

March 2007

## LATVIA

- 1. Which are the procedures for the incorporation of Security Council Resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case law?**

As of 1 May 2004, when Republic of Latvia acceded European Union, UN sanctions are implemented within the framework of the Common Foreign and Security Policy (CFSP) by virtue of EU Common Positions and EC Regulations. EC Regulations are binding in their entirety and directly applicable within all member states of EU and accordingly impose an obligation for member states to apply. Thus, sanctions apply automatically.

The measures that are not within the competence of the EC and must be dealt with on a national level are arms embargoes and restrictions on admission.

Accordingly, the arms embargoes are implemented on national level by virtue of Cabinet of Ministers Regulations No 538 on Classification and Utilization of Arms, Munitions, Special Means, Explosives, Blasting Gadgets and Pyrotechnic Products of 23 September 2003 as well as Regulation EC No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology. According to Article 93 (4) of the Regulations concerned, the Committee of Control of Strategic Goods shall not issue special licences for export and transit of fire-arms, their munitions, component parts and auxiliary devices, provided that the export and transit can come into conflict with international obligations, namely, sanctions imposed by UN Security Council, decisions of OSCE on non-proliferation of arms, sanctions imposed by European Union, as well as other contracts with regard arms control and disarmament.

Restrictions on admissions are partly governed by virtue of Regulation (EC) No 539/2001 listing third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, providing the basis for controls on admission of foreigners. Where a listed country's nationals need visas to enter the EU, a ban on admission can be immediately applied on the basis of this Regulation. Where no visa requirement exists under Regulation (EC) No 539/2001, restrictions on admission may require national action, namely adoption of Regulations of the Cabinet of Ministers.

An essential introduction established in the newly adopted Law On the Implementation of the Sanctions imposed by the International Organisations in the Republic of Latvia of 26 October 2006 is the appointment of particular institutions for implementation of particular sanction regimes. The Law sets three kinds of restrictions (sanctions) – financial, civil and admission. Furthermore, particular institutions are responsible for the implementation of these sanctions – Financial and Capital Market Commission (implementation of the sanctions regarding financial restrictions), Ministry of Justice (implementation of the sanctions regarding civil restrictions) and Ministry of Interior (implementation of the sanctions regarding admission restrictions).

The implementation of UN Security Council Resolutions has not given rise to constitutional or other legal problems on national level in the Republic of Latvia. There is no relevant case law of the issue concerned.

(The unofficial translation of the Law On the Implementation of the Sanctions imposed by the International Organisations in the Republic of Latvia of 26 October 2006 enclosed).

**2. Does the choice depend on the content of the Security Council Resolution?**

The only difference arises from the measures that fall under EC or national competence as stated above.

**3. When sanctions are imposed for a fixed period of time, which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

As the UN Security Council resolutions imposing sanctions are implemented by the virtue of EC Regulations, the sanctions are in force until the date provided therein or until the Regulations are repealed.

If sanctions imposed by UN Security Council were implemented by virtue of national law, a national law would be needed to repeal those accordingly.

**4. When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorize such exceptions, does the incorporating act appoint a national authority which is competent to authorize export?**

EC Regulations as the incorporating acts provide lists of competent authorities, which are empowered to grant exemptions.

**5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?**

It is a common practice to draft EC Regulations in accordance with the details of the particular sanctions regime.

**6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights?**

So far there have not been any cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights.

**7. Are there decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals?**

So far there have not been any decisions of national courts or separate practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals.

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

## Law on Implementation of Sanctions established by International Organisations

### Section 1.

The following terms are used in this Law:

- 1) **Sanctions established by International Organisations** – restrictions established in accordance with public international law, which shall be applicable in relation to a State or to any other addressee appointed by the United Nations or the European Union, and the objective of which is to achieve such action by the state that would ensure or renew peace, security and rule of law in the State towards which the restrictions are directed, or in relation to the aforementioned other addressee or region at whole. The following kinds of restrictions exist in the Republic of Latvia (if the law does not provide otherwise, provisions on sanctions regarding a State shall apply to the aforementioned other addressee):
  - a) **Financial restrictions** – restrictions regarding financial instruments and financial assets belonging to a State appointed by an International Organisation, or to persons related to that State,
  - b) **Civil restrictions** – restrictions regarding any kind of transactions with economic resources or assets that are not financial instruments or financial assets, if in the result of such transactions the aforementioned resources or assets change their owner, possessor or holder and if the objective of these transactions is to create financial instruments, financial assets or other kind of economic resources or assets with a State, appointed by an International Organisation, or with persons related to that State,
  - c) **Travelling restrictions** – restrictions to travel within the territory of a Member State of an International Organisation with respect persons related to a State appointed by an International Organisation;
- 2) **Responsible institution** – institution in charge for implementation of the Sanctions established by International Organisations in accordance with this Law;
- 3) **Decision on applying sanctions established by International Organisations** – a document issued by the responsible institution in order to implement restrictions provided in Regulations of the Cabinet of Ministers or European Union Council Regulation implementing sanctions established by International Organisations with respect to a State;
- 4) **Decision on compulsory execution of sanctions established by International Organisations** – an executive document issued by the responsible institution in order to implement civil restrictions provided in Regulations of the Cabinet of Ministers or European Union Council Regulation implementing sanctions established by International Organisations with respect to a State.

### Section 2.

The purpose of this Law is to regulate the implementation of the sanctions established by International Organisations

### Section 3.

All participants of the financial and capital market registered in the Republic of Latvia are prohibited to perform all kinds of operations with financial instruments and financial assets that partly or completely, directly or indirectly belong to States or persons with regard to whom in accordance with

Regulations of the Cabinet of Ministers or European Union Council Regulation financial restrictions have been established.

**Section 4.**

It is prohibited to register in Registers of a character of public credibility and entries in which certify person's property rights and other registers entries which certify person's property rights, persons with regard to whom in accordance with Regulations of the Cabinet of Ministers or European Union Council Regulation civil restrictions have been established as well as property that persons concerned own or realise effective control of, provided the entry indicates the persons property rights.

**Section 5.**

- (1) It is prohibited to execute civil transactions with any kind of economic or financial resources or assets or their parts that are owned, possessed or held by or in the effective control of, by the State or persons related to that State provided civil restrictions have been established with regards to that State in accordance with Regulations of the Cabinet of Ministers or European Union Council Regulation.
- (2) When adopting Regulations, Cabinet of Ministers may, taking into account the purpose of the sanctions established by International Organisations, provide to what kind of transactions or subject matter of a contract the prohibition set out in Paragraph one of this Section applies to.

**Section 6.**

Persons, with regard to whom travelling restrictions have been established in accordance with Regulations of the Cabinet of Ministers or European Union Council Regulations, are prohibited to enter the Republic of Latvia.

**Section 7.**

The Ministry of Foreign Affairs informs the Cabinet of Ministers regarding sanctions set out by International Organisations, their extension, change and termination.

**Section 8.**

The Cabinet of Ministers adopts Regulations on implementation, extension, change and termination of sanctions established by International Organisations and sets measures to enact in the Republic of Latvia sanctions concerned.

**Section 9.**

The Ministry of Foreign Affairs informs the International Organisations with regard to the sanctions established by the respective International Organisations and implemented in the Republic of Latvia by the Cabinet of Ministers.

**Section 10.**

- (1) The institutions in charge for implementation of sanctions established by International Organisations (inter alia, by the Council of European Union) are:
  - 1) The Financial and Capital Market Commission – regarding financial restrictions;
  - 2) Ministry of the Interior – regarding travelling restrictions.
- (2) When adopting Regulations, the Cabinet of Ministers may designate other responsible institutions in addition to the institutions mentioned in the Paragraph one of this Section.

**Section 11.**

The institution in charge takes the necessary measures in order to enact the sanctions established by International Organisations in accordance with Regulations of the Cabinet of Ministers or European Union Council Regulation.

**Section 12.**

The Ministry of Foreign Affairs informs the institutions in charge regarding persons with regard to whom the restrictions are applied in accordance with the Regulations of the Cabinet of Ministers.

**Section 13.**

The head of the institution in charge or a person authorised by him pursuant to vested authority, takes a decision, if necessary, on application of sanctions imposed by International Organisations or compulsory execution of the decision on sanctions established by International Organisations in order to apply restrictions to a person concerned pursuant to the amount prescribed in Regulation of the Cabinet of Ministers or European Union Council Regulation.

**Section 14.**

- (1) Issuing, dispute and appeal of the decision on application of sanctions imposed by International Organisations or of the decision on compulsory execution of sanctions established by International Organisations is ensured pursuant to Administrative Procedure Law, if this Law does not provide otherwise.
- (2) Pursuant to Civil Procedure Law, Sworn bailiffs ensure the execution of the decision on compulsory execution of sanctions established by International Organisations.

**Section 15.**

The following information needs to be included in the decision on application of sanctions established by International Organisations or the decision on compulsory execution of sanctions established by International Organisations:

- 1) Title and address of the institution in charge;
- 2) Addressee (name, surname and other data available) to the institution in charge or the person concerned or title, address and registration number of the legal person concerned);
- 3) Substantiation of the decision;
- 4) Applicable legal norms;
- 5) Legal obligation imposed upon the addressee (particular action or request to abstain from particular action) or rights denied to him;
- 6) An indication as to where and within what time period such administrative act may be disputed or appealed.

**Section 16.**

Decision on application of sanctions established by International Organisations or decision on compulsory execution of sanctions established by International Organisations comes into force on the day of its adoption, and disputing or appealing that decision does not stop its execution.

**Section 17.**

Provided the Cabinet of Ministers revokes Regulations or the Council of the European Union revokes Regulation implementing the sanctions established by International Organisations, the institution in charge, provided it has taken a decision on compulsory execution of sanctions established by International Organisations, informs the Council of Latvian Sworn Bailiffs about it.

**Transitional provisions**

With entry to force of this Law, the Law on the Sanction Regime in the Republic of Latvia established by International Organisations (Reporter of the Saeima of the Republic of Latvia and the Cabinet of Ministers, 200, Nr. 8.).

This Law comes into force on 1 January 2007

This Law has been adopted by the *Saeima* on 5 October 2006