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23 October 2014 [shall come into force from 19 November 2014].

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

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

On Emergency Situation and State of Exception

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to ensure national security in case of threat to national security.

Section 2. Application of this Law

This Law prescribes the procedures by which a special legal regime – emergency situation or state of exception – shall be declared and revoked, as well as the rights of State administrative and local government institutions, natural persons and legal persons, their restrictions, special duties and provision of the rule of law during validity of such legal regimes.

Section 3. Time when the Special Legal Regime is in Effect and Legal Consequences Thereof

- (1) All decisions and orders taken for providing emergency situation or state of exception shall be repealed concurrently with the revocation of emergency situation or state of exception or with the end of the time period determined for such special legal regimes.
- (2) State institutions have no right to reject claims of persons against the State for the damage caused, if such occur in relation to providing emergency situation or state of exception, justifying the rejection with circumstances of the special legal regime.

Chapter II Emergency Situation

Section 4. Emergency Situation and Declaration Thereof

- (1) Emergency situation is a special legal regime, during which the Cabinet has the right to restrict the rights and freedoms of State administrative and local government institutions, natural persons and legal persons, as well as to impose additional duties to them.
- (2) Emergency situation may be declared in case of such threat to national security, which is related to a disaster, danger thereof or threat to the critical infrastructure, if safety of the State,

¹ The Parliament of the Republic of Latvia

society, environment, economic activity or health and life of human beings is significantly endangered.

Section 5. Right of the Cabinet to Declare Emergency Situation

(1) Emergency situation shall be declared by the Cabinet for a definite time period, but no more than three months.

(2) The Cabinet shall revoke a decision to declare emergency situation (hereinafter – decision on emergency situation) prior to the determined term, if threat to national security has been prevented or overcome. The Cabinet shall notify the decision on emergency situation to the Presidium of the *Saeima*.

(3) Depending on the type, intensity and nature of the threat to national security, as well as upon changes in the size of the endangered territory, the Cabinet shall make relevant amendments to the decision on emergency situation. The Cabinet has the right, if necessary, to extend once the emergency situation for a time period not exceeding three months.

Section 6. Request to Declare Emergency Situation

(1) Declaring of emergency situation may be requested by:

- 1) the Crisis Management Council;
- 2) the sectoral ministry;
- 3) representatives of a local government.

(2) The institutions referred to in Paragraph one of this Section have a duty to inform regarding a decision to request declaration of emergency situation:

- 1) the local government, in the territory of which declaration of emergency situation is planned;
- 2) the ministry the competence of which includes corresponding measures related to emergency situation.

Section 7. Territory in which Emergency Situations is to be Declared

Depending on the type, intensity and nature of the threat to national security, as well as on the size of the endangered territory the Cabinet may declare emergency situation:

- 1) in the whole State;
- 2) in part of the State;
- 3) in part of an administrative territory.

Section 8. Right of the Cabinet in Declaring Emergency Situation

(1) In declaring emergency situation, the Cabinet has the right to stipulate:

- 1) special movement and gathering procedures or movement and gathering restrictions;
- 2) special procedures for the movement of vehicles or restrictions to such movement;
- 3) special procedures for economic activity or restrictions to such activity;
- 4) special procedures for access to goods, medicinal products, energy resources, services and other material and technical resources;
- 5) the right of State administrative and local government institutions to take a decision to evacuate inhabitants and their movable property, as well as, if necessary, to ensure the carrying out of the decision taken by forced movement;
- 6) the right of officials of State administrative and local government institutions to access a private property;

7) additional right for officials of State administrative and local government institutions to detain and hand over persons who refuse to obey lawful requests of officials or commit other infringements, to officials of law enforcement authorities for taking a decision;

8) the right of State administrative and local government institutions to determine a prohibition for persons to be at certain places without special authorisations or personal identification documents;

9) State administrative and local government institutions which prepare and distribute official information regarding emergency situation;

10) complete or partial suspension of execution of the liabilities laid down in international agreements, if execution thereof may have a negative impact on the ability to prevent or overcome threat to national security.

(2) In declaring emergency situation, in addition to the rights referred to in Paragraph one of this Section the Cabinet has the right to determine measures necessary in the particular emergency situation, which are provided for the prevention or overcoming of threat to national security and consequences thereof in laws, as well as the competence of State administrative and local government institutions in the prevention or overcoming of threat to national security.

Section 9. Decision on Emergency Situation

(1) A decision on emergency situation shall include the following information:

- 1) the reason for declaring emergency situation;
- 2) the time period for which it is declared;
- 3) the territory in which emergency situation is declared;
- 4) the responsible institution and the co-responsible institutions, as well as their special authorisation;
- 5) the resources to be used;
- 6) restrictions to the rights of natural persons and legal persons;
- 7) special duties, tasks and rights of State administrative and local government institutions;
- 8) the procedures for distributing the decision on emergency situation;
- 9) other information according to the type, intensity and nature of the threat to national security, as well as to the size of the endangered territory.

(2) In taking a decision on emergency situation, the Cabinet may determine international organisations and states to be informed regarding declaration of emergency situation and its reasons, the territory in which emergency situation has been declared and the time period for which it has been declared.

(3) The Cabinet shall notify a decision on emergency situation or amendments to a decision on emergency situation, if additional territorial restrictions or restrictions of rights are necessary, as well as on extending the declared emergency situation to the Presidium of the *Saeima* within 24 hours after taking thereof.

(4) Public electronic mass media shall notify a decision on emergency situation free of charge, as well as provide other information regarding emergency situation and recommendations for actions of inhabitants in conformity with the conditions of the Cabinet and the responsible institution regarding the procedures and urgency of providing the information.

Section 10. Competence of the *Saeima* to Decide on Justification of Emergency Situation

(1) The Presidium of the *Saeima* shall include a decision of the Cabinet on emergency situation or on such amendments to a decision on emergency situation which determine additional territorial restrictions or restrictions of rights, as well as on extending the declared emergency situation in the agenda of the *Saeima* meeting without delay.

(2) If, in examining the decision referred to in Paragraph one of this Section, the *Saeima* rejects it, the relevant decision shall be repealed and the measures introduced according thereto shall be revoked without delay.

Chapter III State of Exception

Section 11. Conditions for Declaring State of Exception

(1) State of exception is a special legal regime to be declared if:

1) the State is endangered by an external enemy;
2) internal disturbances which endanger the democratic structure of the State have arisen or are in danger of arising in the State or any part thereof.

(2) State of exception allows to restrict the rights and freedoms of natural persons and legal persons to the extent and according to the procedures laid down in law, as well as to impose additional duties on them.

(3) State of exception shall be declared by the Cabinet.

Section 12. Declaration of State of Exception

(1) State of exception may be declared in the whole State or any part thereof.

(2) State of exception shall be declared for a definite time period, but not exceeding six months.

(3) The Cabinet shall notify a decision on state of exception or amendments to a decision on state of exception, if additional territorial restrictions or restrictions of rights are necessary, as well as on extending the declared state of exception to the Presidium of the *Saeima* within 24 hours after taking thereof.

(4) The Cabinet has a duty to make amendments to a decision on state of exception depending on the type of threat to national security, the intensity and nature thereof, as well as changes in the size of the endangered territory.

(5) The Cabinet shall revoke a decision on state of exception prior to the determined term, if threat to national security has been prevented or overcome.

(6) The Cabinet has the right to extend the declared state of exception – every time for a time period not exceeding six months.

(7) The Ombudsman or an authorised official thereof shall participate in the Cabinet meeting and express an opinion on the decision to be examined.

Section 13. Decision on State of Exception

(1) A decision on state of exception shall include the following information:

1) the reason for declaring the state of exception;
2) the time when the state of exception enters into effect and the time period for which it is declared;

3) the territory in which the state of exception is declared;

4) the set of measures which are intended to be implemented during the state of exception in order to prevent or overcome threat to national security and to ensure public order and safety;

5) restrictions to the rights and freedoms of natural persons and legal persons or additional duties;

6) the authorisation and tasks of the State administrative and local government institutions responsible for overcoming threat to national security;

7) the procedures by which information regarding overcoming threat to national security shall be provided to the President, the *Saeima* and the Prosecutor General;

8) the institutional subordination of State institutions of direct administration and derived public persons (if there is a necessity to change it).

(2) In taking a decision on state of exception, the Cabinet may determine international organisations and states to be informed regarding declaration of the state of exception and its reasons, the territory in which the state of exception has been declared and the time period for which it has been declared.

Section 14. Competence of the *Saeima* to Decide on Justification of State of Exception

(1) The Presidium of the *Saeima* shall include a decision of the Cabinet on state of exception or on such amendments to a decision on state of exception which determine additional territorial restrictions or restrictions of rights, as well as on extending the declared state of exception in the agenda of the *Saeima* meeting without delay.

(2) If, in examining the decision referred to in Paragraph one of this Section, the *Saeima* rejects it, the relevant decision shall be repealed and the measures introduced according thereto shall be revoked without delay.

Section 15. Informing of Inhabitants Regarding State of Exception

(1) A decision on state of exception or amendments to a decision on state of exception, as well as on extending or revoking state of exception shall be, without delay, sent for notification in electronic mass media, published on the Internet home pages of local governments and placed in visible places at buildings of State administrative and local government institutions, as well the official online electronic publication on the Internet shall be ensured.

(2) Public electronic mass media shall notify a decision on state of exception free of charge, as well as provide other information regarding state of exception and recommendations for actions of inhabitants in conformity with the conditions of the Cabinet and the responsible institution regarding the procedures and urgency of providing the information.

Section 16. Subordination of State Administration during State of Exception

(1) If it is necessary for national security and national defence, the Cabinet may amend the form of subordination of State institutions of direct administration and derived public persons during state of exception, change the subordination of State institutions of direct administration to a particular member of the Cabinet, including substitute supervision with subordination.

(2) A member of the Cabinet shall implement the supervision of the institutions in his or her subordination and transferred into his or her subordination during state of exception directly or with the intermediation of an institution of direct administration, a unit or official thereof.

Section 17. Rights of the Cabinet during State of Exception

(1) Depending on the type, intensity and nature of threat to national security the Cabinet may determine:

1) a special regime for entering Latvia and departing from Latvia, as well as movement and residence restrictions;

2) a prohibition for persons to be at specific locations without special authorisations or personal identification documents, as well as permanent checks of personal documents;

- 3) special procedures or restrictions for organising meetings, processions and pickets, as well as other mass events or a prohibition to organise them;
 - 4) restrictions for organising strikes or a prohibition to organise them;
 - 5) restrictions for movement of persons, vehicles and cargoes across the State border or a prohibition of such movement, as well as restoring of border control on internal State borders;
 - 6) special procedures for access to food products, essential goods, medicinal products and medicinal goods, alcoholic beverages, fuel and energy resources, as well as services and other material and technical resources, including rationed supply of inhabitants with food, essential goods and medical goods;
 - 7) special procedures or restrictions for the handling of weapons, ammunition, special means, explosives, explosive devices and pyrotehnic articles, specific hazardous chemical, biological and radioactive substances, including removal of weapons, ammunition, special means, explosives, explosive devices and pyrotehnic articles, specific hazardous chemical, biological and radioactive substances owned by persons;
 - 8) the creation of reserves of raw materials and goods of strategic significance, as well as prohibition to export goods and raw materials of certain categories from the State;
 - 9) the State administrative and local government institutions, which shall prepare and distribute official information regarding state of exception;
 - 10) reinforced safeguarding measures of the public order and guarding of individual objects;
 - 11) the provision of the State administrative and local government institutions involved in and the civil defence units mobilised for overcoming of the threat to national security with energy resources;
 - 12) partial or complete suspending of carrying out of the liabilities laid down in international agreements, if their carrying out may have a negative impact on the capacity to prevent or overcome the threat to national security;
 - 13) the provision of operation of mass media;
 - 14) the provision of aid functions of the host country in hosting armed forces of the North Atlantic Treaty Organisation or the European Union, as well as non-application of the requirements of environmental, construction and other laws and regulations to measures which are related to the hosting, deployment of the referred-to armed forces and preparation thereof for provision of the aid necessary for national defence;
 - 15) the operation mode of State administrative and local government institutions;
 - 16) special procedures for the circulation of information of State authorities;
 - 17) involving of inhabitants in voluntary work necessary for the liquidation of disasters caused by internal disturbances or external military threat and the consequences thereof;
 - 18) an authorisation for the Minister for Finance to change the appropriation determined in the law on the State budget for the current year, if the Budget and Finance (Taxation) Committee of the *Saeima* has reviewed changes in appropriation within 24 hours and has not objected against them, as well as to ensure financial resources and making of payments;
 - 19) an authorisation for the Prime Minister and the Minister for Finance to take decisions on changing the appropriation determined in the law on the State budget for the current year, if the Budget and Finance (Taxation) Committee of the *Saeima* has not reviewed changes in appropriation within 24 hours.
- (2) In declaring state of exception, in addition to the rights referred to in Paragraph one of this Section the Cabinet has the right to determine measures necessary in the particular state of exception, which are provided for the prevention or overcoming of threat to national security and consequences thereof in laws, as well as the competence of State administrative and local government institutions in the prevention or overcoming of threat to national security.

(3) The Minister for Finance has the right to authorise other officials for the provision of financial resources and making of payments in the cases stipulated in State defence planning documents.

Section 18. Rights of the State Administrative and Local Government Institutions Responsible for Overcoming the Threat to National Security during State of Exception

In order to implement that laid down in Section 13, Paragraph one, Clauses 4, 5 and 6 of this Law, the State administrative and local government institutions responsible for overcoming the threat to national security, depending on the type, intensity and nature of the threat to national security, are entitled to:

1) to detain persons who refuse to obey lawful requests of officials or commit other infringements, and to hand them over to officials of law enforcement authorities for taking a decision;

2) to remove weapons, ammunition, special means, explosives, explosive devices and pyrotehnic articles, specific hazardous chemical, biological and radioactive substances owned by persons;

3) to access private property (informing the possessor of the immovable property thereof without delay), if it is necessary to eliminate threat to human life, as well as if it is necessary for national security and national defence;

4) to perform evacuation of natural persons and their movable property, including forced movement, if it is necessary to ensure the safety of such natural persons and their property, as well as if it is necessary for national security and national defence;

5) to take over property (movable and immovable property) of natural persons and legal persons in possession, if it is necessary for national security and national defence;

6) to suspend the operation of the rights provided for and granted by laws and regulations to persons (licences, permits, certificates), as well as granted such rights if it is necessary for national security and national defence;

7) to deport foreigners, if they create obstacles for the implementation of state of exception or are engaging in propaganda that causes threat to national security and national defence;

8) to control correspondence, if it is necessary for national security and national defence;

9) to terminate the activities of mass media (including to impose an arrest on their production), to cancel broadcasting or retransmission authorisations of electronic mass media, as well as to suspend and terminate the activities of mass media, if they distribute information causing threat to national security or are engaged in propaganda that causes threat to national security and national defence;

10) to take measures for the prevention of threats in the electronic information area, as well as to limit the operation of electronic communications networks and the use of electronic communications in order to prevent or suspend the distribution of information causing threat to national security or propaganda that causes threat to national security and national defence;

11) to block broadcasting or retransmission in order to prevent or suspend the distribution of information causing threat to national security or propaganda that causes threat to national security and national defence;

12) to take informative measures necessary for national security and national defence.

Chapter IV

Admissible Extent of Restricting the Rights during Emergency Situation and State of Exception and Examination of Rule of Law of the Administrative Decisions Taken

Section 19. Admissible Extent of Restricting the Rights during Emergency Situation and State of Exception

(1) During emergency situation and state of exception all natural persons and legal persons must obey the lawful requests of State administrative and local government institutions, as well as their officials.

(2) The administrative decisions taken during emergency situation and state of exception, which determine restrictions and additional duties, must have a legitimate purpose, must be commensurate, non-discriminating, justified and necessary in each particular case of threat to national security.

(3) Measures for the provision of emergency situation and state of exception must be taken only to such extent as is necessary for normalising the situation. Emergency situation and state of exception may not be the grounds for restricting the authorisation of State administrative and local government institutions, rights and freedoms of human beings in territories where the relevant legal regime has not been declared.

(4) Measures for the provision of emergency situation and state of exception may not be in contradiction with the international norms of human rights, which are binding on the Republic of Latvia.

(5) Emergency situation and state of exception may not be the grounds for restricting the competence of the institutions referred to in the Constitution of the Republic of Latvia.

(6) Infringements committed by persons during emergency situation and state of exception shall be examined in accordance with the laws in force.

(7) Natural persons and legal persons whose property (movable or immovable property) has been acquired in possession for national defence and national security needs have the right to a compensation corresponding to the losses incurred to them. The Cabinet shall prescribe the procedures by which:

1) the State administration and local government authorities shall take a decision on acquiring in possession a property (movable or immovable property), shall acquire in possession a property (movable or immovable property) and shall give it back;

2) natural and legal persons shall request compensation of losses incurred in relation to property (movable or immovable property) being in possession of the State administration and local government authorities;

3) the losses incurred in relation to property (movable or immovable property) being in possession of the State administration and local government authorities shall be assessed and calculated, and by which the decision shall be taken on compensation of such losses and by which compensation of losses shall be disbursed;

4) natural and legal persons shall have a right to contest the amount of the compensation of losses.

[23 October 2014]

Section 19.¹ Deadline for Taking a Decision on Reimbursement of Losses

The decision on the reimbursement of losses referred to in Section 19, Paragraph seven of this Law shall be taken by the State administration and local government authorities within three months from the day of receiving the submission regarding reimbursement of losses. If due to objective reasons it is not possible to comply with this deadline, the State administration or local government authority may extend it to a time period not longer than six months from the day of receiving the submission and shall inform the submitter thereof.

[23 October 2014]

Section 20. Examination of the Rule of Law of Administrative Acts Adopted during Emergency Situation and State of Exception

(1) The administrative acts issued or the actual action of officials during emergency situation or state of exception shall be contested, appealed and examined in accordance with the procedures laid down in the Administrative Procedure Law. Contesting or appealing of the decision shall not suspend the operation thereof, if the relevant decision is directly related to the declared emergency situation or state of exception, as well as in other cases provided for in the law.

(2) A decision which is directly related to the declared emergency situation or state of exception may be contested throughout the validity of the special legal regime, as well as within one month after revocation of the special legal regime. Other administrative acts or actual action of officials may be contested in such time period only in case if the special legal regime has affected the possibilities of lodging a complaint and the person is able to provide an objective justification thereto.

Transitional Provisions

1. With the coming into force of this Law, the Law On State of Exception (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 51/52; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 5; 2003, No. 22; 2006, No. 24) is repealed.

2. The Cabinet shall issue the regulations referred to in Section 19, Paragraph seven of this Law by 1 January 2015.

[23 October 2014]

This Law has been adopted by the *Saeima* on 7 March 2013.

President

A. Bērziņš

Rīga, 27 March 2013