received within the humanitarian aid.

5.3. Institutions and Their Competence: Communication Points, Coordination of Provision of Support, Exchange of Information

In accordance with the Humanitarian Aid Regulation request of the relief shall be made under the following procedure:⁵⁴

- 1) Responsible ministry (a ministry set forth in the State Civil Protection Plan whose functions conform to the specific type of threat⁵⁵) will inform the Crisis Management Council about necessity to request the humanitarian aid;

⁵¹ Point 2 and 9 of Article 1 of the International Assistance Law

⁵² Part 5 of Article 3 of the International Assistance Law.

⁵³ Point 2 of Section 2 of the IDRL Guidelines.

⁵⁴ Section 2 of 30 June 2009 Cabinet of Ministers Regulation No 659 “Procedure for receipt and provision of humanitarian aid”

⁵⁵ A reference is made in Annex 30 to the State Civil Protection Plan “*Mutual Cooperation between Institutions within the System in case of National Hazard*” which ministry acts as a responsible (controlling) ministry in case of

- 2) Cabinet of Ministers, based on proposal of the Crisis Management Council and information provided by the responsible ministry, adopts a decision on request of the humanitarian aid;
- 3) Ministry of Foreign Affairs, through diplomatic channels, procures dispatch of the request for humanitarian aid to prospective providers of the humanitarian aid (assisting states and eligible assisting humanitarian organizations);
- 4) VUGD ensures exchange of information related to receipt of the humanitarian aid with ERCC, using CECIS and EADRCC.

Implementation of the measures associated with receipt of the humanitarian aid is led and coordinated by the responsible ministry, if the Cabinet of Ministers has not decided otherwise. Furthermore, the responsible ministry or a person authorized by it settles customs formalities for the shipment of humanitarian aid, as well as ensures submission of required documents to the customs authority of the State Revenue Service. The customs authority of the State Revenue Service, in its turn:

- 1) Ensures extraordinary customs clearance of humanitarian aid shipments; and
- 5) Exempts humanitarian aid shipments from import duty in accordance with laws and regulations of EU prescribing exemption from the customs duty.

In emergency medical situation and emergency society's health situation proposals for requesting and use of assistance from foreign and international organizations are submitted to the minister of health by the State Strategic Medical Commission.⁵⁶ In addition, the commission evaluates usefulness of medical assistance offered by foreign and international organizations.⁵⁷

6. LEGAL FRAMEWORK IN CASES OF DISASTER

6.1. Preparedness for Cases of Disasters: Warning and Response

The IDRL Guidelines encourage countries to provide an early warning system which permits to timely notify other countries about possible disasters or threats.⁵⁸ The aim of the early warning system is to “minimize transboundary impacts and maximize effectiveness of any international assistance”.⁵⁹

Several early warning mechanisms are binding on Latvia, including international.

For example, the Radiation Safety Centre of the State Environmental Service (Early Warning Group of the Inspection Department) performs functions of a contact point and ensures 24-hour preparedness for notification of nuclear accidents in accordance with the Convention on Early Notification of a Nuclear Accident and EU ECURIE system. The Disease Prevention and

specific hazards and which ministry acts as a support institution by providing necessary assistance to the responsible ministry in elimination of consequences of the disasters (see Annex 1).

⁵⁶ Point 3.4. of the 13 December 2011 Cabinet of Ministers Regulation No 956 “Regulations for the State Strategic Medical Commission”

⁵⁷ Point 3.4. of the 13 December 2011 Cabinet of Ministers Regulation No 956 “Regulations for the State Strategic Medical Commission”

⁵⁸ Section 7 of IDRL Guidelines

⁵⁹ Paragraph one of Section 7 of IDRL Guidelines

Control Centre performs function of a contact point for the World Health Organization and the European Centre for Disease Prevention and Control, as well as the coordinator's duties for the European Epidemiological Surveillance System (TESSy) and maintains and coordinates the EU Early Warning and Response System (EWRS) for infectious diseases.⁶⁰

The Emergency Ambulatory Medical Service fulfils functions of a contact point and uses Rapid Alert System (RAPEX) used for exchanging information on health threats due to deliberate release of chemical, biological or radio-nuclear agents (RAS-BICHAT) if a biological and chemical health threat occurs, as well as informs the international public health contact point of the World Health Organization about public health hazards which might lead to public health emergency of international significance.⁶¹ Furthermore the Emergency Ambulatory Medical Service shall notify the Ministry of Foreign Affairs for the purpose of preventive notification of foreign diplomatic and consular missions about emergency situation in public health or events that might lead to public health emergency of international significance.⁶² The Food and Veterinary Service is the national focal point of the Rapid Alert System for Food and Feed (RASFF).⁶³

In addition, the warning duty is stipulated by the bilateral agreements concluded by Latvia regarding provision of assistance in case of disasters. The said agreements stipulate an obligation of parties to promptly exchange information about threats and consequences of disasters, natural calamities, and other emergency situations which might spread to the territory of the other contracting state. Information exchange is conducted under procedure established in the agreements.

6.2. Request for Assistance, Fulfilment and Termination Thereof

The IDRL Guidelines and the HNS Guidelines stipulate, among other, that there has to be clear legal framework for request, receipt and termination of the assistance.⁶⁴

As already mentioned earlier, the request for relief is made under the procedure set forth by the Humanitarian Aid Regulations. Although the Humanitarian Aid Regulations prescribe for the Ministry of Foreign Affairs to send the relevant request for assistance through diplomatic channels, there is recognized procedure under which VUGD places an analogous request for assistance through notification systems (for instance, upon communicating at the EU level – CECIS). Pursuant to the Humanitarian Aid Regulations VUGD is appointed to be the responsible institution which ensures exchange of information related to receipt of the relief. VUGD is the national focal point in respect of disaster management and response which, if necessary, ensures

⁶⁰ Additional information about activities and obligations of the Disease Prevention and Control Centre is available here: www.spkc.gov.lv.

⁶¹ Subsection 33.3 of 13 December 2011 Cabinet of Ministers No 948 "Regulations for organization of disaster medicine system"

⁶² Subsection 33.4 of 13 December 2011 Cabinet of Ministers No 948 „Regulations for organization of disaster medicine system”.

⁶³ Rapid Alert System (RAPEX) in respect of foodstuffs for human consumption and animal feed is one of the elements of EU Commission's notification system operating in accordance with requirements of Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

⁶⁴ Section 10.2 of IDRL Guidelines and Section 9.2 of HNS Guidelines

regular communication and information exchange with European Commission's ERCC and NATO EADRC.

Use of notification systems has several advantages. First of all, the request for assistance is passed quicker than by sending through diplomatic channels. Thus, the precious time is saved for request and receipt of assistance.

Secondly, the request for assistance is not addressed to specific countries; nevertheless, any country which is using the particular system and has the necessary resources may respond to request for assistance. That means that the responsible institutions do not have to use resources to make a decision which of the countries, organizations, and their structures should or should not receive the request. In addition, it provides an opportunity for the countries which otherwise would not receive the respective request from the Ministry of Foreign Affairs (for instance, if relationship between the countries had deteriorated at the particular time or in case the request has not been received due to technical reasons) to respond.

Thirdly, dispatch of such request for assistance is economically more feasible and effective. CECIS system provides an opportunity to easily browse through assistance offered by other countries and properly evaluate their necessity in elimination of consequences of the disaster. HNS Guidelines also invite the countries to use the notification systems as actively as possible (see, for instance, Section 9.2 of HNS Guidelines).

Government institutions of Latvia are successfully implementing inter-institutional cooperation with responsible agencies of other countries. Assistance is provided according to the concluded inter-institutional agreements. For example, Article 23 of the Fire Safety and Fire Fighting Law expressly stipulates rights of VUGD to make a decision on request for assistance from countries with which Latvia has land border. In such case VUGD chief or his authorized person shall evaluate the current circumstances and make a reasoned decision taking into account considerations of feasibility. A positive example of the mutual cooperation is cooperation between Latvian and Estonian rescue services in the borderland, especially in Valka and Valga and territories adjacent thereto. However the said procedure is not applicable in case of disasters (this restriction is set by paragraph four of Article 23² of the Fire Safety and Fire Fighting Law). Consequently, this mechanism of inter-institutional cooperation shall not be accepted as an alternative to the mechanism of request for assistance regulated by the Humanitarian Aid Regulations.

Bilateral cooperation based on bilateral cross-border agreements on provision of assistance can be recognized as alternative mechanism. Contrary to the agreements on inter-institutional cooperation which are concluded, for instance, pursuant to the Fire Safety and Fire Fighting Law, these inter-state (cross-border) bilateral agreements provide assistance specifically in the event of disaster. Furthermore, in their essence, they may serve as independent grounds for institutions to enter into mutual cooperation agreements.

For example, Framework Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on Mutual Assistance in the Event of Disasters dated 4 June 2001 stipulates that institutions referred to in the agreement have the right to enter into cooperation agreements on provision of assistance in case of disaster. In accordance with Clauses 2 and 3 of this agreement the Ministry of Internal Affairs, Disaster Medicine Centre of the Ministry of Welfare, VARAM and the Radiation Safety Centre of VARAM may enter into

agreements on bilateral (inter-institutional) cooperation with the Ministry of Internal Affairs, Rescue Service and the Radiation Protection Centre.

National laws and regulations do not stipulate any specific form of request for assistance. Consequently, the respective institutions have to act in line with the international guidelines⁶⁵ or laws as well as take into account national law regulating procedure for drafting documents of public persons and requirements thereto.⁶⁶

A slightly different regulation pertains to request of assistance based on bilateral agreements concluded between the countries. Several, while not all bilateral agreements include provisions that contain certain requirements towards the request for assistance.

For example, the agreement concluded with the Kingdom of Sweden does not establish such requirements, whereas the agreement concluded between the Republic of Latvia and the Russian Federation (paragraph two of Clause 6) stipulates that information about the nature of the situation, type, scope and timeline for provision of the required assistance should be specified in the request.

Whereas the agreement concluded with the Republic of Belarus provides for an opportunity to submit an oral request for assistance as well; however, it also requires immediate written confirmation thereof (paragraph one of Clause 8).⁶⁷

6.3. Coordination

In accordance with the Humanitarian Aid Regulations the responsible ministry manages and coordinates implementation of the measures associated with receipt of the relief, unless the Cabinet of Ministers has resolved otherwise. That means that the Cabinet of Ministers, having assessed the current situation, may adopt a decision by which coordination of the respective measures is assigned to some other institution, i.e. institution which in accordance with the Civil Protection Plan will not be qualified as the responsible ministry.

Early response management in case of natural or industrial disasters is performed by VUGD. Depending on the type of the disaster emergency measures for response and eliminated of the consequences are managed by VUGD or other authorised persons that are specified in the State Civil Protection Plan or municipality civil protection plan.⁶⁸ Management of the emergency medical system is ensured by the Emergency Ambulatory Medical Service.⁶⁹

Meanwhile, several inter-state bilateral agreements provide that receipt of the assistance is managed and coordinated by the “competent authority” provided in the respective agreement, for example:

⁶⁵ For example, if Latvia adopts a decision to use NATO support mechanism and place a request for assistance accordingly with EADRCC, then it will be possible to draft the request in line with NATO Guidelines for request and receipt of assistance (Checklist and Non-Binding Guidelines for the Request, Reception and Provision Of International Assistance in the Event of a CBRN Incident or Natural Disaster).

⁶⁶ For example, the Law on Legal Effect of Documents and 28 September 2010 Cabinet of Ministers Regulation No 916 “Procedure for drafting and executing documents”. These laws and regulations contain general requirements such as name and signature of the authors of documents, date, etc.

⁶⁷ A similar provision is also included in the agreement with Azerbaijan (Clause 5) and Russia (Article 5);

⁶⁸ Paragraph one of Article 7 of the Civil Protection Law

⁶⁹ Section 29 of 13 December 2011 Cabinet of Ministers No 948 „Regulations for organization of disaster medicine system”

Cooperating country	Competent authority of the cooperating country	Competent Latvian government institution
Republic of Azerbaijan	Ministry of Emergency Situations	VUGD NMPD
Republic of Belarus	Ministry of Emergency Situations	Ministry of Internal Affairs
Republic of Estonia	Ministry of Internal Affairs Rescue Service Radiation Protection Centre	Ministry of Internal Affairs Disaster Medicine Centre VARAM Radiation Safety Centre
Russian Federation	Ministry of the Russian Federation for Affairs for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters	VUGD NMPD
Republic of Lithuania	Ministry of Internal Affairs	Ministry of Internal Affairs
Ukraine	Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chernobyl Catastrophe	Ministry of Internal Affairs
Republic of Hungary	Ministry of Internal Affairs	Ministry of Internal Affairs
Republic of Uzbekistan	Ministry of Emergency Situations	Ministry of Internal Affairs
Kingdom of Sweden	Rescue Services Agency	Ministry of Internal Affairs

These agreements concurrently include a flexible mechanism which in certain cases entitles responsible entities to authorize another authority to perform duties of the first, including performance of coordination, establishes opportunity for the countries to modify this agreement, or simply send a notice about appointment of another responsible authorities.

6.4. Personnel

6.4.1. Travel and Work Permits

In accordance with the IDRL Guidelines and the HNS Guidelines the visas and work permits for relief personal should be granted speedy manner and on extraordinary basis, as well as, if possible, without applying duties or fees. Furthermore, the guidelines recommend ensuring, to the extent possible, that professional qualification of the respective persons (physicians, architects, engineers etc.) is recognized for the period of provision of the assistance.⁷⁰

⁷⁰ Section 16.1 of IDRL Guidelines and Sections 9.2 and 9.4.2 of HNS Guidelines

Entrance and stay of foreign nations in Latvia are regulated by the Immigration Law, EU laws and regulations and international agreements binding on the Republic of Latvia. Whereas recording and monitoring of entrance and stay within its competence is done by the Office of Citizenship and Migration Affairs, as well as the State Border Guard, diplomatic and consular missions of the Republic of Latvia, and the Consular Department of the Ministry of Foreign Affairs.

As the national laws regulating entrance and stay of foreign nationals in the Republic of Latvia do not stipulate exemptions in respect of disaster relief personnel those persons who are not subject to exemption from visa will need a visa in order to enter and stay in Latvia.

Taking into account that in case of a disaster the relief personnel will need to enter and stay in the territory of Latvia temporarily, the relief personnel, most probably, will need the uniform visa or the visa with limited territorial validity because preconditions for issuance of the long-stay visa are much more complicated.⁷¹

In order to receive the visa a foreign national needs to apply at the mission of the Republic of Latvia in whose jurisdiction is the legitimate place of residence of the foreign national.⁷²

In accordance with paragraph 1 of Article 35 of the Visa Code the uniform visa can be issued at border crossing points⁷³, if the following conditions are satisfied:

- 1) The applicant fulfils conditions laid down in Article 5(1) (a), (c), (d) and (e) of the Schengen Borders Code;
- 2) The applicant has not been in a position to apply for a visa in advance and submits, if required, supporting documents substantiating unforeseeable and imperative reasons for entry; and
- 3) the applicant's return to his country of origin or residence is assessed as certain.

If the applicant does not satisfy the criteria set in sub-paragraphs (a), (c), (d) and (e) of paragraph 1 of Article 5 of the Schengen Borders Code, the person may have only the visa with limited territorial validity issued at the border crossing point.⁷⁴ The visa with limited territorial validity is issued in exceptional cases if the state is of an opinion that due to humanitarian reasons, interest of the state or due to international commitments the preconditions set in sub-paragraphs (a), (c), (d) and (e) of paragraph 1 of Article 5 of the Schengen Borders Code should be deviated.

Validity period of the uniform visa or visa with the limited territorial validity issued at the border crossing point may not exceed 15 days.⁷⁵

The Visa Code not only sets conditions for issuance of visas but also provides various easements, for example, if the application for visa is filed at the border crossing point where it is not

⁷¹ More information about types of visas is available here: <http://www.pmlp.gov.lv/en/home/services/visas-and-invitations/>.

⁷² More detailed information about missions of Latvia abroad is available here: <http://www.am.gov.lv/lv/Ministrija/mission/parstavniecibas/>

⁷³ Border crossing points where visas are issued are listed in Annex 1 to 30 August 2011 Cabinet of Ministers Regulation No 676 "Visa Regulations"

⁷⁴ Paragraph 1 of Article 25 and paragraph 4 and sub-paragraph two of paragraph 5 of Article 35 of the Community Code on Visas (Visa Code).

⁷⁵ Paragraph 3 of Article 35 of the Visa Code

possible to obtain travel medical insurance, then the medical insurance can be waived.⁷⁶ Furthermore, the Visa Code stipulates that in individual cases the amount of the visa fee to be charged may be waived or reduced if such waiver promotes cultural or sporting interests as well as interest in the field of foreign policy, development policy and other areas of vital public interest of for humanitarian reasons.⁷⁷ Such easements are also incorporated in the laws and regulations of Latvia which stipulate that:

- 1) Foreign national may have visa issued without insurance policy if in such a way national interests in foreign policy, development policy or other areas of vital public interest can be protected;
- 2) Foreign national may be released of payment of the state duty, if release from payment of the state duty is in the interests of Latvia.⁷⁸

Only those foreign nationals who wish to establish employment relationship in Latvia by entering into an employment contract or employed based on another civil-law contract need a work permit.⁷⁹

6.4.2. Rights of an Employee and Recognition of Professional Qualification

6.4.2.1. Employee's Rights

Employment relationships in Latvia are regulated by the Constitution of the Republic of Latvia, norms of international law binding on Latvia, Labour Law and other laws and regulations, as well a collective bargaining agreement and company's policies.

In accordance with Article 14 of the Labour Law, if the employee is assigned to perform work in Latvia, then, irrespective of the law governing the employment contract or employment relationships such assigned employee shall have working conditions and employment terms as are prescribed by laws and regulations of Latvia, as well as in collective bargaining agreements recognized as of general effect and provide:

- 1) Maximum working hours and minimum period of rest;
- 2) Minimum annual paid leave;
- 3) Minimum rate of salary, as well as additional payment for overtime work;
- 4) Provisions of labour leasing, especially through a provider of labour leasing service;
- 5) Safety, health and hygiene at work;
- 6) Protection measures for persons under 18 of age, pregnant women, women during postnatal period, as well as work and employment conditions of these persons;
- 7) Equal treatment of men and women, as well as ban on other kind of discrimination.

⁷⁶ Paragraph 2 of Article 35 of the Visa Code

⁷⁷ Paragraph 6 of Article 16 of the Visa Code

⁷⁸ Subsection 10.2 of 21 June 2010 Cabinet of Ministers Regulation No 571 "Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto"

⁷⁹ Article 9 of the Immigration Laws

The employer assigning the employee to perform work in Latvia has to inform the State Labour Inspectorate in writing prior to this assignment and provide the following information:

- 1) Name and surname of the employee;
- 2) Time of commencement of work;
- 3) Planned period of employment;
- 4) Place for performance of the work (if performance of job duties is not intended at a certain work place it shall be indicated that the employee may be employed at various locations);
- 5) Representative of the employer in Latvia who is authorized to represent the employer before government authorities and courts of Latvia;
- 6) Person for whose benefit the work will be carried out (recipient of the service);
- 7) Confirmation that the assigned employee who is a third-country national lawfully works with the employer in a EU Member State, state party to the European Economic Area or the Swiss Confederation.

Foreign employees with an employer – foreign national – who are assigned to perform specific work in Latvia for a period no longer than 12 months are not persons subject to social security, if they submit a document to the State Revenue Service that verifies performance of compulsory contributions in the state of origin. The document shall be submitted upon registration with the Taxpayers Register of the State Revenue Service. If the employee stays in the Republic of Latvia for 183 days or more within any 12-month period which begins or ends in the taxation year then the employee is considered as subject of social security.⁸⁰

6.4.2.2. Recognition of the Professional Qualification

In accordance with Section 9.4.2 of the HNS Guidelines and Section 16.1 of the IDRL Guidelines the host nation has to provide as speedy, to the extent possible, recognition of the professional qualification of the disaster relief personnel (medical practitioners, architects and engineers, etc.) as possible for a period necessary for provision of the relief. Laws and regulations of Latvia do not provide special procedure for recognition of professional qualification of the disaster relief personnel; consequently, these persons are subject to general rules and requirements concerning recognition of professional qualification.

If the person is entitled to fully and permanently work in the home country (country where the person has acquired professional qualification) in a profession that is regulated in Latvia, and this person wishes to work in this profession in Latvia as well, recognition of the professional qualification in Latvia is required. Such professions as a veterinarian, physician, assistant physician, nurse, assistant nurse, architect, civil engineer etc. are among the regulated professions in Latvia.⁸¹ In accordance with the Medical Treatment Law persons in possession of a foreign diploma of medical education obtain the right to engage in medical treatment in Latvia after expert examination of the diploma and recognition thereof under procedure set by law.

⁸⁰ Paragraph ten of Article 6 of the Law on State Social Security

⁸¹ Regulated professions are listed in 6 June 2006 Cabinet of Ministers Regulation No 460 “Regulations regarding Professions Regulated by Lists of Specialities, Sub-specialities, and Additional Specialities”

Recognition of professional qualification in Latvia is regulated by the Law on Regulated Professions and Recognition of Professional Qualification.

A person wishing to have his professional qualification recognized has to submit the required documents to the Academic Information Centre.

After the person has submitted all required documents the Academic Information Centre prepares an evaluation and sends a reference to the authority which issues a certificate of recognition of professional qualification in the respective profession.⁸² Afterwards the respective authority which issues the certificate of recognition of professional qualification passes a decision on recognition, partial recognition or non-recognition of the professional qualification. The decision has to be made within 3 months (in respect of physicians, veterinarians, pharmacists, nurses, midwives, dentists and architects of EU member states) or within 4 months (in respect of the rest) since submission of all the required documents with the Academic Information Centre.

If the person whose home country is a EU member state or a state party to the European Free Trade Association (EFTA) wishes to render temporary services (limited in terms of duration, scope and frequency) in the regulated profession, then such person does not need recognition of the papers verifying necessary education and professional qualification, whereas, upon commencing temporary provision of professional services in Latvia for the first time, he has an obligation to notify the authority which issues the certificates of recognition of the professional qualification in the respective regulated profession. This obligation shall be fulfilled by filing a declaration on temporary provision of professional services and other necessary documents. Upon providing emergency ambulatory medical aid or other services in line with the professional qualification that are urgent and conditioned by special circumstances the declaration can be filed as soon as possible after the service is rendered.⁸³ These provisions are applicable also to nationals of those countries which in accordance with international agreements ratified by the Saeima have rights of EU member states in area of recognition of professional qualification.⁸⁴ Other persons have to undergo recognition of the professional qualification also if the person plans to provide only temporary services in Latvia.

The provider of temporary services in a profession regulated in the Republic of Latvia have the same rights and obligations in provision of services as residents of the Republic of Latvia which perform independent professional activities in the respective regulated profession. The provider of temporary professional services is subject to provisions of good practice and requirements of professional ethics outlined in the laws and regulations of the Republic of Latvia also if they differ from the requirements set in the persons home country. If the provider of temporary professional services breaches respective laws and regulations the person is liable as provided in the laws and regulations of the Republic of Latvia, and information is communicated to the respective government authorities of the persons home country about commencement of the said

⁸² Respective institutions and their competence are referred to in 31 October 2006 Cabinet of Ministers Regulation No 886 "Regulations regarding Institutions that issue Certificates of Recognition in the Regulated Professions for Professional Qualifications Acquired in Foreign States"

⁸³ Paragraphs one and two of Article 42 of the Law on the Regulated Professions and the Recognition of Professional Qualifications

⁸⁴ Paragraph eight of Article 2 of the Law on the Regulated Professions and the Recognition of Professional Qualifications

procedure providing an opportunity to the person to get involved in the procedure, as well as these authorities are informed about decisions made.⁸⁵

6.4.3. Employment of Domestic Labour

In accordance with Article 4 of the Labour Law the employer is an individual or legal entity or a partnership enjoying legal capacity which employs at least one employee based on an employment contract. The main condition to be met for a subject to be recognized as an employer is not the legal status, but subject's legal capacity and capacity to act. If the employer lacks either legal capacity or capacity to act such employer may not enter into a binding employment contract because in accordance with Article 1405 of the Civil Law transactions made by persons without legal capacity, or the capacity to act, are void. Consequently, the international organizations, if they possess legal capacity and capacity to act may be an employer in Latvia.

The employer and the employee may agree on the law governing the employment contract and employment relationships. Such choice of law may not deprive the employee of or limit protection established by imperative and prohibitory norms of the Labour Law.⁸⁶

Domestic employees with an employer – a foreign entity – are subject to retirement insurance, insurance against unemployment, disablement insurance, maternity and sickness insurance, parental insurance and insurance against accidents at work.⁸⁷

Domestic employees with an employer – a foreign entity – as well as foreign employees with an employer – foreign entity – need to register with the Taxpayers Register of the State Revenue Service within 10 days as of the date the status is acquired.⁸⁸

According to the law an individual shall calculate his/hers own payroll tax from the work income and pay it into the budget, if the payroll tax on his/her income is not paid by the employer, and if this person is in employment by the employer who is an individual or legal entity under foreign private law (non-resident) and does not have a permanent establishment in the Republic of Latvia.⁸⁹

6.5. Goods and Equipment

6.5.1. Customs Procedures and Import Conditions

The guidelines of IDRL and HNS in respect to import of goods and equipment stipulate, among other, that the host nation has to ensure that goods and equipment for disaster relief is exempt of any customs taxes, duties, tariffs etc., import and export restrictions, as well as that the alleviated customs procedure and clearance is provided.⁹⁰

⁸⁵ Paragraph four of Article 42 of the Law on the Regulated Professions and the Recognition of Professional Qualifications

⁸⁶ Paragraphs one and two of Article 13 of the Labour Law

⁸⁷ Paragraph eight of Article 6 of the Law on State Social Security

⁸⁸ Paragraph four of Article 13 of the Law on State Social Security

⁸⁹ Sub-paragraphs 4 and 5 of paragraph one of Article 4 of the Law on Personal Income Tax

⁹⁰ Section 17 of IDRL Guidelines and Section 9.4.2 of HNS Guidelines

As of 1 May 2004 the customs clearance is performed at the checkpoints of the external border of EU, as well as at domestic level. In individual cases the customs clearance can be performed at checkpoints of internal border (including border crossing points) on the borders of Latvia-Lithuania and Latvia-Estonia.

The customs clearance is performed by customs authorities of the State Revenue Service (customs authorities). Goods imported in the customs territory of EU and exported from these territories are subject to the customs clearance.

National competence of Latvia in issues concerning customs is determined by the Customs Law, which provides procedure for movement of goods across the national border, taxation with import duty and export duty and other fees set forth in the laws and regulations which are administered by the State Revenue Service, clearance, customs control and other measures and activities through which customs policy is enforced. Meanwhile, border crossing points where frontier controls, customs clearance, control of veterinary, phytosanitary control, control of food safety, control of safety, quality and classification of non-food consumer goods and radiometric control as well as the time for these inspections are set forth by the Cabinet of Ministers pursuant to paragraph seven of Article 22 of the Law on State Border of the Republic of Latvia.

In accordance with the Humanitarian Aid Regulations customs formalities of the relief shipment are settled by the responsible ministry or its authorized person. Furthermore, the responsible ministry or its authorized person ensures submission of required documents to the customs authority of the State Revenue Service. The customs authorities of the State Revenue Service, on their turn:

- 1) Ensure extraordinary customs clearance of the relief shipment; and
- 2) Exempt relief shipments from import duty in accordance with laws and regulations of EU stipulating exemption from the customs tax.

Total relief from import duties shall be granted for:⁹¹

- 1) Disaster relief material where it is used in connection with measures taken to counter the effects of disasters or similar situations affecting the customs territory of the Community and intended for state bodies or bodies approved by the competent authorities;
- 2) Medical, surgical and laboratory equipment dispatched on loan at the request of a hospital or other medical institution which has urgent need of such equipment to make up for the inadequacy of its own facilities and where it is intended for diagnostic or therapeutic purposes.

Goods imported for humanitarian purposes (for example, medical, surgical and laboratory equipment, vehicles and other means of transport, blankets, tents, prefabricated houses or other essential goods dispatched as a relief for those affected by natural disasters or similar emergencies) shall have the temporary admission procedure applied.⁹²

⁹¹ Article 565 and 566 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

⁹² Article 2 of Chapter 2 of Annex B.9 to 26 June 1990 Istanbul Convention on Temporary Admission. As regards to this convention it is crucial to note that contracting states of this convention involve not only EU member states but many other countries as well. Checklist of all state parties to the convention is available on the website of the European Commission <http://ec.europa.eu/>

In respect of the goods exemption of the import duty is stipulated by Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty. The regulation stipulates exemption of the import duty on goods for charity and philanthropic organizations and victims of the disaster.

Exemption of the import duty granted to charity or philanthropic organizations is granted, if the following is imported:⁹³

- 1) Essential goods (such as food, medicines, clothes and blankets), which are imported by government organizations or other charity or philanthropic organizations which are approved by the competent authorities and which are intended to be distributed among the destitute people free of charge;
- 2) Various goods dispatched to government organizations or other charity or philanthropic organizations by any person or organization domiciled of which is outside the EU customs territory free of charge and without any business intention which are approved by the competent authorities, so that they would be used for fundraising purposes at specifically organized charity events for the needs of destitute people;
- 3) Equipment and stationery dispatched to government organizations or other charity or philanthropic organizations by any person or organization which is domiciled outside the EU customs territory free of charge and without any business intention which are approved by the competent authorities, so that they would use them only for the needs of their activities or accomplishment of a charitable and philanthropic causes.

Exemptions are granted only to organizations accounting records of which allow the competent authorities to monitor their activities and which provide all required guarantees.⁹⁴

National laws and regulations contain detailed requirements for recipients of the exemption as well as preconditions for receipt of the exemption.

In accordance with 20 December 2005 Cabinet of Ministers Regulation No 957 “Procedures by which the Imported Goods of Budget Institutions and Public Benefit Organisations shall be Released from Import Duty” goods imported by budget institutions and organizations of public benefit are exempt of the import duty, if the documents regulating activities of the respective institution or organization (for example, articles of association, bylaws or constitution) contain a reference to the purpose of the activity – provision of free assistance.⁹⁵ Consequently, the association, foundation or religious organization which wants to obtain exemption of the import duty has to enjoy the status of public benefit organization. The status of public benefit organization is granted under the procedure set forth in the Law on Public Benefit Organizations. The applicant for the permission who wishes to obtain the status of public benefit organization has to be registered with the State Revenue Service as a taxpayer.

As it was already mentioned earlier exemption of the import duty is applied also to goods for the needs of the victims of the disaster. The exemption is applied to such goods (except for materials

⁹³ Paragraph one of Article 61 of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

⁹⁴ Article 63 of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

⁹⁵ Section 2 of 20 December 2005 Cabinet of Ministers Regulation No 957 “Procedures by which the Imported Goods of Budget Institutions and Public Benefit Organisations shall be Released from Import Duty”

and equipment envisaged for reconstruction in the regions affected by the disaster⁹⁶), which are imported by government organizations or other charity or philanthropic organizations that are approved by competent authorities, if they are intended to be:⁹⁷

- 1) Distributed free of charge to those who have become casualties of the disaster that has struck territory of one or more member states; or
- 2) Delivered at disposal of the casualties free of charge retaining them in ownership of the said organizations.

The same regulations are applicable to goods imported for free circulation which are imported by rescue services to ensure their operation.

The European Commission makes a decision on granting exemption under urgency procedure upon request of one or more respective member states after discussing it with other member states. Such decision shall stipulate scope and conditions of the exemption, if necessary. While the decision of the European Commission is not announced member states struck by the disaster may allow importing goods by deferring all import duties on them, if the importing organization undertakes to pay these taxes in the event the exemption is not granted.⁹⁸

The foregoing goods not only are exempt from the customs duty, but also value added tax.⁹⁹ Furthermore, the value added tax is not imposed on import of goods which is carried out by:

- 1) EU institutions or their missions in the EU territory, European Atomic Energy Community, European Central Bank, European Investment Bank or entities established by laws and regulations of the European Union governed by the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 – pursuant to restrictions and conditions stipulated in the said protocol and agreements implementing thereof or the seat agreements;
- 2) International entities, organizations, which are recognized as such by competent authorities of the respective Member State and members of such entities – pursuant to restrictions and conditions stipulated in international conventions by which these entities are established, or to seat agreements;
- 3) International organizations or their missions in the EU territory – pursuant to restrictions and conditions stipulated in international conventions by which these entities are established, or to seat agreements;
- 4) NATO agencies for the needs of performance of the international treaty or armed force units of states parties to NATO (save for NAF) deployed in the territory of the Republic of Latvia, for their own needs or needs of individuals involved in them;
- 5) Diplomatic and consular missions of Member States and third countries registered in the Republic of Latvia subject to the Protocol on the Privileges and Immunities of the

⁹⁶ Article 75 of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

⁹⁷ Article 74 of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

⁹⁸ Article 76 of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

⁹⁹ Paragraph three of Article 53 of the Law on Value Added Tax

European Communities of 8 April 1965, if the goods are exempt of the customs duty in accordance with Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty.

Exemptions and facilitations in import and export of inventory and relief material for the purpose to provide aid in emergency situations are stipulated not only by national laws and regulations and the EU Regulations but also by bilateral agreements concluded by the Republic of Latvia on cooperation in prevention and recovery of emergency situations. These agreements, for the most part, stipulate that the inventory and relief material imported in the territory of Latvia for the purpose to provide assistance in eliminating the disaster are exempt of the customs duties and other taxes payable upon importing goods, bans and restrictions of economic nature. Furthermore, it is stipulated in respect of the customs procedure that customs documents shall be executed in simplified manner and under priority, for example, by verifying lists issued by competent authorities of both countries where composition of the relief groups or experts, checklist of inventory and relief materials to be imported or exported are indicated.

Exemption from the import duty is also prescribed for the goods which are used by armed forces of a member state individually or in collaboration with other countries for the events of natural disaster contingencies.¹⁰⁰

Most customs checkpoints of the Republic of Latvia located at the border crossing points operate 24 hours a day or on call.¹⁰¹ Consequently, no special regulation is required for opening hours of the checkpoints and availability thereof for receipt of disaster relief.

Although national laws and regulations, applicable EU regulations and bilateral agreements on cooperation in prevention and recovery in emergency situations provide for certain kind of exemptions and facilitations in respect of goods and equipment being imported for provision of the assistance; these facilitations and exemptions are, nevertheless, of general nature, as well as procedure and method for application of exemptions are not established. Therefore a special and clear legal framework for import of relief goods and equipment should be introduced.

6.5.2. Specific Requirements: Food, Medicine and Animals

Procedure how medicines (except for veterinary medicines) are imported in the customs territory of EU and exported from the customs territory of EU, as well as customs clearance points through which import and export of controlled substances/drugs, psychotropic substances, precursor substances and medicines are allowed in Latvia are established by 26 June 2007 Cabinet of Ministers Regulation No 436 "Procedure for the Importation and Exportation of Medicinal Products". The regulation is applicable also to the import of medicines carried out by budget institutions or public benefit organizations in accordance with Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty. The regulation prescribes that the said budget institution or public benefit organization may import over-the-counter medicines from third countries which are included in the register of medicines of the Republic of Latvia and have centralized trade authorizations in line with

¹⁰⁰ Paragraph 4 of Article 2 of Council Regulation 150/2003 of 21 January 2003

¹⁰¹ Information about customs checkpoints of the Republic of Latvia is available here: http://ec.europa.eu/taxation_customs/dds2/col/col_home.jsp?Lang=lv . Border crossing points where customs clearance is performed and time for clearance are established in 27 June 2010 Cabinet of Ministers Regulation No 704 "Regulation on Border Crossing Points and Clearance to be Performed There"

Regulation No 726/2004 of the European Parliament and of the Council.¹⁰² This is an exception from the general principle that production, manufacturing, importing and distribution of medicines in the Republic of Latvia is allowed only if a special permit (licence) for the respective line of business is obtained.¹⁰³ If the medicine is necessary for provision of medical aid in the event of disaster, natural calamity or epidemics and it does not have trade authorization in the Republic of Latvia, then the State Agency of Medicines may grant the authorization for import, export, transit and distribution of the respective medicine based on a decision of the minister for health.¹⁰⁴ Narcotic and psychotropic medicinal products can be imported only with a single-use permit issued by the State Agency of Medicines, which is in compliance with the requirements of the Commission on Narcotic Medicinal products of the U.N. Economic and Social Council.¹⁰⁵

Special license is also required for distribution of veterinary medicines; however, if the veterinary medicines are necessary for provision of veterinary aid in case of disaster, natural calamities or threat of spreading a dangerous animal infectious diseases, the Food and Veterinary Service, based on a decision of the chief veterinary and food inspector in the country may issue an authorization to distribute veterinary medicines. Procedure for import and export of veterinary medicines is established by 19 June 2007 Cabinet of Ministers Regulation No 407 "Regulations regarding the Labelling, Distribution and Control of Veterinary Medicinal Products".

Provisions for import and export of medicines for relief in emergency situations are outlined not only in domestic law and EU regulations but also by bilateral agreements concluded by the Republic of Latvia on cooperation in prevention and recovery in emergency situations.

Only a clinically healthy dog is allowed to enter the Republic of Latvia. Dogs have to be vaccinated against rabies no later than 12 months and no earlier than 30 days before entrance. Each animal to be brought in has to have a separate veterinary certificate confirming that requirements of the Republic of Latvia are complied with. If the animal is accompanied by the owner or his authorized person, then a duly executed international pet passport shall serve as document verifying health of the animal. In such case the veterinary certificate is not necessary.

Such procedure for movement of dogs between EU member states is prescribed by Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals. Non-commercial movement of dogs from third countries to EU have other rules established and they are largely depending on the specific third country the dog is brought in.¹⁰⁶

National laws and regulations, as well as the above regulation does not stipulate special (exclusive) provisions in respect of animals being brought in the country to provide assistance in case of disasters.

¹⁰² Section 26 of 26 June 2007 Cabinet of Ministers Regulation No 436 "Procedure for the Importation and Exportation of Medicinal Products"

¹⁰³ Article 25 of the Pharmacy Law and Section 33 of 26 June 2007 Cabinet of Ministers Regulation No 436 "Procedure for the Importation and Exportation of Medicinal Products"

¹⁰⁴ Paragraph 7(a) of Article 10 of the Pharmacy Law

¹⁰⁵ Section 18 of Law on Procedures for the Legal Trade of Narcotic and Psychotropic Substances and Medicinal Products and Section 25 of 26 June 2007 Cabinet of Ministers Regulation No 436 "Procedure for the Importation and Exportation of Medicinal Products"

¹⁰⁶ See Chapter 3 of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals.

The issue concerning food handling and its circulation is regulated in Latvia by the Law on the Supervision of the Handling of Food and laws and regulations adopted based on the law, as well as respective regulations of the European Union. At the border crossing points highly perishable goods are transported in accordance with Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for Such Carriage (ATP) of 1 September 1970, along with other goods properties of which require transportation as a priority.¹⁰⁷

Dietary food can be distributed in Latvia only after informing the Food and Veterinary Service.¹⁰⁸

The national laws and regulations, as well as the foregoing regulation do not stipulate special (exclusive) rules in respect of foodstuff imported in the country for provision of assistance in case of disasters. Furthermore, no special regulation is provided in respect to vehicles used in provision of assistance.

6.5.3. Re-export of Unused Goods

In accordance with recommendations given in the IDRL Guidelines the host nation has to allow re-export of the equipment or unused goods owned by the country or humanitarian organization that has provided the assistance.¹⁰⁹

The re-export of goods is performed under procedure outlined in 15 February 2011 Cabinet of Ministers Regulation No 129 “Procedures for Reporting the Use of Goods – Re-exportation of Goods – Recognized by the Customs Rules”. In order to apply for re-export of goods the person shall submit a re-exportation notification at the customs authority under whose control the goods to be re-exported are before re-export of these goods. Cases when the re-exportation notification does not have to be submitted are established by paragraph 2 of Article 841.a of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

Re-export of goods and equipment is stipulated not only by national laws and regulations and EU regulations, but also under bilateral agreements concluded by the Republic of Latvia on cooperation in prevention and recovery from emergency situations.

6.6. Taxes

Recommendations of the IDRL Guidelines in respect of taxes prescribe that the host nation should ensure that countries or humanitarian organizations providing assistance are exempted from the value added tax as well as other taxes and duties.¹¹⁰

¹⁰⁷ Goods subject to extraordinary carriage are listed in 13 March 2012 Cabinet of Ministers Regulation No 170 “Regulations regarding Goods subject to Extraordinary Carriage”

¹⁰⁸ More information about registration of dietary food is available here:

https://www.pvd.gov.lv/eng/left_menu/assessment_and_registration

¹⁰⁹ Section 17.1 of IDRL Guidelines

¹¹⁰ Section 21 if IDRL Guidelines

6.6.1. Corporate Income Tax

In accordance with the Law on Corporate Income Tax payers of the corporate income tax are both residents and non-residents (foreign businesses, individuals and other entities) and their permanent establishments. In respect of non-residents the taxable object is only income gained in Latvia from economic activities or activities related thereto. The tax is deducted from the payments which are paid by the residents and permanent establishments to non-residents if the personal income tax has not been deducted from these payments.¹¹¹

6.6.2. Value Added Tax

In accordance with the Value Added Tax Law persons taxable with the value added tax are domestic taxpayers, taxpayers of another EU member state and taxpayers of third countries and third territories who at any place independently perform any economic activities irrespective of the purpose or outcome of this activity.¹¹² Economic activity is any systematic, independent activity for payment (including operations of any manufacturers, vendors or service providers, agricultural operations as well).¹¹³ Value added tax is not applied to the deliveries of goods and services referred to in the Value Added Tax Law, inter alia, import of goods exempt of the customs duty pursuant to Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty, are also exempt of the value added tax (except for those specified in Section 23 of the Regulation), along with import carried out by:¹¹⁴

- 1) EU institutions or their missions in the EU territory, European Atomic Energy Community, European Central Bank, European Investment Bank or entities established by laws and regulations of the European Union governed by the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 – pursuant to restrictions and conditions stipulated in the said protocol and agreements implementing thereof or the seat agreements;
- 2) International entities, organizations, which are recognized as such by competent authorities of the respective Member State and members of such entities – pursuant to restrictions and conditions stipulated in international conventions by which these entities are established, or to seat agreements;
- 3) International organizations or their missions in the EU territory – pursuant to restrictions and conditions stipulated in international conventions by which these entities are established, or to seat agreements;
- 4) NATO agencies for the needs of performance of the international treaty or armed force units of states parties to NATO (save for NAF) deployed in the territory of the Republic of Latvia, for their own needs or needs of individuals involved in them;
- 5) Diplomatic and consular missions of Member States and third countries registered in the Republic of Latvia subject to the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965, if the goods are exempt of the customs duty in

¹¹¹ Paragraph four of Article 3 of the Law on Corporate Income Tax

¹¹² Paragraphs one and two of Article 3 of the Value Added Tax Law

¹¹³ Paragraph one of Article 4 of the Value Added Tax Law

¹¹⁴ Paragraphs three and seven of Article 53 of the Value Added Tax Law

accordance with Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty.

Value added tax is not applied also to the purchase of such goods in the territory of the EU import that would be exempt of the value added tax according to Paragraph 3, 4, 5 and 9 of Article 53 of the Value Added Tax Law.

6.6.3. Personal Income Tax

Individuals – foreign taxpayers – non-residents pay the personal income tax in Latvia only from the income gained in Latvia. Meanwhile, the residents pay the person income tax from income gained both in Latvia and abroad. The individual is recognized as a resident if:¹¹⁵

- 1) If the permanent place of residence of such person is in the Republic of Latvia; or
- 2) Such person stays in the Republic of Latvia for 183 days or more within any 12-month which begins and ends in the taxation year; or
- 3) Such person is a national of the Republic of Latvia employed abroad by the Government of the Republic of Latvia.

Residency status of an individual, whose permanent place of residence is in a country with which the Republic of Latvia has entered into the agreement for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and capital, is established by applying provisions of Article 4 “Residency” of the Tax Convention. Upon following specific norms of the Tax Convention a situation may arise where the foreign individual is not considered a resident of the Republic of Latvia even if duration of his stay in Latvia exceeds 183 days within any 12-month period provided that the person does not have a permanent place of residence in Latvia.¹¹⁶

Taxable income of a non-resident is formed by an aggregate of monetary, natural values gained in the Republic of Latvia during the taxation period (calendar year), income, among other, from paid work including work performed in the Republic of Latvia for the benefit of the employer who is not a resident of the Republic of Latvia and who does not have a permanent establishment in the Republic of Latvia.¹¹⁷ Upon assessing whether the income of the non-resident gained in the Republic of Latvia is subject to the tax, valid bilateral international agreement on the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital should be also considered. If the tax rate set there is lower than the one set by the Law on Personal Income Tax then the rate established in the convention shall be applied.

If a non-resident is employed by an employer – foreign taxpayer, the payroll tax shall be paid by the employer or the non-resident himself. The non-resident has to submit a standard form tax return “Personal Income Tax Return on Income Gained by Individual – Non-Resident – and Tax paid in the Republic of Latvia”. No other registration of the non-resident for the purpose of payment of the personal income tax is necessary.

¹¹⁵ Paragraph two of Article 14 of the Law on Taxes and Duties.

¹¹⁶ Checklist of countries with which Latvia has entered into agreements for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital is available here:
<http://www.vid.gov.lv/default.aspx?hl=1&id=659&tabid=10>.

¹¹⁷ Detailed list of taxable income is provided in paragraph three of Article 3 of the Law on Personal Income Tax

6.6.4. Compulsory Social Security Contributions

Issues concerning compulsory social security contributions are regulated by national laws and regulations, EU regulations and bilateral agreements concluded by the Republic of Latvia on cooperation in social security area.

Latvia currently has concluded several inter-state agreements on cooperation in social security area. If conditions of the bilateral agreement (for example, with Russia, Canada and Ukraine) concerning assignment of an employee or conditions on application of an exception are applicable to a person then the country of residence of such person will issue a certificate/reference confirming that during employment in Latvia laws and regulations of the issuer country of the certificate will be applicable to him and social security contributions will be made there.

As for the EU and European Economic Area member states and Switzerland Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 are valid. Persons subject to these regulations are governed by laws and regulations of only one member state.¹¹⁸ That means that the person cannot have social security coverage in several countries concurrently. The basic condition in respect to performance of compulsory social security contributions is that the person has to make social security contributions in the country where this person performs work. Nevertheless, there are exceptions of this work-place rule.

In accordance with the Law on State Social Security foreign employees with an employer – foreign national – assigned to perform particular work in the territory of the Republic of Latvia for a period of time not exceeding 12 months are not persons placed under obligation to have social security coverage, if they submit a document to the State Revenue Service verifying performance of the compulsory contributions in the originating state. The document shall be submitted upon registering with the Taxpayer Register maintained by the State Revenue Service. The employee who stays in the Republic of Latvia for 183 and more days in any 12-month period which begins or ends in the taxation year is a person placed under obligation to have social security coverage.¹¹⁹

6.7. Transport and Movement

The IDRL Guidelines stipulate, among other, that the host nation has to ensure as free entry and passage of land, marine and air vehicles involved in provision of relief through the host nation as possible. Also the guidelines prescribe prompt issuance of visas for operating personnel of such transport vehicles.¹²⁰

National laws and regulations do not contain special provisions in respect to road transport, aircraft, railway transport and vessels carrying goods for provision of relief. Consequently,

¹¹⁸ Paragraph 1 of Article 11 of Regulation (EC) No 883/2004 on the coordination of social security systems

¹¹⁹ Paragraph ten of Article 6 of the Law on State Social Security

¹²⁰ Chapter 19 of IDRL Guidelines and Section 9.3 of HNS Guidelines

general regulations govern such transport. As for the personnel operating respective transport vehicles general regulations for issuance of visas are applicable.

6.7.1. Aircrafts

Flights in the airspace of the Republic of Latvia are allowed for an aircraft which is registered with the Civil Aviation Aircraft Register of the Republic of Latvia, Military Aviation Aircraft Register of the Republic of Latvia or a register of another country and which has nationality mark and registration mark on it pursuant to regulations of the state of registration. Flights by an aircraft which is not registered in line with the foregoing stipulations or which do not have nationality mark and registration mark shall be conducted only upon authorization by the Civil Aviation Agency and upon coordinating with the Ministry of Defence of the Republic of Latvia.¹²¹ Entities of the international public law have the authorization to use airspace of the Republic of Latvia to perform public functions have the authorization granted under special procedure.

If the aircraft performs a flight between EU member state and a third state then departure of the aircraft from the Republic of Latvia and landing after entering the Republic of Latvia is allowed only to international flights at scheduled airports and airfields which have border crossing points.¹²² The aircraft participating in works for prevention, recovery of disasters or liquidation of consequences may land outside the border crossing points if it has a flight permission issued by the Ministry of Foreign Affairs.¹²³ Specifics of the border crossing at airports are stipulated in 27 July 2010 Cabinet of Ministers Regulation No 697 “Regulations Regarding the Border Crossing Point Regime”.

The Convention on International Civil Aviation of 7 December 1944 stipulates that each contracting state agrees that all aircraft of the other contracting states, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Such aircraft shall also have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place.¹²⁴

Licensing of the Community air carriers and their rights to conduct air carriage are established by Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community. The said regulation does not stipulate any exemptions in respect of aircraft used for provision of the humanitarian relief. Concurrently the regulation prescribes that a member state may impose conditions other than established in the regulation on the exercise of traffic rights to deal with sudden problems of short duration resulting from unforeseeable and unavoidable circumstances.¹²⁵

¹²¹ Article 14 of the Law on Aviation

¹²² Paragraph one of Article 12 of the Law on State Border of the Republic of Latvia

¹²³ Paragraph three of Article 12 of the Law on State Border of the Republic of Latvia

¹²⁴ Article 5 of 7 December 1944 Convention on International Civil Aviation

¹²⁵ Article 21 of Council Regulation No 1008/2008 of 24 September 2008

6.7.2. Railway

Performance of carriage by rail requires a special permission – carrier licence. The carrier licence for performance of cargo carriage by rail is issued by the State Railway Administration, whereas the carrier licence for performance of passenger carriage by rail is issued by the Public Utilities Commission, if requirements set by the Law on Railway are met and the state duty is paid.¹²⁶ A licence issued by a relevant authority of another EU member state is valid in Latvia.¹²⁷ Furthermore, the carrier, in order to acquire the right to access railway infrastructure for public use has to receive a safety certificate before launching the carriage.¹²⁸ Specifics of the border crossing upon using railway are stipulated in 27 July 2010 Cabinet of Ministers Regulation No 697 “Regulations Regarding the Border Crossing Point Regime”.

6.7.3. Vessels

Seagoing vessels cross the national border established in the Baltic Sea and the Gulf of Riga at any place unless otherwise stipulated. Vessels of foreign states have the right to cross the State border and enter the territorial sea in conformity with the principle of innocent passage in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982.¹²⁹ Vessels crossing external border to enter a port of the Republic of Latvia have to arrive at the port which has the border crossing point except for cases stipulated in Paragraphs 3.2.5, 3.2.6 and 3.2.8 of Annex VI of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). Procedure for vessels clearing in the port is stipulated by 15 May 2012 Cabinet of Ministers Regulation No 339 “Regulations regarding Port Formalities”. Specifics of the border crossing in ports are stipulated in 27 July 2010 Cabinet of Ministers Regulation No 697 “Regulations Regarding the Border Crossing Point Regime”.

In respect of cargo and passenger carriage in inland waters it shall be taken into account that cargo or passenger carriers are authorized to perform commercial carriage of cargoes or passengers along inland waterways in the member state where they are not domiciled on condition that they conduct business in any Member State in accordance with laws and regulations and, if necessary, they have the right to carry out carriage of international cargoes or persons on inland waterways.¹³⁰

6.7.4. Road transportation

In the territory of Latvia it is allowed to use registered transport vehicles in the road traffic construction and technical condition of which conforms to the requirements of standards and norms to be applied in Latvia on mandatory basis in respect of which the compulsory third party liability insurance of the motor vehicle owners (OCTA) is obtained and which are authorized to

¹²⁶ Paragraph seven of Article 34 of the Railway Law

¹²⁷ Paragraph ten of Article 34 of the Railway Law

¹²⁸ Paragraph one of Article 35 of the Railway Law

¹²⁹ Paragraph nine of Article 10 of the Law on State Border of the Republic of Latvia

¹³⁰ Paragraph one of Article 1 of Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

take part in the traffic.¹³¹ Also vehicles registered abroad shall be registered in Latvia if they are in Latvia for more than three months and take part in the traffic where their owners are foreign nationals or legal entities (associations of legally capable persons) domiciled abroad.¹³² Traffic procedures in Latvia are set by 29 June 2004 Cabinet of Ministers Regulation No 571 “Traffic Rules”.

6.8. Electronic Communications

The IDRL Guidelines and HNS Guidelines stipulate that the state has to develop a procedure how information exchange between media (such as radio and television) is conducted as well as procedure how assisting states eligible assisting humanitarian organizations may use electronic communication means.¹³³

The Law on Electronic Communications stipulates that the Ministry of Transport, according to its competence in the electronic communications sector, shall ensure connection of electronic communications network of the affected state to the networks of international organizations and other legal entities to enforce function of the state.¹³⁴

The Civil Protection Law stipulates that VUGD shall deliver information about a threat and recommendations for activities of the population to mass media and electronic public communication means which disseminate this information free of charge.¹³⁵ Communication with mass media as well as informing of the residents for affected or threatened territories is conducted within the framework of the civil alarm and notification system.

Broadcasting organizations and electronic communication businesses providing the electronic communications network, on their turn, upon request of VUGD allocate subscription lines and numbers for temporary use by VUGD in accordance with contracts concluded.

6.9. Money Supply and Bank Accounts

In accordance with the IDRL and HNS guidelines providers of humanitarian assistance (assisting states and eligible assisting humanitarian organizations) are to have possibility provided to freely import necessary funds, perform currency exchange as well as open bank accounts.¹³⁶ Latvian laws and regulations do not stipulate special procedure in respect of funds imported by providers of assistance.

Upon crossing the border of the Republic of Latvia (both entering and leaving) at points where its is the external border of the European Union as well individuals have an obligation to declare cash if is amount is EUR 10'000 and more by filling in a declaration in writing.¹³⁷ Declaration forms are available free of charge from the competent authority at the border crossing point, as well as on the website of the State Revenue Service. Funds subject to declaration are recalculated

¹³¹ Paragraph one of Article 9 of the Road Traffic Law

¹³² Paragraph 1² of Article 10 of the Road Traffic Law

¹³³ Section 18.2 of IDRL Guidelines and Section 6 of HNS Guidelines

¹³⁴ Sub-paragraph 2 of paragraph one of Article 5 of the Electronic Communications Law

¹³⁵ Paragraph three of Article 15 of the Civil Protection Law.

¹³⁶ Section 20 of IDRL Guidelines and Section 9.4.2 of HNS Guidelines

¹³⁷ Free declaration forms are available from the competent authority at the state border crossing point, as well as on the website of the State Revenue Service www.vid.gov.lv .

in euros using the foreign currency exchange rate (in lats) established by the Bank of Latvia at the time of crossing the border.

As for the money supply it has to be taken into account that companies and individuals – economic operators – may close deals in cash amounting to no more than EUR 7200 (irrespective of whether the deal occurs in a single transaction or multiple transactions and whether the business partner is an individual or legal entity). Deals amount of which exceeds EUR 7200 can be performed by using non-cash settlements (bank payment cards, invoices for payment in arrears etc.).¹³⁸

Most of the banks offer bank services to individuals and legal entities who are non-residents; however, additional requirements are usually set for non-residents such as submission of additional documents.

6.10. Working Hours

National laws and regulations regulating working/visiting hours of government agencies do not contain special regulation for working hours in the event of disaster. All customs checkpoints of the Republic of Latvia located at the border crossing points mainly operate 24 hours a day or on call.¹³⁹ Therefore it is not necessary to establish special regulation in respect to working hours of the checkpoints and their availability for receipt of the humanitarian relief.

6.11. Liability of Affected State and Assisting States and Eligible Assisting Humanitarian Organizations

6.11.1. Liability of the Affected State

The IDRL Guidelines and the HNS Guidelines encourage states to cooperate in order to ensure that the funds, goods and equipment received within the framework of assistance are used a manner consistent with the expressed intent with which they were given..¹⁴⁰

No special authority is prescribed by national laws and regulations which would monitor use of funds, goods or equipment received under humanitarian relief specifically, there is no special procedure in respect to use, accounting and control of funds, goods or equipment received either. Consequently, the control is performed under general procedure how income and expenses in the budgets of the Government, local governments and other derivative public persons are controlled.

Implementation of measures associated with receipt of humanitarian relief is led and coordinated by the responsible ministry (ministry established in the National Civil Protection Plan whose functions conform to the specific type of threat/hazard¹⁴¹), unless the Cabinet of Ministers has

¹³⁸ Article 30 of the Law on Taxes and Duties

¹³⁹ Information of customs checkpoints of the Republic of Latvia is available here: http://ec.europa.eu/taxation_customs/dds2/col/col_home.jsp?Lang=lv . Border crossing points where customs clearance is performed and time for clearance are established in 27 June 2010 Cabinet of Ministers Regulation No 704 “Regulation on Border Crossing Points and Clearance to be Performed There”

¹⁴⁰ Section 6 of IDRL Guidelines and Section 9.4.1 of HNS Guidelines

¹⁴¹ A reference is made in Annex 30 to the State Civil Protection Plan “*Mutual Cooperation between Institutions within the System in case of National Hazard*” which ministry acts as a responsible (controlling) ministry in case of

resolved otherwise. The ministry receiving relief shall open an account at the Treasury, whereas the decision on use of the financial aid shall be adopted by the Cabinet of Ministers.¹⁴²

Use of funds can be monitored by the State Audit Office which, by conducting financial, legal and feasibility audits, also monitors use of funds of EU and other international organizations or institutions which are included in the government budget or municipal budgets.¹⁴³

If the donation or legacy is received by the local government, then the procedure how acceptance and management of the donation and legacy occurs is established by the municipal council.¹⁴⁴

If ministries, other central government agencies and local governments receive funds from the principal budget of the government allocated for contingency expenses to remedy consequences of disasters and natural calamities, then procedure for use, recording, control and accounting of these funds is established by 22 December 2009 Cabinet of Ministers Regulation No 1644 "Procedure for Applying for and Using Budget Program "Contingency Funds".

If the goods and equipment are delivered to VUGD, then the chief of VUGD is liable for their appropriate use.¹⁴⁵

The bilateral agreements concluded by Latvia on cooperation in prevention and remedy of emergency situations stipulate that the affected state shall compensate for losses caused to a legal entity or individual by a member of the assistance team or expert.

6.11.2. Liability of the Assisting States and Assisting Humanitarian Organizations

The IDRL Guidelines provide, among other, that the assisting states need to comply with national laws and regulation of the affected state as well as international law.

Also, the bilateral agreements concluded by Latvia on cooperation in prevention and remedy of emergency situation stipulate that members of assisting teams or experts, upon staying in the territory of the affected state, have to comply with laws and regulations of this state.

National laws and regulations do not provide for exemptions or special regulation in respect to liability of the assisting states under civil, administrative or criminal law.

Institutions involved in the response as well as individuals at the emergency location have to follow instruction given by VUGD.

Administrative liability is established for breach of civil protection requirements set out in laws and regulations as well as for failure to follow legitimate orders of VUGD officials.¹⁴⁶ The administrative liability is established also in respect of:

- 1) Unwarranted actions, i.e. acting without warrant, bypassing the procedure set by the law, if such unwarranted actions are not related to considerable losses incurred;

specific hazards and which ministry acts as a support institution by providing necessary assistance to the responsible ministry in elimination of consequences of the disasters (see Annex 1).

¹⁴² Sections 8 and 9 of the Humanitarian Aid Regulation

¹⁴³ Sub-paragraph 2 of paragraph one of Article 2 of the Law on State Audit Office

¹⁴⁴ Sub-paragraph 19 of paragraph one of Article 31 of the Law on Local Governments

¹⁴⁵ Subsection 11.4 of 27 April 2010 Cabinet of Ministers Regulation No 398 „Bylaws of the State Fire and Rescue Service

¹⁴⁶ Articles 179² and 179³ of the Administrative Violations Code

- 2) Breach of the ban on employment of a foreign national;
- 3) Evasion to declare cash;
- 4) Violations of the customs regulations;
- 5) Unauthorized crossing, relocation, damaging and destruction of fencing erected at the site;
- 6) Unauthorized medical treatment;
- 7) Violation of rules for commencement and termination of activities of non-governmental organizations.

Administrative violations are listed in the Administrative Violations Code. The administrative violation is an unlawful, blameable action or inaction jeopardizing public policy, property, civil rights and freedoms or established state administration procedure and which results in administrative liability prescribed by the law.

Liability under the civil law – third party liability or claim right – may arise from unwarranted actions, contractual or other relationship similar to the contractual, unjust material gain or rights in rem. In accordance with Article 1635 of the Civil Law every delict, that is, every wrongful act *per se*, as a result of which harm has been caused (also moral injury), shall give the person who suffered the harm therefrom the right to claim satisfaction from the infringer, insofar as he or she may be held at fault for such act. Civil-law liability is stipulated when the person has suffered:

- 1) Personal damage (health, life hazard);
- 2) Moral injury (defamation);
- 3) Property damage.

Criminal liability occurs for criminal offences established by the Criminal Law. A person shall be called to criminal account and punished only if it is guilty, namely, purposefully or out of negligence has committed a misdemeanour which has all features of the criminal offense defined in the Criminal Law.

6.12. Compensation of Expenses

The IDRL Guidelines and HNS Guidelines stipulate that assisting states have to cover expenses associated with provision of the assistance, whereas the affected state has to consider possibility, to the extent possible, to provide the assisting states with transport, premises, warehouses etc. at a reduced or no cost.¹⁴⁷

If resources of legal entities or individuals are involved in extinguishing fires or rescue works based on a decision of the responsible institution, these persons have the right to receive full compensation of their actual expenses or indemnity. Lost profit is not compensated.¹⁴⁸

¹⁴⁷ Section 24 of IDRL Guidelines and Section 9.4.1 of HNS Guidelines

¹⁴⁸ Paragraph three of Article 19 of the Civil Protection Law and Sections 3 and 5 of 11 December 2007 Cabinet of Ministers Regulation No 842 “Procedure for Compensating Expenses and Losses to Legal Entities and Individuals incurred upon involving Personal Resources in Response Measures, Fire Fighting or Rescue Works, and Procedure for Calculating Indemnity”

Compensation of expenses is also stipulated by some bilateral agreements on cooperation in prevention and remedy of emergency situations.¹⁴⁹ The bilateral agreements also stipulate exemption of various fees, such as the fee for aircraft flight, landing and parking at an airport as well as departure, fee for air navigation services, as well as obligation of the affected state to procure such means and services, for example, translators, means of communication, physical security and free medical services.

Relevant work and accommodation conditions for the service personnel from other administrative territories, national level or other countries invited to prevent and remedy disasters have to be provided by the respective local government.¹⁵⁰

6.13. Security and Insurance

IDRL Guidelines and HNS Guidelines encourage the affected states to take appropriate measures to address the safety and security of disaster relief and initial recovery personnel of assisting states and eligible assisting humanitarian organizations and of the premises, facilities, and means of transport, equipment and goods. They also encourage assisting states and assisting humanitarian organizations to take appropriate steps in their own planning and operations to mitigate security risks.¹⁵¹

The obligation to ensure security of the providers of assistance and resources at their disposal (physical security) is stipulated by the bilateral agreements concluded by Latvia on cooperation in prevention and remedy of emergency situations; however, the issue about security of other providers of assistance is not regulated in the national laws and regulations.

Protection (physical security) of representatives of foreign and international organizations invited by the State President is provided by the Military Police. The Military policy also provides physical security of sites and officials designated by the minister for defence and commander of the National Armed Forces under procedure established by the minister.¹⁵² Consequently, it is possible to ensure physical security of providers of humanitarian assistance using the Military Police.

As regards the insurance, it has to be noted that there are no restrictions for receipt of insurance services in Latvia; however, one has to bear in mind that insurance services (transport, life, health, various third party liability etc. insurance) are provided by independent insurers; therefore decision on provision of an insurance policy or refusal to grant the policy is at discretion of the insurer himself.

7. ASSISTANCE OF FOREIGN MILITARY FORCES AND PRIVATE SECTOR

Latvia is a full-fledge state party to NATO. Consequently, if Latvia needs assistance, it will be able to use the mechanism available to it – EADRCC. Latvia will be eligible to apply to EADRCC with a request for assistance, and the Atlantic Disaster Response Unit (EADRU) will

¹⁴⁹ Compensation of expenses is prescribed by the agreement with the Republic of Azerbaijan, Estonia, Russian Federation, Sweden and Uzbekistan

¹⁵⁰ Sub-paragraph four of paragraph two of Article 9 of the Civil Protection Law

¹⁵¹ Section 22 of IDRL Guidelines and Sections 8 and 9.4.3 of HNS Guidelines

¹⁵² Paragraph two of Article 6¹ of the National Armed Forces Law.

be involved in eliminating effects of the disaster, activities of which will be coordinated by EADRCC.

Status of foreign armed forces in the Republic of Latvia at the time while they carry out official duties within the framework of international cooperation as well as procedure for transit of foreign armed forces through the Republic of Latvia by road are stipulated by the Law on Status of Foreign Armed Forces in the Republic of Latvia.

In accordance with the Civil Protection Law legal entities and individuals can be engaged in response actions as well as their property can be used in case of disaster or upon threat of disaster, if human life or health is in jeopardy and failure to promptly engage resources may cause irreversible consequences. Head of the rescue operation engages legal entities or individuals in response measures or takes possession of the property of legal entities and individuals by entering a written agreement thereon.¹⁵³ As the Civil Protection Law does not specify origin of the individuals and legal entities that can be engaged in response action then this procedure can be applied also to the foreign individuals and legal entities.

As regards the foreign non-governmental organizations it should be noted that their legal capacity and capacity to act is regulated by laws of their country of domicile. National laws and regulations do not contain special procedure or regulations in respect to registration of foreign humanitarian organizations. Voluntary associations of persons founded to achieve a purpose established in the articles of association nature of which is not related to gaining profit shall be incorporated under procedure set forth in the Law on Associations and Foundations. On the other hand, procedure for registration of representative offices of foreign business entities and organizations is outlined in 3 September 2002 Cabinet of Ministers Regulation No 401 "Procedure for Registration of Representative Offices and Representatives of Foreign Business Entities and Organizations", whereas their operations are regulated by the Commercial Law.

8. ROLE OF LRC IN DISASTER MANAGEMENT

Activities of LRC are regulated by the Law on Latvian Red Cross. Objective of LRC is to engage in training of general public for actions during emergencies, as well as to support responsible governmental institutions in remedy of consequences of the emergency situations and provide assistance to the victims involving local resources and organizing international relief.¹⁵⁴

Following this objective, in cooperation with organizations of other countries,¹⁵⁵ LRC develops a program for emergency situations. Within the framework of this program LRC establishes early response units¹⁵⁶, where unit members are trained in delivering first aid and psychological support, search and rescue, so that, if necessary, they could act as support to VUGD, Home Guard, police and other agencies. It has to be added that also material support (clothing, blankets etc.) to victims of disasters is organized under the specific program.

¹⁵³ Paragraphs one and two of Article 19 of the Civil Protection Law

¹⁵⁴ Article 5 of the Law on Latvian Red Cross

¹⁵⁵ Norwegian and Swedish Red Crosses and the International Federation of Red Cross and Red Crescent Societies

¹⁵⁶ LRC has 8 early response units from: Jumprava, Ogre District; Vaive, Cēsis District; Cēsis Correctional Establishment for Juveniles; Vīļķene, Limbaži District; Red Cross Medical College; Jēkabpils and Līvāni.

9. CONCLUSIONS

Latvia as a full-fledged member state of UN, NATO and EU has several international mechanisms available that are intended for request-receipt of assistance in case of disasters. Taking into account efficiency of EU relief mechanisms and cooperation with neighbouring countries it is quite predictable that Latvia will, if necessary, first of all, use EU mechanisms or else, reach for help from countries with which Latvia has entered into cooperation agreements.

Until now there have not been large-scale emergencies (disasters) for remedy of which assistance of other countries would be officially required using international mechanisms. That means that the legal framework in Latvia has developed, to a significant extent, isolated from the practice (this procedure was officially adopted comparatively recently, i.e. in 2009¹⁵⁷). This aspect precludes possibility to verify efficiency of the valid legal framework and capacity of responsible institutions to act according to the set procedure. This is one of the key drawbacks in national legal framework of Latvia which is also acknowledged by responsible officials.¹⁵⁸

Humanitarian Aid Regulations provide opportunity to request assistance in two ways:

- 3) By using information exchange systems (ensured by VUGD);
- 4) By using diplomatic channels (ensured by Foreign Ministry).

Nevertheless the procedure for requesting the assistance is not sufficiently regulated.

Neither the Civil Protection Law nor the Humanitarian Aid Regulations provide competence of government authorities, their actions and cooperation in cases when other countries offer humanitarian assistance. Thus, a question arises how to act in a situation when national authorities deliberately or unintentionally fail to establish cases of disaster and fail to remedy consequences resulting from them and meanwhile other countries are offering their support.

Although this issue is not precisely regulated, it, nevertheless, does not preclude a possibility to find a suitable solution using the current legal framework (the said does not pertain to the cases when national authorities deliberately avoid receipt of relief)¹⁵⁹.

Humanitarian Aid Regulations do not expressly provide a procedure how Latvia could reject receipt of the assistance; however, this deficiency can be remedied by filling the gaps in the law and reviewing this issue by analogy with decision-making process on request of assistance, i.e.:

¹⁵⁷ Interestingly enough, upon drawing the draft of Regulation No 659 the Cabinet of Ministers already acknowledged that procedure for requesting and receiving assistance was not established in any law or regulation. There were several statutes which contained general guidelines, whereas in the explanatory notes of 6 April 2009 (to draft Regulation No 659) it was noted that attitude of the government towards these issues “*was based on the ad hoc principle*”. It should be added that Latvia has requested international assistance even before Regulation No 659 was adopted.

¹⁵⁸ The said is clarified in the interview with representatives of VUGD on 5 August 2013.

¹⁵⁹ For example, Section 3 of 13 December 2011 Cabinet of Ministers Regulation No 956 “Bylaws of the state early response medical assistance” stipulates tasks of the State Medical Commission for Early Response. It can be inferred from this section that the commission analyses information about medical emergency or emergency situation for public health and also evaluates feasibility of medical assistance offered by foreign and international organizations to this end. Based on this evaluation the State Medical Commission for Early Response submits proposals to the Minister of Health about use of assistance from foreign and international organizations. Further on, the minister may act pursuant to Regulation No 659.

- 1) The responsible ministry informs the Crisis Management Council about necessity to refuse to receive the assistance (terminate it), based on which the council prepares a relevant proposal to the Cabinet of Ministers;
- 2) The Cabinet of Ministers, based on the proposal of the Crisis Management Council, adopts a decision on termination of the international assistance;
- 3) The responsible ministry manages and coordinates steps taken to enforce the decision of the Cabinet of Ministers.

Concurrently, a possibility cannot be precluded that the Cabinet of Ministers, upon adopting the decision regarding request of the assistance, will already stipulate procedure in the particular decision how receipt of assistance shall be terminated, inter alia, will authorize the responsible ministry or another agency to take appropriate steps and make appropriate decisions.

It should be added that inter-state bilateral agreements may stipulate a different procedure and authorize the competent institutions to make a decision on termination of assistance¹⁶⁰.

Laws and regulations regulating receipt of humanitarian relief do not stipulate preconditions for request of international humanitarian relief. The State Civil Protection Plan definitely contains preconditions of general nature for requesting the international assistance such as “depending on the scope of damage” or “if necessary”. This can be evaluated positively because in such a way opportunity to make a decision on requesting assistance faster is procured avoiding discussions and possible disagreements in declaration of emergency.

The Humanitarian Aid Regulations also do not stipulate specific period of time when all activities have to be performed to be eligible to request and receive the relief. Nevertheless, it should not be recognized as a deficiency either, because timetable of specific activities (to be performed before application of the procedure set out in the Humanitarian Aid Regulations) are established and regulated by the Civil Protection Plan.

It would be incorrect to set limits of timing for request of assistance because such actions would be recognized as extreme measure, i.e. assistance is requested in cases when national institutions are incapable of remedying consequences of the disaster. In other words, the Civil Protection Plan stipulates timing for performance of certain activities in specific cases of disaster. If the national institutions are unable to perform the activities within the set time limits and establish a necessity to request international assistance accordingly, followed by further activities for preparation and dispatch of such request. The above does not preclude a possibility that the responsible institutions will establish necessity to make a decision on request of assistance only after continuous efforts to eliminate consequences of the disaster on their own. Therefore the Civil Protection Plan stipulates that the request for international assistance has to be made upon necessity without regard of existing circumstances.

The fact that neither the Civil Protection Plan nor the Humanitarian Aid Regulations expressly prescribe who can be the addressee of the request for assistance could be evaluated as partially positive aspect. Consequently, the responsible institutions have freedom of action to act in accordance with the international laws and guidelines. Furthermore, that means that request for

¹⁶⁰ For example, sub-clause nine of Clause 8 of the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation in Prevention of Disasters, Natural Calamity and Other Large-Scale Accidents as well as in Elimination of their Consequences dated 8 July 2003 stipulates that the Ministry of Internal Affairs shall adopt decision on termination of the work of assistance force or experts.

assistance is not governed by any special regulations and restrictions pertaining to specific providers of assistance (such as international organizations or states, or government institutions).¹⁶¹

The legal framework in respect of receipt of international relief in cases of disasters and rights and obligations associated therewith is diluted in various laws and regulations, and guidelines which make the legal framework difficult to grasp and understand.

Diluted nature of the legal framework and lack of practical experience has to a certain extent facilitated lack of regulation or insufficient regulation. For instance, although national laws and regulations, applicable EU regulations and bilateral agreements on cooperation in prevention and remedy of emergency situations prescribe certain kind of easements, facilitations and exemptions in respect of goods and equipment imported for relief, these facilitations and exemptions are often general by nature, as well as procedure and system for application of these facilitations are missing. It should be noted that incomplete or general regulation should not be always considered as a negative aspect because it provides certain freedom of action.

10.KEY RECOMMENDATIONS

Consolidation

It would be advisable to establish legal framework in one legislative act which would be translated and published in English, so that information would be as accessible as possible and easier to understand for representatives of foreign nations and international organizations. Recommendation to consolidate legal framework is also applicable to the provision of assistance, because Latvia provides assistance to other countries affected by a disaster, thus also laws and regulations concerning provision of assistance should contain clear provisions with respect to types and scope of assistance, order of provision and financing, responsible institutions etc.

Approval of the Offered Assistance

It would be advisable to improve regulation related to approval of an offer of assistance from another country or international organization, especially in cases when Latvia has not officially dispatched a request for assistance yet. It is necessary to outline procedure how a specific issue is resolved, establish responsible and involved institutions and their competence.

Development of Request Template

It is advisable to set special basic criteria in the national regulations which have to be taken into account upon preparing a request for assistance (for example, description of situation, necessary assistance, timelines, limitations, contact points).

Termination of Relief

It is advisable to improve legal framework concerning termination of assistance by specifying which institution and under which procedure makes the respective decision.

¹⁶¹ This regulation has a partially negative aspect. Namely, it does not provide complete clarity how the responsible institutions have to act (who the request should be addressed specifically).

Distinguishing between Mechanisms of Cooperation

It would be advisable to incorporate an explanatory reference in the legislative act regulating procedure of request for assistance (currently it is the Humanitarian Aid Regulations) which would state that the regulation is not applicable to requests for assistance, if they are adopted based on inter-state bilateral agreements which stipulate a different procedure. Thus, these two mechanisms for request-receipt of assistance should be distinguished, so that not only national institutions but institution of other countries and international organizations would have clear understanding on the existing policy.

Personnel

Laws and regulations regulating cross-border travel and stay of persons in Latvia should stipulate exemption of the visa requirement in respect of relief personnel or facilitate procedure for granting the visa. Furthermore, a separate regulation would be recommendable in respect to recognition of professional qualification, as well as granting of work permits to those providers of humanitarian relief who wish to establish employment relationship in Latvia in order to provide humanitarian assistance by entering into an employment contract.

Use of the relief

Laws and regulations regulating procedure for receipt of relief should stipulate special procedure in respect to use of financial resources, goods or equipment received within the framework of humanitarian relief.

Customs procedures

In order to facilitate cooperation of the institutions and actions in emergency situations it would necessary to provide in the laws and regulations that the execution of customs documentation for the relief equipment and goods should be executed in simplified and prioritized manner based on the notification of competent institutions of the parties.

Food and medicine

It is necessary to provide special regulation with respect to import and distribution control of food (including dietary food) and medicine (including over-the-counter medicines, prescription medicine, narcotic and psychotropic medicinal products) received and used as the disaster relief, including with respect to imported, but not used food and medicine.

Transport – Movement

Laws and regulations regulating movement of road transportation, aircraft, railway transport and vessels in the territory of Latvia should prescribe special provisions in respect of road transportation, aircraft, railway transport and vessels carrying goods or personnel for provision of the relief in order the entrance and traffic of such transportation would be as unencumbered as possible.

Facilitations

Laws and regulations stipulating charging taxes and duties should stipulate exemptions or rebates in respect of relief personnel, transport and goods.

Other Recommendations

In order to enhance preparedness of Latvian institutions to procure due request-receipt of assistance it is advisable to develop a guidebook which would provide clear guidelines and detailed procedure for performance of necessary activities. Publishing of a translation of such guidelines (into English), on the other hand, would facilitate cooperation with other countries and international organizations which would have a better understanding about provision of assistance to Latvia accordingly. Furthermore, it would be advisable to conduct disaster simulations (training) when foreign assistance is requested and received.

LAWS AND REGULATIONS

National Laws and Regulations

- 1) United Nations Convention on the Law of the Sea (10 December 1982) (published in: "Latvijas Vēstnesis", 183 (3131), 17.11.2004)
- 2) Medical Treatment Law (published in: "Latvijas Vēstnesis", 167/168 (882/883), 01.07.1997, "Ziņotājs", 15, 07.08.1997)
- 3) Associations and Foundations Law (published in: "Latvijas Vēstnesis", 161 (2926), 14.11.2003, „Ziņotājs”, 23, 11.12.2003)
- 4) Civil Protection Law (published in: „Latvijas Vēstnesis”, 171 (3539), 26.10.2006, “Ziņotājs”, 22, 23.11.2006)
- 5) Civil Law (published in: “Valdības Vēstnesis”, 41, 20.02.1937.)
- 6) Labour Law (published in: “Latvijas Vēstnesis”, 105 (2492), 06.07.2001., „Ziņotājs”, 15, 09.08.2001)
- 7) Railway Law (published in: “Latvijas Vēstnesis”, 102/105 (1163/1166), 17.04.1998., “Ziņotājs”, 9, 07.05.1998)
- 8) Electronic Communications Law (published in: “Latvijas Vēstnesis”, 183 (3131), 17.11.2004, “Ziņotājs”, 23, 09.12.2004)
- 9) Pharmaceutical Law (published in: „Latvijas Vēstnesis”, 103 (818), 24.04.1997., „Ziņotājs”, 10, 22.05.1997.)
- 10) Immigration Law (published in: “Latvijas Vēstnesis”, 169 (2744), 20.11.2002., “Ziņotājs”, 24, 27.12.2002)
- 11) Commercial Law (published in: “Latvijas Vēstnesis”, 158/160 (2069/2071), 04.05.2000, “Ziņotājs”, 11, 01.06.2000)
- 12) Criminal Law (published in: “Latvijas Vēstnesis”, 199/200 (1260/1261), 08.07.1998, “Ziņotājs”, 15, 04.08.1998)
- 13) Latvian Administrative Violations Code (published in: “Ziņotājs”, 51, 20.12.1984)
- 14) Satversme (Constitution) of the Republic of Latvia (published in: “Latvijas Vēstnesis”, 43, 01.07.1993)
- 15) Law on the State Border of the Republic of Latvia (published in: “Latvijas Vēstnesis”, 189 (4175), 02.12.2009.)
- 16) Law on Latvian Red Cross (published in: “Latvijas Vēstnesis”, 66 (4052), 29.04.2009., „Ziņotājs”, 10, 28.05.2009.)
- 17) Law on Enterprise (Corporate) Income Tax (published in: “Latvijas Vēstnesis”, 32 (315), 01.03.1995, “Ziņotājs”, 7, 13.04.1995.)
- 18) Law on Aviation (published in: “Latvijas Vēstnesis”, 123 (254), 20.10.1994.)
- 19) Law on Personal Income Tax (published in: “Latvijas Vēstnesis”, 32, 01.06.1993., „Ziņotājs”, 22/23, 10.06.1993.)

- 20) Law on Taxes and Fees (Duties) (published in: "Latvijas Vēstnesis", 26 (309), 18.02.1995, "Ziņotājs", 7, 13.04.1995)
- 21) Law on the Regulated Professions and the Recognition of Professional Qualifications (published in: "Latvijas Vēstnesis", 105 (2492), 06.07.2001., „Ziņotājs”, 15, 09.08.2001)
- 22) Law on State Social Insurance (published in: "Latvijas Vēstnesis", 274/276 (989/991), 21.10.1997, "Ziņotājs", 22, 27.11.1997)
- 23) Customs Law (published in: "Latvijas Vēstnesis", 54 (3002), 06.04.2004., "Ziņotājs", 9, 13.05.2004.)
- 24) National Security Law (published in: "Latvijas Vēstnesis", 473/476 (2384/2387), 29.12.2000, "Ziņotājs", 3, 08.02.2001)
- 25) National Armed Forces Law (published in: "Latvijas Vēstnesis", 388/389 (1848/1849), 24.11.1999, "Ziņotājs", 24, 30.12.1999)
- 26) Law on the Supervision of the Handling of Food (published in: "Latvijas Vēstnesis", 60/61 (1121/1122), 06.03.1998, "Ziņotājs", 7, 02.04.1998)
- 27) Value Added Tax Law (published in: "Latvijas Vēstnesis", 197 (4800), 14.12.2012.)
- 28) State Audit Office Law (published in: "Latvijas Vēstnesis", 80 (2655), 29.05.2002., "Ziņotājs", 12, 27.06.2002)
- 29) 3 September 2002 Cabinet of Ministers Regulation No 401 "Procedure for Registration of Representative Offices and Representatives of Foreign Business Entities and Organizations"
- 30) 29 June 2004 Cabinet of Ministers Regulation No 571 "Traffic Rules"
- 31) 20 December 2005 Cabinet of Ministers Regulation No 957 "Procedures by which the Imported Goods of Budget Institutions and Public Benefit Organisations shall be Released from Import Duty"
- 32) 6 June 2006 Cabinet of Ministers Regulation No 460 "Regulations regarding Professions Regulated by Lists of Specialities, Sub-specialities, and Additional Specialities"
- 33) 31 October 2006 Cabinet of Ministers Regulation No 886 "Regulations regarding Institutions that issue Certificates of Recognition in the Regulated Professions for Professional Qualifications Acquired in Foreign States"
- 34) 19 June 2007 Cabinet of Ministers Regulation No 407 "Regulations regarding the Labelling, Distribution and Control of Veterinary Medicinal Products"
- 35) 26 June 2007 Cabinet of Ministers Regulation No 436 "Procedure for the Importation and Exportation of Medicinal Products"
- 36) 11 December 2007 Cabinet of Ministers Regulation No 842 "Procedure for Compensating Expenses and Losses to Legal Entities and Individuals incurred upon involving Personal Resources in Response Measures, Fire Fighting or Rescue Works, and Procedure for Calculating Indemnity"

- 37) 21 June 2010 Cabinet of Ministers Regulation No 571 „Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto”
- 38) 27 July 2010 Cabinet of Ministers Regulation No 697 “Regulations Regarding the Border Crossing Point Regime”
- 39) 15 February 2011 Cabinet of Ministers Regulation No 129 “Procedures for Reporting the Use of Goods – Re-exportation of Goods – Recognized by the Customs Rules”
- 40) 30 August 2011 Cabinet of Ministers Regulation No 676 “Visa Regulations”
- 41) 13 March 2012 Cabinet of Ministers Regulation No 170 “Regulations regarding Goods subject to Extraordinary Carriage”
- 42) 15 May 2012 Cabinet of Ministers Regulation No 339 “Regulations regarding Port Formalities”
- 43) 13 December 2011 Cabinet of Ministers Regulation No 956 “Regulations for the State Strategic Medical Commission”

Laws and Regulations of the European Union

- 1) Council Regulation (EC) No 2012/2002 11 November 2002 establishing the European Union Solidarity Fund
- 2) Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism
- 3) Council Regulation (EC) No 539/2001 of 15 March 2001 listing the Non-EU Member Countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement
- 4) Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)
- 5) Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
- 6) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code
- 7) Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty
- 8) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.
- 9) Council Regulation (EC) No 150/2003 of 21 January 2003 suspending import duties on certain weapons and military equipment

- 10) Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC
- 11) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems
- 12) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems
- 13) Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State
- 14) Regulation (EC) No 1008/2008 the European Parliament and of the Council of 24 September 2008 establishing common rules for the operation of air services in the Community (Recast).
- 15) Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid

Treaties and Conventions

- 1) The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community (signed on 13 December 2007, came in force on 1 December 2009)
- 2) Convention on Early Notification of a Nuclear Accident (26 September 1986)
- 3) Convention on International Civil Aviation (7 December 1944)
- 4) Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency (26 September 1986)
- 5) Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) (1 September 1970) (published in: "Latvijas Vēstnesis", 163 (2738), 08.11.2002.)
- 6) North Atlantic Treaty (published in: "Latvijas Vēstnesis", 37 (2985), 09.03.2004.)
- 7) Istanbul Convention of Temporary Admission (26 June 1990)

Bilateral Agreements

- 1) Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation in Prevention of Disasters, Natural Calamity and Other Large-Scale Accidents as well as in Elimination of their Consequences dated 8 July 2003 (in force since 1 June 2004).
- 2) Framework agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on Mutual Assistance in the Event of Disasters dated 4 June 2001 (in force since 19 June 2002).

- 3) Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Cooperation in Prevention and Liquidation of Emergency Situations dated 20 December 2010 (in force since 29 July 2011).
- 4) Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on the Mutual Support in the Event of Natural Disasters and Other Large-Scale Accidents dated 31 May 2001 (in force since 2 January 2002).
- 5) Agreement between the Government of the Republic of Latvia and the Government of the Republic of Azerbaijan on Cooperation in Prevention and Liquidation of Emergency Situations dated 17 January 2011 (in force since 2 August 2011).
- 6) Agreement between the Government of the Republic of Latvia and the Cabinet of Ministers of Ukraine on the Co-operation in the Field of Prevention of Disasters and Elimination of Their Consequences dated 27 April 2006 (in force since 2 November 2006).
- 7) Agreement between the Government of the Republic of Latvia and the Government of the Republic of Hungary on Co-operation and Mutual Assistance in the Event of Disasters and Other Large- Scale Accidents dated 19 November 2003 (in force since 21 August 2004).
- 8) Agreement between the Government of the Republic of Latvia and the Government of the Republic of Uzbekistan on Cooperation in the Field of Prevention and Elimination of Emergency Situations dated 6 October 2008 (in force since 13 April 2009).
- 9) Agreement between the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on Collaboration within the Field of Emergency Prevention, Preparedness and Response dated 17 June 2002 (in force since 5 January 2003).
- 10) Agreement between the Government of the Republic of Latvia and the Government of Lithuania on Early Notification of Nuclear Accidents, Exchange of Information and Co-operation in the Field of Nuclear Safety and Radiation Protection dated 3 October 2003 (in force since 11 February 2004)
- 11) Agreement between the Government of the Republic of Latvia and the Cabinet of Ministers of Ukraine on Early Notification of Nuclear Accidents, on Exchange of Information and Co-operation in the Field of Nuclear Safety and Radiation Protection dated 17 October 2001 (in force since 28 November 2007)

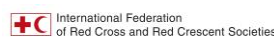
MUTUAL COOPERATION OF SYSTEM INSTITUTIONS IN CASES OF NATIONAL-LEVEL THREAT

Institutions	Leak of hazardous substances			Transport accidents				Floods	Storm, rainfalls, icing, snow, snowstorm	Forest and peat bog fires	Earthquakes	Electrical network damage	Accidents in heat supply systems	Accidents in gas supply systems	Accidents in water supply and sewerage systems	Human infectious diseases	Animal infectious diseases	Plant diseases	Radiation incident	Acts of terrorism	Civil insurgencies	Military invasion or war
	Leaks of gas from main piping	Leak of petroleum, petroleum products etc, hazardous substances	Including at sea	On the roads	On railway	Air transport	Sea transport															
Ministry of Defence		A	V			A	V	A	A	A	A	A				A	A		A	A	A	A
Ministry of Foreign Affairs	A	A	A		A	A	A	A	A	A	A					A	A		A	A	A	A
Ministry of Economics	V								A		A	V		V								A
Ministry of Finance			A					A	A	A	A					A	A	A	A	A	A	A
Ministry of Internal Affairs	A	V	V*	V	A	A	A	A	A	A	V	A	A	A	A	A	A	A	V	V	V	V
Ministry of Culture								A			A		A									A
Ministry of Welfare		A									A								A			A
Ministry of Transport	A	A	A	A	V	V	A	A	A		A								A	A	A	A
Ministry of Health	A	A	A*	A	A	A	A	A	A		A			A	A	V	A		A	A	A	A
Ministry of Environmental Protection and Regional Development		V	A*	A	A	A	A	A	A	A	A	A	A			A	A	A	V	A	A	A
Ministry of Agriculture								A	A	V	A						V	V	A	A		A
Municipalities	A	A	A*	A	A	A	A	V	V	A	V	A	V	A	V	A	A	A	A	A	A	A

Notes: V- controlling institution; A - support institution; * - in case of shoreline pollution

Coordinating Partner:

Associated Partners:



HAZARDS THAT HAVE OCCURRED IN LATVIA

Year	Incident	Consequences
2011	Fire at a warehouse of chemical substances in Mārupē	During the fire hazardous substances (detergents, disinfectants and substances for medical use) leaked into Mārupīte along with the water used for extinguishing fire which caused death of fish and birds.
2007	Leakage of hydrochloric acid at the production facility of “Cēsu alus”	About 10 tons of hydrochloric acid were leaked in the environment
2007	Accident on the main petroleum pipeline Družba occurred in Belarus, Vitebsk region	4.1 tons of petroleum products polluted Daugava
2007	Vessel “Golden Sky” from Cyprus ran aground in the Baltic Sea near Staldzene	12.8 tons of petroleum products leaked in the Baltic Sea along with 1,538.6 tons of potassium chloride and 10.67 tons of polluted water containing chemical oxygen of exceeded levels
2006	Extreme temperature	40 dead
2005	Drainage of incompletely purified waste waters of Jelgava sugar plant in the River Lielupe	As a result of pollution level of oxygen dropped in the River Lielupe disastrously resulting in mass perishing of fish. 28,871 fish of various species and 5,674 crayfish perished
2005	Gale “Ervīns”	Total losses caused by the storm in Latvia were EUR 190.75 million
2003	Extreme temperature in Riga	15 dead
2001	Crude oil leaks from Būtiņģe Petroleum Terminal (Lithuania) in the amount of 3,427 m3	0.74 m3 of crude oil reached territorial waters of Latvia
2001	Extreme temperature in Riga	21 dead
2000	Diphtheria epidemics	264 diseased
2000	Damaged Norwegian vessel “Stripe” leaked diesel fuel in the Port of Ventpils	About 9 tons of diesel fuel was leaked in the aquatorium of the Port of Ventpils, and layer of diesel fuel had covered practically the entire aquatorium.
2000	Railway accident and diesel fuel leakage in Līvberze	A territory of 1.76 ha in area polluted by petroleum products and fire. After performance of emergency measures 37.73 tons of diesel fuel remained in the environment

SUMMARY OF ALL RELEVANT NATIONAL LAWS AND REGULATIONS

Normative Act	Translation				Amendments ¹		Summary
	Official	Unofficial	Up-to-date	Out-of-date	Dates	Essence (if relevant to the study)	
Medical Treatment Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18.04.2013 21.06.2012 31.03.2011 07.10.2010 01.06.2010	Not relevant	The purpose of this Law is to regulate public relationships in medical treatment in order to ensure qualified prophylaxis and diagnosis of diseases or injury, as well as qualified medical treatment and rehabilitation of patients.
Associations and Foundations Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	The purpose of this Law is to promote the activities of associations and foundations and the long-term development thereof, as well as to facilitate the strengthening of a democratic and civil society. This Law regulates the guiding principles for the activity, organisational structure, liquidation and re-organisation of associations and foundations.
Civil Protection Law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07.03.2013 29.10.2009 16.07.2009 17.07.2008	1) Amended definition of disaster of regional scale 2) Provided obligation of the media to transmit information out of charge 3) public disturbances and terrorism included in the definition of disaster	The purpose of this Law is to create a system of civil protection for disaster management, ensuring the legal and organisational grounds for the protection of persons, property and the environment in cases of disasters and when there are threats of disaster.
Civil Law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23.05.2013 17.01.2013 29.11.2012 30.12.2010 28.10.2010 04.06.2009 22.02.2007	Not relevant	-
Labour Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21.06.2012	Not relevant	This Law regulates employment legal relationships.
Railway Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	28.02.2013	Not relevant	This Law regulates the principles of railway operation and traffic safety, as well as the railway management procedures. A railway is a system of transport which, as an organisational and technical whole, comprises: 1) the railway infrastructure;

Coordinating Partner:

Associated Partners:

						2) the rolling stock and buildings and structures necessary for its functioning; 3) railway undertakings; 4) railway infrastructure managers; 5) persons who, on assignment from a railway undertaking or a railway infrastructure manager, ensure the relevant technical processes (the construction, repairs and technical maintenance of the railway infrastructure technical equipment, the construction, repairs and technical maintenance of railway rolling stock and shunting operations).
Electronic Communications Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	- The purpose of this Law is to: 1) promote the provision of electronic communications networks and the development of electronic communications services; 2) promote the development of competition in the provision of electronic communications networks and the provision of electronic communications services; 3) promote the implementation of a simplified and transparent electronic communications merchant registration regime; 4) ensure the regulation of electronic communications networks and electronic communications services independent of electronic communications technology; 5) ensure the rational and effective utilisation of scarce resources in the electronic communications sector; 6) ensure the protection of the interests of the State, users and electronic communications merchants; 7) promote the accessibility of the universal service; 8) ensure the integrity and interconnectivity of electronic communications networks, and continuity of electronic communications services; and 9) ensure the protection of user data, including personal data.
Pharmaceutical Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	29.11.2012	Provisions regarding import of medicine are introduced The purpose of this Law is to regulate the activities of natural and legal persons in the field of pharmaceuticals, as well as to ensure the manufacture and distribution of medicinal products which are qualitative, medically appropriate and of an appropriate prophylactic, treatment and diagnostic level.
Immigration Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	- The purpose of this Law is to determine the procedures for the entry, residence, transit, exit and detention of foreigners, as well as the procedures by which foreigners are kept under temporary custody in the Republic of Latvia and returned from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.
Commercial Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	- This Law regulates commercial activities performed by merchants. A merchant is a natural person (individual merchant) or a commercial company (partnership and capital company) registered with the

							Commercial Register. Commercial activity is an open economic activity, which is performed by merchants in their name for the purposes of gaining a profit. Commercial activity is one of the types of entrepreneurial activity.
Criminal Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	The liability of a person who has committed a criminal offence in the territory of Latvia is determined in accordance with this Law.
Latvian Administrative Violations Code	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25.04.2013 20.12.2012 29.11.2012 14.06.2012 23.02.2012 16.02.2012 15.12.2011 08.12.2011 01.07.2011 20.01.2011	Amendments are too immense.	This Law determines which action or inaction shall be acknowledged as an administrative violation, and what administrative sanction, by which institution (official) and in accordance with which procedures may be imposed upon a person who has committed an administrative violation.
Constitution of the Republic of Latvia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	-
On the State Border of the Republic of Latvia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	30.05.2013.	Not relevant	The purpose of this Law is to determine a system of State borders and border guarding, as well as to ensure the inviolability of the State border on the land, in the sea and in the air space.
Law on Latvian Red Cross	Not available				-	-	The purpose of this Law is to promote social welfare and observation of international humanitarian rights by supporting cooperation of Latvian Red Cross with state and municipal institutions, involvement of individuals in activities of Latvian Red Cross and ensuring use of Red Cross symbol.
Law on Corporate Income Tax	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	This Law determines subjects of the income tax, taxable objects, tax rates, taxation periods, exemptions, discounts etc.
Law on Aviation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21.03.2013.	Not relevant	The requirements specified in this Law shall apply to: 1) civil and military aviation in the territory of the Republic of Latvia; 2) civil and military aircraft of the Republic of Latvia which are outside the territory of the Republic of Latvia unless otherwise provided for in legislative enactments of such state in whose territory an aircraft is situated; and 3) aviation of the customs and State Border Guard service of the Republic of Latvia.
Law on Personal Income Tax	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15.11.2012 31.05.2012 08.03.2012 15.12.2011 22.09.2011 08.09.2011	Not relevant	This Law determines subjects of the personal income tax, taxable objects, tax rates, taxation periods, exemptions, discounts etc.
Law on Taxes and Duties	Not available						This Law determines the types of taxes and fees and regulates the procedures for determining taxes and fees, collection and recovery

							thereof, the rights, duties and liability of the persons paying taxes and fees and of the taxes and fees administration and the appeal procedures for decisions made regarding tax and fee issues.
Law on the Regulated Professions and the Recognition of Professional Qualifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.06.2011 07.04.2011 31.03.2011 27.01.2011 03.06.2010	Not relevant	The Law determines the regulated professions, as well as the basic requirements to be observed for the recognition of the qualifications obtained in these professions in the Republic of Latvia and in foreign states.
Law on State Social Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20.12.2012	Not relevant	This Law prescribes the general principles of State social insurance, as well as regulates the financial and organisational structure thereof.
Customs Law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19.05.2011 03.06.2010 05.06.2008 26.10.2006	Not relevant	The purpose of this Law is to determine the issues of national competence of Latvia in customs matters, including the procedures according to which goods are moved across the customs border, the imposing of an import duty and an export duty thereon and other payments provided for in regulatory enactments which are administered by the State Revenue Service, customs clearance, customs control, as well as other means and actions with the assistance of which customs policy is implemented.
National Security Law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18.06.2009 12.12.2008 17.04.2008 29.03.2007 01.03.2007	Rights of Minister of Defence to take decision on involvement of Latvian military forces in international rescue and humanitarian operations	This Law determines the national security system and tasks of such, the competence of the persons or institutions responsible for the national security system and the principles and procedures of co-ordination, implementation and control of their activities.
National Armed Forces Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	This Law determines the composition, tasks, management system, funding and control of the National Armed Forces.
Law on the Supervision of the Handling of Food	Not available				-	-	The purpose of this Law is to ensure handling of food, which is qualitative and harmless to human health, life and the environment, the elimination of risks, the promotion of trade and the protection of the interests of consumers. This Law shall apply to the handling of all forms of food and any food undertaking and natural person involved in it.
Value Added Law Tax	Not available				-	-	This Law determines subjects of the value added tax, taxable objects, tax rates, taxation periods, exemptions, discounts etc.
International Aid Law	Not available				-	-	The purpose of this Law is to ensure effective and transparent planning and implementation of international state aid basing on principles and best practice of UN, EU, NATO, OSCE and OECD DAC.
State Audit Office Law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.06.2011 30.11.2010 01.12.2009 17.09.2009 12.12.2008 22.06.2005	Not relevant	This Law provides rights and obligations of the State Audit Office, which performs financial and efficiency audits, as well as examining the conformity of transactions and activities with regulatory enactments and the planned results. The objective of the activities of the State Audit Office is to ascertain whether actions with the resources are lawful, correct, economical and efficient, as well as provide recommendations for the rectification of discovered deficiencies.
Law On Procedures for the Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	28.10.2010	Not relevant	The Law provides the procedures for the trade of narcotic and

Trade of Narcotic and Psychotropic Substances and Medicinal Products					10.06.2008 27.09.2007 03.05.2007 11.05.2006 19.06.2003 30.02.2000 11.06.1998		psychotropic substances and medicinal products, and to prevent such substances and medicinal products entering into illicit trade, as well as to prescribes liability for violations of this law.
Procedures for the Receipt and Provision of Humanitarian Assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	These Regulations prescribe the procedures for the receipt and provision of humanitarian assistance.
The Procedure of Registering Representative offices and Representatives of Foreign Merchants and Organizations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22.05.2004	Not relevant	These Regulations determine the procedure of registering Representative offices of foreign merchants and Representative offices and representatives of public and non-profit organizations incorporated abroad.
Traffic Rules	Not available				-	-	These Regulations determines the procedures for road traffic and is binding upon natural and legal persons.
Procedures by which the Imported Goods of Budget Institutions and Public Benefit Organisations shall be Released from Import Duty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	These Regulations prescribe the procedures by which the imported goods of budget institutions and public benefit organisations shall be released from import duty.
Regulations regarding Professions Regulated by Lists of Specialities, Sub-specialities and Additional Specialities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	03.02.2012 12.03.2011 31.07.2010 06.03.2009 03.07.2008	List of additional specialities in the profession of nurse (Annex 3) has been added.	These Regulations prescribe the list of specialities and sub-specialities of regulated professions (Annex 1) and the list of additional specialities in the profession of a doctor (Annex 2).
Regulations Regarding the Institutions that Issue Certificates of Recognition in the Regulated Professions for Professional Qualifications Acquired in Foreign States	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23.03.2012 31.07.2010 27.02.2010 01.08.2009 06.03.2009 03.10.2008 06.06.2008	Not relevant	These Regulations prescribe the institutions that issue certificates of recognition in the regulated professions for professional qualifications acquired in foreign states.
Regulations Regarding the Labelling, Distribution and Control of Veterinary Medicinal Products	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06.01.2011	Not relevant	These Regulations prescribe: 1) the procedures by which a person who has the rights to manufacture veterinary medicinal products and a veterinary medicinal product wholesaler shall distribute veterinary medicinal products; 2) the procedures by which veterinary medicinal products shall be distributed by a merchant who has the rights to engage in retail trade of veterinary medicinal products; 3) the procedures by which the labelling and package leaflets for veterinary medicinal products shall be drawn up; and 4) the procedures for the import and export of veterinary medicinal products.
Procedures for the Importation and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13.08.2013	Not relevant	These Regulations prescribe the procedures for the importation of

Exportation of Medicinal Products							medicinal products (except veterinary medicinal products) into the customs territory of the European Union and for the exportation of medicinal products from the customs territory of the European Union, as well as the customs control points through which the importation and exportation of substances and medicinal products included in Schedule II and Schedule III of narcotic substances, psychotropic substances and precursors to be controlled in Latvia is permitted.
Procedure for Compensating Expenses and Losses to Legal Entities and Individuals incurred upon involving Personal Resources in Response Measures, Fire Fighting or Rescue Works, and Procedure for Calculating Indemnity	Not available				-	-	These Regulations prescribe procedures for compensating losses and expenses to legal and private persons that the persons have suffered due to being involved in response activities, fire fighting or rescue activities, and procedures for calculating amount of respective compensation.
Regulations for the State Strategic Medical Commission	Not available				-	-	These Regulations prescribe rights, obligations and structure of the State Strategic Medical Commission.
Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	These Regulations prescribe the rates of the State fee for examination of the documents necessary for the requesting a long-stay visa, residence permit or the status of a long-term resident of the European Community in the Republic of Latvia and the services related thereto, as well as the procedures for payment of the State fee and the categories of those persons who are exempted from payment of the State fee or who, upon requesting a uniform visa, are applied a reduced rate of the State fee.
Regulations Regarding the Border Crossing Point Regime	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	These Regulations prescribe the special characteristics of the border crossing point regime in accordance with the functional significance of the buildings, structures and territory of the border crossing point, as well as the procedures for the performance of the necessary activities at the border crossing point related to the admittance of persons, as well as the movement of property and goods across the external border.
Procedures for Reporting the Use of Goods – Re-exportation of Goods – Recognised by the Customs Rules	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-	-	These Regulations prescribe the procedures by which the use of goods – re-exportation of goods – recognised by the customs shall be reported.
Visa Regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	01.03.2013	Not relevant	These Regulation prescribe: 1) procedures by which documents for requesting a visa shall be submitted; 2) procedures by which a visa shall be issued, registered, extended, annulled and revoked; 3) periods of validity of visas; 4) amount of information to be included in the National Visa Information System and the Visa Register; 5) procedures for use of the Visa Information System, the National Visa Information System and the Visa Register; and

							6) border crossing points where a visa may be issued in accordance with the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas.
Regulations regarding Goods subject to Extraordinary Carriage	Not available				-	-	These Regulations provide list of goods that should be transported and need extraordinary transportation due to their qualities.
Procedures for Sending Civil Expert for Participation in International Missions, and Procedures for Financing of Participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13.08.2013 not yet in effect	Not relevant	These Regulations prescribe the procedures, by which a civil expert is seconded for participation in an international mission, the conditions for participation of the civil expert, as well as the procedures for financing of participation.
Regulations of Formation, Maintenance, Training, Financing of Response and Medical Aid Units, Establishment of Social Guarantees and Involvement in Provision of International Aid	Not available				-	-	These Regulations prescribe: 1) procedure by which the State Fire-fighting and Rescue Service and the Centre of Emergency and Disaster Medicine shall establish the quick response unit and medical support unit respectively for the states which suffered from a disaster for provision of assistance in performing of the response and emergency measures for the elimination of the consequences; 2) procedures by which the involvement in the international assistance provision shall be performed; 3) social guarantees for the personnel of the referred to units.

ⁱ If the translation is out-of-date then the dates of the respective amendments that are not translated have been provided. The essence of the amendments has been specified if it is relevant to the study.