Setting the time frame for the process of adoption and implementation of the European Union’s *acquis communautaire*, the Latvian Government adopted 1 January 2003 as the date on which Latvia will be prepared for accession to the European Union.

Latvia accepts and will fully implement *acquis communautaire* in the area of “Co-operation in the fields of Justice and Home Affairs”, including the *acquis communautaire* adopted by the EU during 1999, before 1 January 2003. Where it is possible Latvia is ready to adopt and fully implement Community Laws even sooner. Certain provisions of *acquis communautaire* applicable exclusively to the Member states will be fully implemented as from the date of accession.

Latvia realises and accepts objectives of the EU as set out in the article 2 of the Treaty on European Union “to maintain and develop the Union as an area of freedom, security and justice, in which free movement of persons is assured in conjunction with appropriate measures with respect to external borders controls, asylum, immigration and the prevention and combating of crime”.

The treaty of Amsterdam aims to ensure that it is possible to enjoy freedom, which includes the right to travel and to live freely throughout the Union, in safety and with justice accessible to all. However, Latvia understands that it would be a contradiction with the European tradition of hospitality to deny this freedom to those who legitimately request access to the territory of the European Union.

The full ambition is to give citizens a common sense of justice throughout the Union. Justice must be seen as facilitating the day-to-day life of people and bringing to justice those who threaten the freedom and security of individuals and society. This includes both the access to justice and full judicial co-operation among Member States.

Latvia comprehends that any State responsible for controls on borders with the third country is automatically the guarantor not only of its own security, but also of the security of the other States of the Union.
Summary

Visa Policy
The implementation of the EU requirements in the area of visa policy is broadly accomplished. The national legislation complies with the *acquis communautaire* regarding the issuing of visas as well as technical requirements for visas. Airport transit visas have been introduced since 1 July 2000. The draft law “On persons identification and travel documents” was prepared. Latvia is continuing the conclusion of bilateral agreements on abolition of visa regime with third countries according to the EU lists.

Latvia realises the importance of co-operation between EU Member states in the area of visa policy and therefore has started to implement provisions of Joint Consular Instruction. The Unified Visa Information System was introduced from 1 January 2000, thus providing for a possibility to register all issued visas in a national visa register. The machine-readable visas are being issued since 1 January 2000.

The legislation of Latvia in the area of visa policy will be harmonised with *acquis communautaire* until 1 June, 2002.

Latvia has the necessary administrative infrastructure to ensure the implementation of *acquis communautaire* in the area of visa policy – the Department of Citizenship and Immigration, Immigration Police, State Border Guard and diplomatic and consular missions of Latvia.

External Borders
The legislation of Latvia broadly complies with the *acquis communautaire* in the area of external borders. Latvia realises that its eastern border, ports and airports will be a perspective external border of the EU. Therefore a significant progress has taken place in ensuring systematic control of persons crossing the border as well as effective border surveillance between border crossing points.

Special attention has been paid to the proper co-operation and optimum division of functions between institutions involved in the border control as well as to the training of personnel of respective institutions.

One of the priorities in the area of external borders is the completion of demarcation of borders with Belarus and Russia.

Latvia will fully implement EU requirements in the area of external borders until 31 December 2002.

Schengen Information System
Latvia will be ready to start negotiations on accession to the Schengen Convention upon accession to the EU. Latvia understands that implementing the Schengen agreement requires an equal degree of control at external borders, carried out in accordance with uniform principles. There should be an operational National Schengen Information System established in Latvia.

In order to ensure effective establishment of the National Schengen Information System the action plan was prepared, which envisages the co-operation between all the institutions involved – Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance and Ministry of Transport.

Data protection
Latvia recognises the importance of the data protection issue in connection with the accession to the Schengen Convention as well as co-operation with the Europol.

There is the national legislation in place regarding the personal data protection in Latvia. Latvia intends to accede to all the relevant international instruments in the area of data protection. Latvia understands that provisions of the aforementioned legislation should be applicable to the law enforcement agencies. In November 2000, a working group was established with the aim to prepare the necessary amendments to the national legislation.

To ensure the enforcement of EU requirements in the area of data protection the State Data Inspection will be established and will start fully operate by 1 January 2001.
Migration
The legislation of Latvia in the area of migration broadly complies with the *acquis communautaire* as regards the admission, expulsion and readmission. In order to complete the implementation of EU requirements in the area of migration draft Immigration Law has been prepared. Latvia realises the role of the adequate migration policy in the field of “Free movement of persons” and “Free movement of services”. Latvia understands the importance of well co-ordinated and efficient administrative structures to ensure the implementation of EU requirements in the area of migration of third country nationals. Special attention has been paid to the co-operation between national authorities responsible for the implementation of the legislation in the area of migration as well as co-operation with neighbouring countries and EU member states. Legislation of the Republic of Latvia in the area of migration will be harmonised with the *acquis communautaire* until 31 December 2001.

Asylum
The legislation of Latvia in the area of asylum mostly complies with the EU requirements. There is an efficient and fair set of asylum procedures established in Latvia, which fully complies with the EU requirements. Minimum guaranties for asylum seekers are in line with those required by the EU. Latvia realises the importance of the Dublin Convention in the area of asylum and will harmonise its legislation in order to be able to accede to the Convention upon the accession to the EU. Latvia has an effective structure in place, with highly professional staff, to conduct the asylum procedures. This structure is capable to handle asylum applications within a reasonable time limit. Latvia will implement all EU requirements in the area of asylum until 31 December 2002.

Organised crime
Latvia is aware of the crucial importance of the fight against organised crime for internal security and economic development of the country and the European Union after the accession. The fight against organised crime has been carried out through the co-ordinated activities of the law enforcement agencies. Latvia is strongly following the implementation of the Accession Partnership priorities. The Accession Partnership short-term (2000) priority foresees that Latvia has to upgrade the law enforcement agencies and to ensure better co-ordination between them. The Action Plan for the implementation of the Government’s Declaration as well as updated Latvia’s National Program for the Integration to the EU (Adoption of Acquis) includes concrete measures to implement the Accession Partnership priorities. Special attention has been paid to the proper co-operation and optimum division of functions between institutions involved in the fight against organised crime as well as to the training of personnel of respective institutions. Latvia fully recognizes the necessity to ensure modern equipment, technology and properly trained personnel to meet the challenges of organised crime. The law enforcement agencies, responsible for the fight against organised crime, operate according to the national legislation and policy instruments (strategies, programs), as well as concluded national agreements. The developed strategies meet the requirements of the European Union. Latvia has acceded to all the relevant international regulatory instruments. Latvia intends to sign a co-operation agreement with Europol by the end of 2001. Latvia has established a working group with the aim to harmonise its legislation for the purposes of hot pursuit and cross-border surveillance.

Terrorism
The national legislation of Latvia fully complies with the *acquis communautaire* in the area of terrorism. Taking into consideration the importance of fight against terrorism for internal security of the EU, there will be a liability for the participation in the terrorist group envisaged in the national legislation. Latvia has the necessary administrative infrastructure to ensure the combat against terrorism. The main responsible institutions are the Security Police and anti-terrorist unit “Omega”.


Illicit Drugs
The legislation of Latvia broadly complies with the *acquis communautaire* in the area of illicit drugs. In order to reduce drug demand and supply Cabinet of Ministers approved the Drug Control and Drug Abuse Prevention Strategy for the five-year period 1999 – 2003. The Strategy has two main priorities: strengthening of the capacity of police, customs and prosecutor’s office and preventative measures. Special attention has been paid to the clear allocation of tasks and co-ordination between institutions responsible for drug demand reduction as well as drug supplies reduction. Latvia realises that implementation of the *acquis* related to drugs requires participation in the European Information Network on drugs and Drug Addiction (Reitox). Latvia has started the exchange of information with Reitox. Latvia will implement all EU requirements in the area of illicit drugs until 31 December 2001.

Police co-operation
The legislation of Latvia broadly complies with the *acquis communautaire* in the area of police co-operation. One of the priorities of Latvia is a creation of an accountable, reliable and effective police organisation. A special attention has been paid to the internal co-operation between police structures as well as to the co-operation between the police and other state institutions. Latvia has started a formation of the institute of liaison officers. In order to facilitate the co-operation with neighbouring countries, a police attaché has been posted to the Russian Federation in October 2000. Latvia will implement all EU requirements in the area of police co-operation until 31 December 2002.

Corruption
The necessity to fight against corruption has been recognised at the highest political level. On 4 April 2000 the Cabinet of Ministers adopted the Corruption Prevention Program, which contains measures for combating, prevention and education. The main objective of the program is to improve legal base and to strengthen the administrative capacity of institutions involved in the corruption prevention and combating. The legislation of Latvia partially complies with the *acquis communautaire* in the area of fight against corruption. Latvia has signed the Criminal Law Convention on Corruption of the European Council and intends to ratify it by the end of 2000. The OECD Convention on Combating of Bribery of Foreign Officials in International Business Transactions will be signed by the end of this year. Latvia has the necessary administrative infrastructure to ensure the implementation of the EU requirements in the area of corruption. The main co-ordinating institution is Corruption Prevention Council lead by the Minister of Justice. In order to raise the efficiency of the co-operation of the institutions responsible for the fight against corruption, there will be a corruption-combating bureau established by the end of 2003. The bureau will be in charge of the combating (planning, co-ordinating, investigation) and prevention of corruption as well as analyses and education. Latvia pays special attention to the raising of public awareness and education in the area of fight against corruption both by state institutions and NGO’s.

Fraud
The legislation of Latvia partially complies with the *acquis communautaire* in the area of fight against fraud. Once the amendments to the Criminal Law, providing for the application of provisions concerning fraud and corruption also to foreign officials and the amendments to the Administrative Offence Code providing for the liability of legal persons for corruption, fraud and other criminal offences are introduced, the *acquis* requirements in respect to fraud combating will be fully complied with. The respective amendments will be prepared by March 2001.
Customs co-operation
The legislation of Latvia partially complies with the *acquis communautaire* in the area of customs co-operation.
Latvia is a contracting party to the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences - Nairobi Convention (in force since 10 March 1999). International co-operation is based on bilateral agreements regarding mutual assistance in customs matters.
Latvia realises the importance of inter-agency co-operation as well as co-operation with business representatives to ensure the implementation of the EU requirements. The Anti-smuggling Centre was established to improve the co-ordination between state institutions involved in combating smuggling and commercial fraud. The National Customs Board has concluded 11 Memoranda of Understanding with private companies in order to facilitate fight against drug trafficking.
Latvia will join the Convention of 18 December 1997 on Mutual Assistance and Co-operation between customs administrations and the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purposes upon accession to the EU. Future introduction of Customs Enforcement Network (CEN) is under discussion now.

Judicial co-operation in civil and criminal matters
Latvia understands the crucial importance of judicial co-operation as regards the free movement of goods, services, capital and persons.
Latvia has acceded to the major part of the conventions regulating the judicial co-operation in criminal matters. Moreover, the international co-operation is based on bilateral agreements on judicial co-operation.
In order to facilitate the judicial co-operation in civil matters Latvia intends to accede to the Lugano Convention by the end of 2001.
The Ministry of Justice has been appointed as the central institution co-ordinating the execution of legal assistance requests in civil matters. There are three authorities in Latvia which are engaged in dealing with issues of international judicial co-operation in criminal matters: the Ministry of Justice, the Prosecutor General’s Office, and the Ministry of Interior.
Latvia will implement all EU requirements in the area of judicial co-operation until 31 December 2002.

Reform of the court system
Latvia understands the crucial importance of an independent, reliable and efficient judiciary, with the capacity to handle court cases in a reasonable time as well as to enforce judgements.
In order to achieve the above-mentioned Latvia pays a special attention to ensure an adequate level of staffing, equipment and infrastructure. Increased attention is paid to the professional level of judges.
Latvia intends to implement the reform of the institute of lay judges with the aim to shorten the procedure of execution of court judgements. A draft Criminal Procedure Law is under preparation to ensure the implementation of the EU requirements in the criminal procedure of Latvia. The concept of court administration will be completed by March 2001 with the aim to create an independent judiciary. A computerisation project for courts is currently being implemented, entitled “The Unified Judicial Information System of the Republic of Latvia”.
Visa Policies

1. Current situation of the Republic of Latvia

The implementation of the EU requirements in the area of visa policy is broadly accomplished. The national legislation complies with the *acquis communautaire* regarding the issuing of visas as well as technical requirements for visas. A list of current legislation of the Republic of Latvia that regulates the issue of visas and control of persons crossing the border is in the ANNEX 1.

*Technical achievements*

Unified Visa Information System (VVIS) was established on 1 January 2000. This System includes diplomatic and consular missions of the Republic of Latvia abroad as well as all institutions where visas are issued within the country and on the border. All necessary data regarding issued visas can be technically obtained from this System. Latvia will be able to provide with the information the General Secretariat on its request.

Visa stickers comply with the requirements of *acquis* (395R1683) regarding their form, content and protection against forgery. Visa printing machines have been bought. Since 1 January 2000, machine-readable visas are issued, which are registered in the Unified Visa Information System. Since 1 January 2000, a special stamp is put in the travel documents of visa applicants confirming the fact of visa request, to prevent a possibility of requesting visa repeatedly.

All diplomatic and consular missions abroad are provided with technical means that are necessary to detect forgeries according to the minimum level described in Recommendation 399Y0520(01) of 29 April 1999.

According to Part 2 of Addendum 1 of the Joint Consular Instruction and requirements of SCH/Com-ex (97) 32-15.12.97, a list of countries has been drawn up (ANNEX 2), citizens of which are not required visas to enter Latvia. This list is being supplemented by concluding new bilateral agreements on visa-free travelling.

Airport transit visas are being introduced since 1 July 2000 in compliance with the European Council's Joint Action 96/197/JHA of 4 March 1996 and Part 1 of Addendum 3 of the Joint Consular Instruction.

According to Council Regulations 399R0574 of 18 March 1999, citizens of states, mentioned in the Addendum to the said Regulations, are required to have visas to enter Latvia, and invitations – to get the visa.

2. Harmonisation of the legislation with the *acquis*

*Prospective amendments in legislation according to acquis communautaire*

A draft Immigration Law that will include all the basic principles of the *acquis* in the area of migration and visa policy will be prepared until 31 March 2001. Legislation of Latvia will be fully harmonised with *acquis communautaire* in the area of visa policies and migration after adoption of the above-mentioned Law.

Following amendments will be made to the legislation of Latvia by the 31 December 2001:

- the procedure of the executing of invitations;
  - definition of circumstances under which visas may be issued on the state border;
  - the procedure of the issue of visas to seamen who travel through the territory of the state in transit.
The simplified border crossing procedure for citizens of the Russian Federation living in the border area has been replaced with the visa regime, since the Agreement on Simplified Border Crossing Procedure with Russia expired on 10 October 2000. Similar agreement with Belarus will be amended by the end of 2000.

By 30 June 2002, amendments in legislation will determine that transit visas will be required also for passengers of transit trains who are citizens of all countries required to have visas to enter Latvia.

*The Enforcement of the Common Consular Instruction*

Latvia is consulting the EU Member states on possible consular co-operation. The main aim of the above mentioned co-operation could be the delegation of the rights to issue the visas of Latvia to the diplomatic missions of EU Member states.

By 31 December 2002, amendments will be made to the Regulations No. 455 of the Cabinet of Ministers “On the State Duty for the Issue of Visas and Residence Permits and Related Services” with the aim to harmonise the state duties with these defined in the Common Consular Instruction.

At the same time, corresponding amendments will be made to Regulations No. 131 of the Cabinet of Ministers “On Visa Issuing Procedure of the Republic of Latvia”, with the aim to incorporate the provisions of the Common Consular Instruction, for example:

- general provisions (categories and types of visas, long-term visas),
- basic criteria for reviewing visa applications and decision making (return guarantees and guarantees of sufficient means of income, checking of documents),
- management and organisation (systematisation of documents and document storage conditions),
- visa applications, for which consultations are required with central authorities,

The procedure of recognition of travel documents will be worked out. The database of invitations will be created by December 2002.

3. Institutional framework for implementing the harmonised legislation

The necessary administrative infrastructure to ensure the implementation of the legislation is already in place. The questions of issuing visas are closely related to the matters of migration and border crossing as well as the creation of the National Schengen Information System (N.SIS) and its integration into SIS.

**Migration**

1. Current legislation of the Republic of Latvia

The legislation of Latvia in the area of migration broadly complies with the *acquis communautaire* as regards the admission, expulsion and readmission. In order to complete the implementation of EU requirements in the area of migration draft Immigration Law has been prepared.

The list of the national legislation of the Republic of Latvia is provided in the ANNEX 1.

The central legal instrument in migration issues - the Law “On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia” has been amended with the aim to harmonise it with international obligations and *acquis communautaire*. Aforementioned law includes following provisions compliant with the *acquis*:

- a possibility to enter the country with a valid travel document only and a visa or a residence permit,
- the guaranteed residence permit to the resident’s spouse and children,
- the annulment of residence permit and person’s expulsion if he/she creates threats to the security of the public, etc.
Procedure of issuing and registering residence permits

Regulation No. 417, of Cabinet of Ministers “On the Procedure of Issuing and Registering Residence Permits” provide for the list of documents that should be submitted to the regional authority of the Department of Citizenship and Migration Affairs in order to apply for the residence permit. Regulation also provides for the registration procedures of the residence permits. Regulation complies with the acquis communautaire.

Employment of Foreigners and Stateless Persons in Latvia

Since 1 April 2000, a new procedure has been introduced on employment of foreign citizens based on the work contract or the company contracts if the foreign citizen has received a work permit. Regulation No. 116 of the Cabinet of Ministers from 28 March 2000 “Employment of Foreign Citizens and Stateless Persons in Latvia” facilitates the receiving of the work permit by providing that the work permit is issued simultaneously with the special visa or the residence permit. However, it does not mean that the decision about issuing the work permit and the residence permit is made by one and the same authority, it means closer and more efficient co-operation between the Department of Citizenship and Migration Affairs and the State Employment Service.

Person’s identification

In order to improve the safety of residence permits and person’s identification documents and to prevent counterfeiting, the Cabinet of Ministers adopted the Concept of Identification Cards on May 16 2000. It is envisaged that identification cards will be issued to citizens and to non-citizens as well as foreign citizens. The main aim of the identity cards will be to confirm person’s identity (for citizens and non-citizens) as well as the rights to reside in the Republic of Latvia (for foreign citizens). The identification cards will fully correspond to the requirements of the Decision 398D0701 of the Council. (The specific information about identification cards is provided in the ANNEX 2.)

According to the Concept of Passport Type Documents, approved by the Cabinet of Ministers on January 18 2000, Latvian citizens and non-citizens will need passports for travelling abroad. Further legal basis for issuing passports and identification cards will be the Law “On Persons Identification Documents”. The Law will be adopted until 31 December 2001.

Repatriation

Repatriation to Latvia takes place in accordance with the provisions of Law “On Repatriation” of September 21 1995 that completely meets the requirements of the acquis. The Law also regulates the emigration procedure from Latvia. To facilitate the readmission of third countries citizens to their country of origin the Regulation of the Cabinet of Ministers No. 160 “On the Procedure of Compensating Emigration Expenses of Emigrants” has been adopted on 4 May 1999, which will come into force on 1 January 2002.
2. Harmonisation of the legislation with the acquis

Readmission agreements with Russian Federation and Belarus

In order to comply with acquis in the area of migration a draft Immigration Law has been prepared and will be finalised till 1 March 2001. The aforementioned law will incorporate the procedure of detention and expulsion of illegal residents in compliance with the acquis (expulsion without transit; supplying citizens of third countries with travel documents in case of expulsion, conditions and terms of detention, etc.) More provisions of Immigration law are provided in ANNEX 3.

In order to implement the principles of the draft “Immigration Law”, a draft law “On Person Identification” has been prepared. The Regulations of the Cabinet of Ministers are envisaged to ensure the implementation of the “Immigration Law”:

- on the procedure of expulsion of illegal residents;
- on standard travel documents (as defined by the EU Council on 30 November 1994, and according to Recommendation 396Y0919(06));
- on the procedure of issuing and registering of residence permits;
- on the entry of groups of schoolchildren from Member States without visas;
- on procedure for employing self-employed persons and students.

The Code of Administrative Violations will be amended to define liability for violation of residence regulations.

Conclusion of the readmission agreements with the neighbouring countries of Latvia - Russian Federation and Belarus will facilitate fight against illegal migration. A certain progress is achieved in negotiations with Belarus, as the draft agreement is already initiated and it is planned to sign it in the nearest future. Latvia is ready to sign the agreement with the Russian Federation as soon as political will on the part of the Russian Federation will be shown.

3. Institutional framework for implementing the harmonised legislation

Latvia has the necessary administrative infrastructure to ensure the implementation of the acquis in the area of migration. Migration issues are closely related to those of employment, border crossing and foreign affairs. Therefore, there is close co-operation taking place between the Ministry of Foreign Affairs, the Immigration Police, the State Border Guard, the State Employment Service, The Ministry of Finance and municipalities.

Legislation of the Republic of Latvia in the area of migration will be fully harmonised with the acquis communautaire until 31 December 2002.

In order to ensure Latvia’s participation in the monthly data exchange in framework of the CIREFI working group the Ministry of Interior established a working group on 3 March 2000. Latvia is also involved in the early warning system with the aim to exchange the information on the latest tendencies in illegal migration.

Illegal migration and expulsion

During the last five years, illegal migration has decreased significantly due to the increase of professional level of migration controlling authorities and the strengthening of administrative capacity of the above-mentioned institutions. Introduction of the new passports in the Republic of Latvia and the change of passports in the former USSR also had a considerable impact on decreasing the illegal immigration.

Expulsion of foreign citizens who illegally arrived takes place based on readmission agreements. Latvia concluded the readmission agreements with all the Member states of the European Union, Estonia, Lithuania and many other countries (Norway, Slovenia, Swiss, Ukraine and Croatia) and they are compliant with the acquis requirements.

In order to decrease risks of illegal migration, the provision was incorporated in the Criminal Law, anticipating that a person can be called to criminal liability for violating the border regime, for illegal crossing of the state border and for illegal moving of another person across the state border (facilitating).
Asylum

1. Current legislation in the Republic of Latvia

The legislation of Latvia in the area of asylum mostly complies with the EU requirements. There is an efficient and fair set of asylum procedures established in Latvia, which fully complies with the EU requirements. Minimum guaranties for asylum seekers are in line with those required by the EU. Latvia joined the Convention for the Status of Refugees, 1951 and its Protocol of the Status of Refugees, 1967, on 19 June 1997. The issues of asylum are regulated by a number of regulatory legal instruments determining both the asylum procedures, the competence of state authorities, rights and obligations of individuals during the procedures and other matters related thereto. A list of Latvian legislation is provided in the ANNEX 1.

2. Harmonization of legislation with the acquis

A working group was established for amending the legislation of Latvia regulating asylum matters, chaired by the Chairman of the Appeal Council for Refugee Affairs. A draft Law “On Asylum Seekers and Refugees in the Republic of Latvia” was prepared. The draft law incorporates following requirements of the acquis communautaire to ensure the compliance with the non-refoulment principle - introduction of alternative protection forms for persons not meeting the provisions stipulated in the Geneva Convention for granting of the status of refugee yet standing in need of protection due to threats of sentence to death, torture, inhuman or humiliating treatment, or degrading punishment at their residence or home country, as well as standing in need for protection due to armed conflicts, either external or domestic. Further information about provisions of the Law is provided in ANNEX 2. The draft law “On Asylum Seekers and Refugees in the Republic of Latvia” will retain the procedures similar to the current asylum procedures (provided in ANNEX 4). The State Border Guard will be vested with more power. The representatives of the State Border Guard will interview the asylum seekers submitting the applications on the state border. After adoption of the Law “On asylum Seekers and Refugees in the Republic of Latvia” the uniform office regulations will be prepared for all institutions involved in the asylum procedures.

Dublin Convention

Latvia realises the importance of the Dublin Convention in the area of asylum and will harmonise its legislation in order to be able to accede to the Convention upon the accession to the EU. Accession to the 1990 Dublin Convention is one of the priorities mentioned in The National Program for Integration into the European Union. The legislation of Latvia will be examined before 1 February 2001, in order to identify the law amendments and institutional changes required joining the Dublin Convention. Following that, the necessary amendments to the legislation will be prepared until 1 January 2003. In order to meet the requirements of the Dublin Convention, apart from the amendments of the legislation, the following measures will be taken:

- the procedures for examination of applications for asylum forwarded from the EU Member states, and procedures regulating forwarding of applications from Latvia to the EU Member states will be worked out;
- in addition, the procedures will be prepared for transfer and admission of persons whose applications are forwarded;
- special training of involved employees will be provided;
- additional staff will be allocated.
3. Institutional framework for implementing the harmonised legislation

Latvia has the necessary administrative infrastructure to ensure the implementation of the acquis in the area of migration. Latvia has an effective structure in place, with highly professional staff, to conduct the asylum procedures. This structure is capable to handle asylum applications within a reasonable time limit. The institutions responsible for the asylum issues are - the State Police, the Centre for Refugee Affairs of the Department of Citizenship and Immigration, the Accommodation Centre for Asylum Seekers “Mucenieki”, the Appeal Council for Refugee Affairs. More detailed description of institutions is provided in ANNEX 3.

Databases

A temporary database is being developed to register wide-range information about the asylum seekers and refugees. The said database will be used until the Uniform Migration Information System is implemented. In addition to that, the database containing information about countries of origin of asylum seekers is currently being created. The said database will contain information about the situation in various conflict regions.

External Borders

1. General description

Latvia realises that its eastern border, ports and air ports will be a perspective external border of the EU and understands the necessity to ensure systematic control of persons crossing the border as well as effective border surveillance between border crossing points. Special attention has been paid to the proper co-operation and optimum division of functions between institutions involved in the border control as well as to the training of the representatives of respective institutions. The land borders of Latvia measure some 1351-km. The borders with the EU candidate countries Estonia 343 km and Lithuania 571 km total some 914 km and the borders with non-candidate countries Russia 276 km and Belarus 161 km totals some 437 km. The length of the sea border is 496 km.

2. Harmonisation of the legislation with the acquis

The legislation of Latvia broadly complies with the acquis communautaire in the area of external borders. Legislation has created sufficient competencies for the authorities operating at the borders and the formal requirements for their co-operation. The harmonisation of legislation relating to border checks should be continues along the lines of the EU requirements. The list of the current legislation for border management in Latvia is provided in ANNEX 1. Latvia will be ready to implement the EU requirements concerning the internal and external borders upon accession to the EU. The Regulations of the Cabinet of Ministers “On the Movement of Persons across the State Border of the Republic of Latvia” will be prepared. These Regulations will provide for the minimum and maximum border control procedures. After adoption of the Regulations of the Cabinet of Ministers, “The Order of Accommodation and Technical Equipment of Border Control Points and Border Crossing Points” the uniform level of expertise and equipment will be established for detecting forged documents at points of entry of Latvia. Also all border control and crossing points will be provided with necessary equipment according to 398Y0617(01). The system for storing pictures of the travel documents and their forgeries will be elaborated and installed at all border control points as well as police stations.
3. Institutional framework for implementing the harmonised legislation

Latvia has the necessary administrative infrastructure to ensure the implementation of the EU requirements in the area of external borders. At the time being, the following authorities carry out the border surveillance and control functions: the State Border Guard (under the supervision of the Ministry of Interior) is in charge of surveillance of the land border and checking persons and vehicles at border crossing points, the Navy of the Ministry of Defence carries out sea border surveillance, the National Customs Board of the State Revenue Service is in charge of controlling goods transported over the border and collecting taxes, the Sanitary Border Inspection controls compliance of the goods and cargoes moved over the border with veterinary, sanitary and health standards.

Co-operation between authorities responsible for border surveillance and control
Co-operation between the respective authorities has developed significantly. Especially on the regional and local levels, the co-operation between authorities could be regarded as effective. Multilateral co-operation between the aforementioned institutions is carried out according to national legislation and the agreements, signed between authorities. During this autumn, work instructions have been confirmed for each road border-crossing point. It stipulates the co-operation procedure between the Customs, the Border Guard and the health authorities. The instructions lists the measures to be carried out in border checks, the parties carrying out the checks and their order as well as co-operation in case of a detected offence. At some border-crossing points, co-operation with the Customs is close so that the checks are carried out simultaneously by representatives of the both authorities. In addition, co-operation with the Police is close.

Co-operation between the authorities functioning in the maritime area is being developed. The Latvian State Border Guard has agreed on co-operation on the supervision of the maritime area with the Navy (5 June 2000). According to the agreement, the Latvian State Border Guard has the on-line overall picture of the situation at sea produced by the Navy and it participates in its creation.

A co-operation agreement on the supervision of provisions on the protection of the sea area has been concluded between the environmental protection authorities and the Border Guard.

A Co-operation Protocol on combating organised crime has been concluded between the Customs, the Police and the Border Guard. The Co-ordination Centre for the Fight against Smuggling has been extended and strengthened. The operation of the centre has been supervised by the Supervisory Council what consist of the minister of Finance, the Minister of interior and the Prosecutor General. It includes representatives from the State Police, the Financial Police, the Security Police, the Customs and the Border Guard.

An agreement has been concluded between the State Border Guard and the State Police on the placement and keeping of detained persons in the facilities of the Police. At the major eastern border border-crossing points special detention rooms exist. Otherwise, these persons are kept in the facilities of the Police against separate remuneration.

An agreement on checking international passenger trains with the Ministry of Transport and the Latvian Railways has been concluded. According to the agreement, the transport companies distribute the passengers checking cards for border checks in advance. The Border Guard has established a co-operation agreement with the Navy, the Airforce and the National Guard. At the lower level, all the Border Guard Districts have concluded co-operation agreements with the local units of the National Guard. Based on the agreement, a joint exercise in capturing persons crossing the green border has been arranged between the Ludza Border Guard Station and the National Guard unit.
**Border checks**

Significant progress has taken place in the performance of border checks. The co-operation between the authorities of the Border Guard and the Customs has increased. New checking methods have been introduced. The inspection of travel documents has been enhanced with the inspection equipment acquired to the border-crossing points and with training. Compared to the volume of traffic in the previous year, number of forgeries detected is 55% higher.

At the border-crossing points of the green border, the three-stop system has been abandoned. A vehicle only stops once to be checked. The checks by all the authorities take place at the same time during this stop.

A guidance and contact point for the investigation of travel documents has been established at Riga airport. The contact point is operating around the clock.

The border checks of rail traffic have also been improved. In accordance with the co-operation agreement concluded with the Latvian Railways, a checking card procedure has been introduced in passenger traffic in the summer 2000. The passenger information of rail traffic can be checked from the registers afterwards.

**Strengthening of the eastern border**

Strengthening of the eastern border of Latvia is taking place based on the State investment projects adopted by the Cabinet of Ministers. The projects envisage the restoration of the state border of Latvia, development of the infrastructure of the eastern border as well as setting up the system for technical surveillance, checking and information on the border. A considerable amount of financial resources has been allocated for the above mentioned projects.

Detailed information on the implementation of the State investment projects is provided in the ANNEX 2.

a) **Development of the infrastructure of the eastern border**

The construction of infrastructure along the eastern border includes the construction of a network of Border Guard Stations. According to preliminary plans, the network would be completed by the end of the year 2003. The construction will partly take place with PHARE financing from the EU.

b) **Border demarcation**

There are no disagreements between Latvia and its neighbouring countries concerning the delimitation of the border. The demarcation of the border with the Republic of Estonia has been accomplished on 29 February 2000. The demarcation has been completed on the Latvian – Lithuanian border and necessary documents will be finalised by the end of 2001.

There is no border agreement signed with the Russian Federation. However, the Latvian side has prepared a draft agreement on the state border with the Russian Federation, which has been approved by the Latvian Government. The demarcation of the Latvian-Belarus border is still under way.

c) **Creation of the system of border surveillance, control and information**

A special attention has been paid to the setting up the border guarding system which consists of:

- automatised management system of the border guard,
- surveillance equipment of the green border,
- technical equipment of the border crossing points,
- information system of the border guard,
- communication system of the border guard.
Electronic information system “REIS – 1999”

The electronic information system “REIS-1999” has been created providing for a possibility to check the data of persons and vehicles crossing the border in the data bases maintained by the Department of the Citizenship and Migration (the Population Register, the Register of Entry Prohibitions, the Register of Aliens’ Passports), in the data bases of the Information Centre of the Ministry of Interior (Searched Vehicles, Searched Persons, Invalid Documents), in the Register of Vehicles of the Road Traffic Safety Directorate and in the Operative Data Base maintained by the State Border Guard. Data exchange has been started with Estonia and Lithuania regarding the data stored in the Registers “Searched Persons”, “Searched Vehicles”, and “Invalid Documents”. Implementation of the information system “REIS-1999” has substantially facilitated the border control procedures.

At the time being, border control in on-line regime is carried out at 31 border control points and border control in off-line regime is carried out at 20 border control points, with a weekly exchange of information containing border control data. The total number of “REIS-1999” workstations is 92. To provide for faster and more precise information entry, 59 electronic travel document machine-reading devices are used. The map of the REIS – 1999 workstations allocated on the border is in the file REIS-1999.ppt.

A new program, called “Mustang”, has been introduced to search persons and vehicles crossing the state border.

Communication

Local communication is being continuously improved at territorial agencies and border control points of the Border Guard.

Improvement of communication through e-mail has been started at territorial agencies. In order to facilitate the data exchange procedure between border control points, 14 local networks have been installed at the major border control points.

The communication system provision of the State Border Guard has been improved. Three new radio relay lines and three “Motorola” base stations have been installed, which allowed to improve radio communications and to extend the total radio communications coverage on the Eastern border by about 20%. New wire connection equipment has been installed, and 6 more units (out of the planned 32) of the State Border Guards have been connected to the common telecommunications network of the Ministry of Interior (1998-2000).

International Co-operation

There is an active day-to-day co-operation taking place between Latvia, Estonia and Lithuania. The main aims is to afforce the external borders, to unificate the border control procedures and border crossing procedures, to establish the effective information exchange system.

According to a bilateral agreement signed by the Estonian and Latvian border guarding and customs authorities, the border guard and customs of the both sides are responsible for controlling only the incoming flow and do not check the outgoing flow. A similar agreement has also been concluded between Latvia and Lithuania. At the simplified border control points, which are established only for the residents of Latvia and Lithuania, the Latvian border guards or the Lithuanian border police officers check the incoming and outgoing traffic.

The State Border Guard of Latvia participates in the Baltic Sea Border Control Co-operation in combating the organised crime.

Latvia has signed Protocols on co-operation in the fields of border surveillance and control with Estonia, Lithuania, Belarus, Russia, Ukraine, Poland and Finland.

Staff Training

The professional service that was planned in the concept of reorganisation of the State Border Guard is fully implemented. The training system of The State Border Guard is established. Training of border guards is carried out at the Border Guard School of Rēzekne, at the Police Academy of Latvia, at the Expert Examination Centre of the State Police. The experience and assistance of foreign countries is widely used in the training system.

Detailed information about the staff training is provided in the ANNEX 3.
The Schengen Information System

Latvia will be ready to start negotiations on accession to the Schengen Convention upon accession to the EU. Latvia understands that implementing the Schengen agreement requires an equal degree of control at external borders, carried out in accordance with uniform principles. There should be an operational National Schengen Information System established in Latvia.

Current situation
The Ministry of Interior (MoI) maintains several data bases containing data about persons having committed crime, convicted or having disappeared; about invalid documents, stolen or lost belongings, vehicles in search, etc. Maintenance of the above-mentioned databases is provided by several structural units of the MoI (the Information Centre, the State police, the State Border Guard, the Citizenship and Immigration Department), therefore they are unconnected. It complicates the acquisition of information from the databases and makes the use of the above-mentioned databases inefficient.

Actions taken
To resolve the above-mentioned problem, the analysis of the MoI information systems (IS) has been carried out. The IS analysis includes detailed investigation of the current situation in MoI information systems, description of their functions, existing shortcomings as well as evaluation of possibilities to integrate them into the Megasystem (a co-ordinated state register system with accurately specified responsibilities and data collecting technologies approved by regulatory legal instruments) in accordance with the Regulations of Cabinet of Ministers No 104 “Regulations on Development of Integrated State Information System (Megasystem)”.

The above system analysis served as a basis for elaboration of single MoI information system concept. Since the data subject to registration with the SIS are mainly stored in the MoI databases, the intended new single MoI information system would also serve as a fundamental basis for establishment of N.SIS in accordance with the Schengen Convention and other Schengen instruments regulating operation of the Schengen Information System. Part of the data stored at the existing databases will be used in operation of SIS. The single MoI information system will be developed during the next year.

In order to ensure effective establishment of the National Schengen Information System the action plan was prepared, which envisages the co-operation between all institutions involved – the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Finance and the Ministry of Transport.

Harmonisation of the legislation
At present identification of the state institutions capable of undertaking the general responsibility for N.SIS and evaluation of their functions is taking place. Identification of the establishments and services entitled to access to the data included in the SIS (SCH/Com-ex (97) decl. 12 – 07.10.97) also takes place. The said process is based on the lists of state institutions submitted to the EU by the Member states, and estimate the possible necessity of access to the SIS contained information for Latvian authorities and services in order to improve their operational efficiency. This work should be completed by 1 January 2003.

Data protection
Latvia recognises the importance of the data protection issue in connection with the accession to the Schengen Convention as well as co-operation with the Europol.

There is the national legislation in place regarding the personal data protection in Latvia. The Personal Data Protection Act has been adopted. The objective of this legal act is to protect fundamental rights and freedoms of physical entities, in particular the inviolability of privacy. The Act was passed on 23 March this year and entered into force on 20 April. According to the Act, the state Data Inspection Board is currently forming in Latvia and it is supposed to operate in the virtue of regulations. The Board will be formed by the end of this year so that it can commence operating from 1 January 2001. Regulations of the State Data Inspection Board provide to entrust it with the following functions:
1) registration of the existing personal data processing systems;
2) supervision of personal data processing systems’ operation in compliance with the requirements of regulatory legal instruments;
3) protection of state interests before international entities, forums and meetings in the matters related to protection of personal data;
4) giving of consent or refusal to disclose personal data to other countries;
5) elaboration of draft regulatory legal instruments and to give comments on the same in the field of personal data protection.

In accordance with the Personal Data Protection Act, there are developed Cabinet of Ministers’ regulations “Compulsory Technical and Organising Requirements Applicable to Protection of Personal Data Processing Systems”. The State Data Inspection Board will control compliance with the said regulations.

Safety of the information systems and, therefore, to some extent also the safety of data is regulated by the “Regulations on Safety of Information Systems” elaborated by the Cabinet of Ministers and accepted on 21 March 2000.

Latvia understands that provisions of the aforementioned legislation should be applicable to the law enforcement agencies. In November 2000, a working group was established with the aim to prepare necessary amendments to the national legislation.

Due to the intention of Latvia to join the 28 January 1981 Council of Europe Convention on person protection in respect of automated processing of personal data, the law “On the Europe Convention on Automated Processing of Personal Data” was adopted by the Cabinet of Ministers.

Organised Crime

General description
The Government of Latvia is aware of the crucial importance of the fight against organised crime for internal security and economic development of the country and the European Union after the accession. The fight against organised crime has been carried out through the co-ordinated activities of the law enforcement institutions.

The Government of Latvia is strongly following the implementation of the Accession Partnership priorities. The Accession Partnership short-term (2000) priority foresees that Latvia has to upgrade the law enforcement bodies and to ensure better co-ordination by law enforcement bodies. The Action Plan for the implementation of the Government’s Declaration as well as updated Latvia’s National Program for the Integration to the EU (Adoption of the acquis) includes concrete measures to implement the Accession Partnership priorities.

The law enforcement bodies, responsible for the fight against organised crime, operate according to the national legislation and policy instruments (strategies, programs), as well as concluded national agreements. Latvia has acceded to all the relevant international regulatory instruments. The law enforcement institutions, developing their strategies are strongly following the necessity to meet the requirements of the European Union.

Main policy instruments are:
- National Programme of the prevention of crime for the years 1998-2000, approved by the Cabinet of Ministers on 14 January 1998;
- State Programme for Prevention of Sexual Abuse of Children for the years 2000 through 2004, approved by the Cabinet of Ministers on 25 January 2000;
- The Drug Control and Drug Addiction Prevention Strategy of Latvia for the years 1999 through 2003, approved by the Cabinet of Ministers on 15 December 2000;
- Corruption Prevention Programme approved by the Cabinet of Ministers on 4 April 2000.

Trafficking in human beings
By 31 December, 2000, the amendments to the Criminal Law will be elaborated introducing the definition of “trafficking in human beings” as well as criminal liability of legal entities for trafficking human beings in compliance with the acquis communautaire (Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children, Joint Declaration of Berlin of September, 1994 on combating organised crime, Conclusions of 19 March 1998 on G8 principles on high-tech crime, recommendations on organised crime and related matters).
**Cross-border surveillance**
A working group was established in September 2000, with the aim to elaborate draft laws on cross-border surveillance and pursuit in accordance with requirements of the Schengen Convention. All the necessary draft laws will be elaborated until mid 2002. At present, there is a discussion on the possibility to initiate the conclusion of the agreement with Estonia and Lithuania to enable the application of provisions of the Schengen Convention, sections 40 and 41, in all the three Baltic States.

**DNS**
By 31 December 2000, the draft legislation will be prepared regulating the use of the results of the DNS analysis as well as the establishment of DNS database.

**The Institutions involved**
The following institutions are responsible for co-ordination, organisation and support to the fight against organised crime:
1. The Parliament;
2. The Cabinet of Ministers;
3. The Crime Prevention Council;
4. The Corruption Prevention Council;
5. The Co-ordination Commission for Drug Control and Fight Against Drug Addiction;
6. The Co-ordination Centre for the Fight against Smuggling;
7. The Ministry of Interior;
8. The Ministry of Finances;
9. Ministry of Justice;
10. The Prosecution Office of the Republic of Latvia;
11. Bureau for Protection of Satversme;

**Co-operation between the different bodies of the State Police**
The following units of the State Police are responsible for the fight against organised crime:
- Bureau for Combating Organised Crime and Corruption;
- Co-ordination Agency for Detection of Serious Crimes;
- Drug Enforcement Bureau;
- Latvia National Central Interpol Bureau;
- Economic Police Bureau;
- Service of Special Operations for State Protection.

Information exchange takes place between all the above-mentioned State Police structural units on regular basis, including information from databases of structural units (e.g., the Drug Enforcement Bureau, BCOCC).

The simplified engagement of Police Patrol Units and the Traffic Police in the crime detection and arresting of offenders was implemented in order to increase the efficiency.

The State Police services arrange joint operative investigation measures and activities in order to improve the use of the obtained operative information.

**Co-operation with other state institutions**
Co-operation with other state institutions is mainly based on national legislation (the law “On Police”, 1991; the law “On Operative Activities”, 1993). Information exchange takes place on regular basis with:
- Security Police,
- State Revenue Service- Financial Police,
- Ministry of Justice Confinement Board,
- State Border Guard,
- Office for Prevention of Laundering of Proceeds Derived from Criminal Activities,
- Smuggling Combating Centre,
- the Republic of Latvia General Prosecutor's Office,
- Financial and Economical Crime Investigation Prosecutors’ Office.
Due attention is paid to the investigation of both domestic and overseas activities of the organised criminal groups. On 3 May 2000, a co-operation agreement was signed between the State Police and the State Revenue Service enabling the State Police units to obtain online information from the SRS database, in compliance with the recommendations of the Joint Action of 9 June 1997 for the refining of targeting criteria, selection methods and collection of customs and police.

**International co-operation**

International co-operation is based mainly on international agreements (e.g., with the Estonia, Lithuania, the Russian Federation, USA, Turkey, Israel, Finland, Austria, Hungary, Slovakia, the Czech Republic, Byelorussia, Ukraine). International co-operation is also developed based on requirements of international instruments, like 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from crime ratified by the act of 15 October 1998.

**Europol**

Latvia intends to sign a co-operation agreement with Europol by the end of 2001. Currently all the necessary preparatory works have been carried out to prepare relevant legislation and administrative conditions for that. The legislation harmonisation process is currently taking place in the field of data protection. The national unit for co-operation with the Europol will be established according the Europol Convention.

**Latvian National Central Interpol Bureau**

The Latvian National Central Interpol Bureau takes active part in police co-operation. The main task of the Bureau is to promote international co-operation and information exchange between law enforcement agencies of different countries in combating of organised crime.

**Task-Force**

Latvia actively participates in the work of the Task Force on Organised Crime in the Baltic Sea Region. Within the Task Force, there is an active exchange of information between the participating states as well as there are practical measures carried out directed towards combating of organised crime. Co-operation takes place in the following fields: combating of illegal immigration, stolen vehicle; drug enforcement; money laundering; victim and witness protection; combating of smuggling; combating of corruption, fight against trafficking in women.

**Liaison Officers**

On October this year the first police liaison officer has been posted to the Russian Federation. Posting a liaison officer to the Europol has been scheduled to the nearest future. The network of liaison officers will be developed continuously.

The scheme of institutions responsible for co-ordination, organisation and support to the fight against organised crime is provided in the ANNEX 2.

Institutional framework on the fight against organised crime is provided in the ANNEX 3.

Co-operation between the Law Enforcement Agencies of the Republic of Latvia is provided in the ANNEX 4.

**Police co-operation**

1. General description

Latvia is putting a special effort to create an accountable, reliable and effective police organisation.

An increased attention has been paid to the internal co-operation between police structures as well as to the co-operation between the police and other state institutions.

Latvia has started a formation of the institute of liaison officer. In order to facilitate the co-operation with neighbouring countries, a police attaché was posted to the Russian Federation in October 2000.
2. Harmonisation of legislation with the acquis

The legislation of Latvia broadly complies with the *acquis communautaire* in the area of police co-operation.

The Criminal Law contains several provisions regulating environment protection provisions (CL sections 96 through 115).

The Republic of Latvia regulatory legal instruments entirely meet the EU requirements concerning prevention of football misbehaviour, the same can be said about biking gangs and vehicle-related crimes.

The Republic of Latvia law “On Telecommunications” meets the requirements of Resolution of 17 January 1995 on Lawful Interception of telecommunications only partially, since it does not stipulate either the obligations of network operators and service providers in respect to interception of telecommunication contents by Police or the information providing deadlines. The respective proposals required to introduce amendments to the law “On Telecommunications” will be elaborated till the end of the year 2000.

Latvia will accede to the 1985 European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches until 1 July 2002.

Latvia will implement all EU requirements in the area of police co-operation until 31 December 2002.

3. Institutional framework for implementing the harmonised legislation

*Co-operation between the State Police and Municipal Police*

Latvia has the necessary administrative infrastructure to ensure the implementation of the EU requirements in the area of police co-operation.

At the time being, the Public Order Police of the State Police in close co-operation with the Municipal Police units mainly carries out the activities related to the police co-operation. In specific cases the co-operation include also the Criminal Police of the State police and Security Police for ad-hoc technical or other issues. The special order of the Minister of Interior has been issued for the management separate events.

In bigger cities at least one Municipal Police officer has been posted the 24 hours Duty Service of the State Police to ensure better co-operation between authorities.

*Improvement of professional skills and labour conditions*

Increased attention is paid to improvement of professional skills and labour conditions of the police employees.

The trend can be observed, starting from 1992, demonstrating reduce of turnover of staff at the State Police. The turnover of staff at the State Police on the first half of 2000 amounted to 2%. Action Plan of the Ministry of Interior stipulates the measures to be taken to improve financial situation and ensure social guarantees to the police employees.

Training activities of the State Police employees is in the ANNEX 1.

*Legal Co-operation*

The national legislation of Latvia partially complies with the EU requirements in the area of legal co-operation in the fight against organised crime.

In order to harmonise the legislation, there will be amendments prepared to the Criminal Law providing for the definition of the “organised crime” and “organised criminal groups” in accordance with the Joint Declaration of Berlin September 1994 on combating organised crime and Action plan to combat organised crime. The respective liability will be stipulated by the Criminal Law. The above-mentioned amendments will be elaborated by 31 December 2000.

The draft law “On Witness and Victim Protection” will be prepared in the year 2001.

The national legislation of Latvia will be fully compliant with the EU requirements after implementation of the above-mentioned amendments.
Illicit drugs

1. General information

The legislation of Latvia broadly complies with the *acquis communautaire* in the area of illicit drugs. In order to reduce drug demand and supply Cabinet of Ministers approved the *Drug Control and Drug Abuse Prevention Strategy* for the five-year period 1999 – 2003. The Strategy has two main priorities: strengthening of the capacity of police, customs and prosecutor’s office and preventative measures. Special attention has been paid to the clear allocation of tasks and co-ordination between institutions responsible for drug demand reduction as well as drug supplies reduction.

2. Current legislation of the Republic of Latvia

Latvia has acceded to the following international instruments in the field of drugs control: on 11 May 1993 Latvia has ratified the 1961 Single Convention on Narcotic Drugs as amended in accordance with the protocol of 1972, the 1971 Convention on Psychotropic Substances, the 1988 UN Convention on Illegal Circulation of Narcotic Drugs and Psychotropic Substances. Pursuant the said conventions, on 1996 there have been passed the laws “On Procedures of Legal Circulation of Drugs and Psychotropic Substances and Medicines” and “On Precursors”. A special attention is paid to the protection of children and adolescents against narcotic and psychotropic substances. The amendments have been adopted to the Criminal Law envisaging an increased liability for individuals illegally selling narcotic and psychotropic substances to juveniles as well for individuals illegally selling narcotic substances in education establishments, restaurants, bars or places of public entertainment.

3. Harmonisation of legislation with acquis

By 31 December 2000 there will be developed proposals on amendment of Latvia Criminal Procedures Code, which currently lacks flexibility in investigation of minor offences according to the Resolution of 29 November 1996 on measures to address the drug tourism problem within the EU. Latvia will accede to the Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances before the 1 July 2002.

4. Administrative infrastructure for the implementation of the legislation

Latvia has the necessary administrative infrastructure to ensure the implementation of the legislation. Special attention has been paid to the clear allocation of tasks and co-ordination between institutions responsible for drug demand reduction as well as drug supplies reduction. The following institutions are responsible for the issues related to the illicit drugs:

- The Drug Enforcement Bureau of the Criminal Police Board of the State Police;
- The National Customs Board;
- The State Border Guard;
- The Riga Drug Addiction Preventive Centre;
- The Advisory Co-ordination Council.

*The Drug Enforcement Bureau of the Criminal Police Board of the State Police*

The Drug Enforcement Bureau is the main co-ordinating institution in the field of drug combating. Administrative capacity of the Drug Enforcement Bureau was notably increased during the year 2000. In order to increase efficiency of the preventive measures five Regional groups of the Bureau were established in the regions of Latvia. The task of these groups is to provide assistance to officers of local Criminal Police divisions in fight against illegal circulation of narcotic and psychotropic substances as well as the drug addiction.
**European Monitoring Centre**

Latvia started to exchange the information with the European Monitoring Centre *Reitox* in 1994. The focal point was established in the Drug Addiction Centre of the Ministry of Welfare, followed by the corresponding training of staff. During 1994 - 1999, Latvia submitted two reports to the European Monitoring Centre.

**Terrorism**

1. **Current legislation of the Republic of Latvia**

The national legislation of Latvia fully complies with the *acquis communautaire* in the area of suppression of terrorism. Taking into consideration the importance of fight against terrorism for internal security of the EU, there will be a liability for the participation in the terrorist group envisaged in the national legislation.

Republic of Latvia has acceded to the following international instruments:

1. Convention on Offences and Other Acts Committed on Board of Aircraft - Tokyo 14 September 1963.;

Latvia has also ratified Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

The liability for terrorist activities is stipulated by the Criminal Law of Latvia. Detailed information on paragraph 88 - Terrorism is provided in the ANNEX 1. Besides there is a liability stipulated by the Criminal Law for the Complicity (paragraph 20); Persons’ kidnapping (153); Taking of hostages (154); Legalising of illegally obtained means (195); Taking of air and water means of transport (268).

2. **Institutional framework for implementing the legislation**

Latvia has the necessary administrative infrastructure to ensure the combat against terrorism. The main responsible institutions are the Security Police and anti-terrorist unit “Omega”.

**Corruption**

1. **Current legislation of the Republic of Latvia**

The necessity to fight against corruption has been recognised at the highest political level. On 4 April 2000, the Cabinet of Ministers adopted the Corruption Prevention Program, which contains measures for combating, prevention and education. The main objective of the program is to improve legal base and to strengthen the administrative capacity of institutions involved in the corruption prevention and combating.
**National legislation**

The national legislation of Latvia partially complies with the EU requirements in the field of fight against corruption.


The Criminal Law stipulates liability for active and passive bribery, mediation in bribery, misappropriation of bribes, breach of restrictions imposed on state official and unlawful participation in commercial transactions, passive and active corruption in the private sector, money laundering (corruption in the public and private sector are predicative offences), falsification of accounting documents and breach of accounting rules, forgeries committed in the service.

The Criminal Law covers almost all the forms of corruption except bribery in favour of third person and liability for offering a bribe, as well as accepting of such an offer and/or promise. In order to eliminate the above-mentioned shortcomings and to provide liability of foreign officials and officials of international institutions for corruptive acts, the Cabinet of Ministers has on 5 September 2000 accepted corresponding amendments to the Criminal Law. The said amendments are in compliance with provisions of the Council of Europe Criminal Law Convention on Corruption and the OECD Convention on Combating of Bribery of Foreign Officials in International Business Transactions.

The Administrative Offence Code stipulates the administrative liability for the violation of the Corruption Prevention Law in respect of failure to submit declarations to the State Revenue Service; for failure to report on the situations involving conflict of interest; on breach of restrictions imposed on state official; on breach of restrictions imposed to gift accepting.

176 administrative penalties have been imposed on state officials for breach of Corruption Prevention Law during the period from January to August 2000 (on 1999 – 384 penalties).

**International instruments**

On 27 January 1999, the Republic of Latvia has signed The Council of Europe Criminal Law Convention on Corruption (intended to be ratified by the end of 2000). The OECD Convention on Combating of Bribery of Foreign Officials in International Business Transactions will be signed by the end of year 2000. On 15 June 2000 Latvia acceded to the “Partial Agreement on Establishing of Group of States against Corruption (GRECO)”.

**Public awareness**

The work is continued on raising of public awareness and education in the matters of corruption both by state institutions and NGO’s.

**2.Harmonization of legislation with the acquis**

The future activities will be taken in accordance with the Corruption Prevention Program. According to this program, on 5 September 2000 the Cabinet of Ministers accepted the necessary amendments to the Criminal Law. According to the Corruption Preventing Concept (accepted by Cabinet of Ministers on 8 August 2000) other necessary amendments to the national legislation will be submitted to the Cabinet of Ministers by March 2001:

- a new Corruption Prevention Law imposing more strict and detailed restrictions on state officials corresponding to their status and designed to improve control over activities of state officials,
- definition of the administrative liability of legal persons for corruption, fraud, legalisation of illegally gained assets and other offences,
- definition of the initial declaration of property, criminalisation of illegal enrichment and introduction of legal presumption,
- introduction of the amendments to the Criminal Law to determine liability of the arbitrators for corruptive actions,
- establishment of an independent Corruption Combating Bureau.
The amendments to the national legislation will be prepared regarding the provisions for financing of political parties by the end of the year 2000. The aim of the above mentioned amendments is to introduce the state financing of political parties thus increasing the transparency of the activities of the political parties.

Latvia will also work on improvement of criminal procedure to make it more efficient; on improvement of the qualification of state officials; on introduction and application of ethic standards, as well as it will take other steps necessary to prevent corruption.

### 3. Institutional framework for implementing the legislation

**Co-ordinating institution**

Latvia has the necessary administrative infrastructure to ensure the implementation of the EU requirements in the area of corruption. The main co-ordinating institution is Corruption Prevention Council lead by the Minister of Justice.

**Institutions dealing with combat of corruption**

There are several institutions dealing with the fight against corruption in Latvia: the State Police, the Security Police, the State Revenue Service (Financial Police and Corruption Preventing Control Division), the General Prosecutor’s Office and the Courts. However, in order to improve efficiency of fight against corruption there will be the Corruption Combating Bureau established by the year 2003. The Corruption Combating Bureau will be responsible for the fight (planning, co-ordination and investigation) and the prevention of corruption as well as for carrying out the analytical and education activities.

**Strengthening of the existing institutions**

The concrete steps have been taken towards strengthening of the existing institutions. The special plan for the prevention of corruption is currently under implementation in the State Revenue Service. Special unit has been established within the framework of Security Police on April 2000 designed to fight against corruption among the structures of the Ministry of Interior.

**Training**

A considerable attention is paid to the training of employees. The PHARE project “Anti-corruption legislation, education and public awareness program” has been launched. There will be a special training organised on the fight and prevention of corruption within the above-mentioned project.

**Statistics of the identified corruption cases**

152 corruptive offences including 43 passive bribery cases, 15 active bribery cases, 46 cases of misuse if office has been registered during the year 1999. 118 corruptive offences have been registered during the period from January to August 2000. In 1999, 23 persons have been sentenced for passive bribery, 9 persons – for active bribery, and 12 persons – for misuse of office, etc. The number of persons sentenced for passive bribery has increased twice during 1999 in comparison to 1998.

**Fraud**

1. **Current legislation of the Republic of Latvia**

The national legislation of Latvia partially complies with the EU requirements in the area of fraud. Provisions of the 1999 Criminal Law correspond to the definition of fraud provided in the Convention of 26 July 1995 on the protection of the European Communities’ Financial Interests. The above mentioned Law incorporates all the criminal offences stipulated by the Convention. Amendments shall be made to the Criminal Law (amendments accepted by the Cabinet of Ministers on 5 September 2000) determining liability of foreign officials and officials of international institutions for corruption (see the chapter Corruption). All the other provisions of the Criminal Law, covered by sections 177 through 181 and section 210, correspond to the **acquis communautaire**, and therefore the provisions of the Convention will also be applicable to the financial interests of the European Communities.

There is a criminal liability stipulated by the Criminal Law for theft and counterfeit of securities, credit cards or any other money documents.

2. Harmonization of legislation with the acquis

Once the amendments to the Criminal Law, providing for the application of the provisions concerning fraud and corruption also to foreign officials and the amendments to the Administrative Offences Code providing for the liability of legal persons for corruption, fraud and other criminal offences are introduced, the legislation of Latvia will be harmonised with the EU requirements in the field of fraud. The respective amendments will be submitted to the Cabinet of Ministers by March 2001.

3. Institutional framework for implementing of the legislation

Latvia has the administrative infrastructure to ensure the implementation of the EU requirements in the field of fight against fraud. The main responsible institutions are the State Police and the Prosecutor’s Office.

Customs co-operation

Current legislation of the Republic of Latvia

The international customs co-operation in Latvia takes place on basis of the 5th Protocol to the Europe Agreement. Besides that, Latvia is a contracting party to the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences - Nairobi Convention.

Latvia will accede to the Convention of 18 December 1997 on Mutual Assistance and Co-operation between customs administrations and to the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purposes upon accession to EU.

Information System

Acquis in this area includes a legal act on Customs Information System for the Third Pillar (CIS) objectives. A practical work takes place in the area of use of information technology and the mentioned Convention and legal acts are taken into account when planning further developments. Software development has been started with the aim to create date bases.

There is a database in the Latvian Customs Authority on the administrative offences protocols prepared by customs officials.

Future introduction of Customs Enforcement Network (CEN) is under discussion now.

Policy making and monitoring of Customs enforcement activities

The policymaking and monitoring of the Customs enforcement activities is the responsibility of the highest management of the SRS National Customs Board. Enforcement Division of the SRS National Customs Board on behalf of the SRS National Customs Board exchanges requests on mutual administrative assistance in customs matters with a number of foreign administrations.

There is a special Unit – International Desk in place in the Enforcement Division of the National Customs Board that deals with the exchange of international information.
International co-operation

There is very intense co-operation with many states, especially with EU member states. International co-operation is based on bilateral agreements regarding mutual assistance in customs matters (Annex 1).

In order to ensure the implementation of the EU requirements on joint customs surveillance operations, Latvian customs officials participate in different international actions, for example, “Road runner 2”. In September 2000 in the framework of “Task Force” Latvian customs participated in the joint drug enforcement operations with Russia, Lithuania and Estonia. The Latvian Customs Authority has been an active participant in Matthaeus programme.

Co-operation between national institutions

The co-operation and exchange of information between Customs and other institutions takes place on the bases of Memoranda of Understanding (MoU). Such MoUs are signed with the Ministry of Agriculture and the Drug Enforcement Bureau of the National Criminal Police Board, the Navy of the Ministry of Defence, the Association of Fuel Trade etc. The working relationship between State Police and Customs Service is a part of Mutual agreement between the State Revenue Service (SRS) and the Ministry of Interior.

There is an extensive exchange of information between Customs and the Road Traffic Safety Department under the Ministry of Transport, Citizenship and Immigration department under the Ministry of Interior and Ministry of Justice. The Customs has access to the databases of these institutions.

On 21 of December 1999, a Protocol on amendments to the Agreement between the State Border Guards and National Customs Board was signed that approves new Standard technological scheme for all road border-crossing points. The above mentioned protocol improved division of responsibilities between border guards and customs officers.

Co-operation between customs authorities and business organisations

Latvian Customs has concluded a number of Memoranda of Understanding with major international transport companies in Latvia like “Shanker BTL”, “British Airways World Cargo”, “MGH Riga” and Riga international airport. That is a step towards closer co-operation and increases the trust between Customs and business representatives. It is an appropriate framework to combat smuggling and fraud without hindering the trade. Customs acquis in this chapter provides for co-operation between customs authorities and business organisations on combating drugs trafficking. National Customs Board has concluded 11 Memoranda of Understanding with private companies.

Prevention of corruption in Customs

In order to prevent the corruption in Customs the Internal Audit Division of State Revenue Service National Customs Board was established in 1997. The responsibility of this Division is to monitor that the code of ethics and legislation regarding prevention of corruption is observed as well as to develop and implement measures to decrease the risk of corruption in customs. The unified technological schemes have been developed for all customs points and video-monitoring system is in place in the airport and in some major customs points. Video-monitoring system will be set up in all major customs points till the end of year 2001. The regulations of the Cabinet of Ministers “On disciplinary responsibility of SRS employees” are prepared. In the first half of the year 2000 Internal audits are completed on procedures “inward processing” and “outward processing”, post-importation audit, work organisation in 8 SRS territorial offices (total number of offices - 27) and Transit control division of SRS National Customs Board.

Combat of smuggling and commercial fraud

The Anti-smuggling Centre (AC) has been established to improve the co-ordination between different institutions involved in the combating smuggling and commercial fraud. The tasks of this centre include co-ordination and monitoring of anti-smuggling activities, gathering and analysis of information and development and follow-up of the operational plans. The State Police, Security Police, Financial Police, Border-guards, Customs and Prosecutor’s Office have delegated their officials to participate in the work of the AC. The Head of the AC is at the same time the Deputy Director of the National Customs Board.
Since November 1999, the Anti-smuggling Centre has performed investigation in 24 criminal cases connected with smuggling of oil products, spirits, cigarettes and food commodities. 70 administrative cases were checked by the Anti-smuggling centre and forwarded to the responsible state institutions for further investigation.


The Customs Board is responsible for the prevention of drug smuggling on the state borders. There is a Drug Enforcement Unit (2 person) within the SRS National Customs Board as well as customs officers responsible for prevention of drug smuggling in each of the 6 regions. In order to improve the quality of daily work of drug enforcement activities regular training and informative events are carried out in regions.

**Protection of intellectual property rights**

In September 1999, the Unit was established in the National Customs Board to deal with the protection of intellectual property rights. The regulations of the Cabinet of Ministers “Regarding Customs control on intellectual property rights” are in force since July 1999. The co-operation agreement with the Economical Police and the Patent Office has been drafted.

**Judicial Co-operation in Civil Matters**

1. **Current legislation of the Republic of Latvia**

The regulatory framework for international judicial co-operation in civil matters, includes legal assistance agreements concluded between Latvia and 9 countries (Lithuania, Estonia, Russia, Belarus, Ukraine, Moldova, Poland, Kyrgyzstan, Uzbekistan) as well as multilateral conventions. Latvia has acceded to:

- The Hague Convention of 1 March 1954 on Civil Procedure;
- The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (in force since 1 November 1995);
- The Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (in force since 1 November 1995);
- The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 10 June 1958 (in force since 13 July 1992);
- The Hague Convention of 6 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (in force since 30 January 1996);
- European Convention of 7 June 1968 on Information on Foreign Law; Additional Protocol of 15 March 1978 to the European Convention on Information on Foreign Law;

According to Clause 636 of the Civil Procedure Law, recognition of court judgements is possible if an international agreement is signed between the Republic of Latvia and the country of origin of the respective court ruling. Recognition of international arbitral awards is possible with countries, which have acceded to the New York Convention of 1958.
2. Harmonization of the legislation.

One of the steps to improve the existing situation and to broaden the regulatory basis in Latvia is to accede to the Lugano Convention of 16 September 1988 on Jurisdiction and on Enforcement of Court Judgements in Civil and Criminal Matters. Since the provisions of the Convention regarding recognition and enforcement of foreign judgements are much more extensive and more detailed than stipulated by the Civil Procedure Law, it is expected that the substantial amendments will be made to the Civil Procedure Law. The Cabinet of Ministers will accept the Convention by 1 January 2001.

In order to ensure successful implementation of the 1961 Convention of the Hague on the Powers of Institutions and Legal Acts Regarding Protection of Minors, amendments have been made to the Law “On Custody Courts and County Courts”. The aim of the above mentioned amendments was to add the responsibility of complying with international instruments binding for the Republic of Latvia to the other functions of custody courts and county courts.

According to Clause 6 of the Hague Convention of 1993 on Protection of Children and Co-operation on Issues of Inter-State Adoption, the Ministry of Justice is the central authority in the Republic of Latvia responsible for implementation of the Convention. The central authorities are in charge of issuing information about national laws on adoption and other general information, for example, on statistics and standard forms, they take all necessary measures to prevent unjustified financial gain and other benefits in connection with adoption and to prevent any activities which contradict the aims of the said convention. According to Part Two of Clause 23 of the Convention, the judgements of courts of all instances in the Republic of Latvia on issues related to adoption are regarded as certificates of adoption in the meaning of the said Convention. Latvia will accede to the Convention by 31 December 2000.

Latvia will implement all EU requirements in the area of judicial co-operation in the civil matters by the 1 January 2003.

3. Institutional framework for implementing of the legislation

The Ministry of Justice has been appointed as the central institution co-ordinating the execution of the legal assistance requests. At the time being, work is being carried out at the Court Department of the Ministry of Justice. However, in the beginning of the year 2001, an International Judicial Co-operation Division will be established within the Ministry of Justice.

Judicial co-operation in criminal matters

1. Current legislation of the Republic of Latvia

Latvia has acceded to the major part of conventions related to the judicial co-operation in criminal matters.

Latvia has signed agreements on judicial co-operation with 9 countries (Lithuania, Estonia, Russia, Belarus, Ukraine, Moldova, Poland, Kyrgyzstan and Uzbekistan). These are universal agreements, which regulate legal assistance both in civil matters as well as in criminal matters. Within the framework of these agreements, it is possible to transfer court documents, request evidence, extradition as well as transfer of judicial proceedings.
Latvia has acceded to the major part of the conventions of the Council of Europe in the field of judicial co-operation:

- Latvia ratified the European Convention on Extradition and its Additional Protocols on 24 March 1997 (in force since 31 July 1997);
- Latvia ratified the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocol to it on 24 March 1997 (in force since 31 August 1997);
- Latvia ratified the European Convention on the Transfer of Proceedings in Criminal Matters on 24 March 1997 (in force since 1 September 1997);
- The Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime was ratified by Latvia on 15 October 1998 (in force since 1 April 1999);
- Latvia signed the European Convention on Suppression of Terrorism on 8 September 1998 (in force since 4 March 1999);

Latvia will to accede to the European Convention on the International Validity of Criminal Judgements by the end of the year 2000.

There are 6 Clauses in the Criminal Procedure Code of Latvia that currently regulate the issue of judicial co-operation. Three of these Clauses pertain to extradition. According to the Latvian legislation international agreements could be applied directly, therefore the absence of corresponding national norms doesn’t create practical problems in judicial co-operation. Furthermore, the Ministry of Justice is working on amendments in the Criminal Procedure Code, namely, in its part related to the judicial co-operation in criminal matters.

2. Institutional framework for implementing of the legislation

There are three central authorities in Latvia which are responsible for the issues of international judicial co-operation: the Ministry of Justice, the Prosecutor General’s Office, and the Ministry of Interior.

According to the Latvian Criminal Procedure Code, pre-trial investigation is followed by judicial proceedings in the court. The pre-trial investigation consists of the investigation by the police and the following investigation by the prosecutor’s office. The subject of legal assistance depends on the particular stage of investigation, and responsibility of the authorities involved is stipulated by the national legislation. For example, mutual assistance in criminal matters and transfer of proceedings in criminal matters lies within the competence of all three aforementioned authorities, but their powers are divided: the Ministry of Interior is in charge of the pre-trial investigation before criminal prosecution begins, the Prosecutor General’s Office is in charge of the of the pre-trial investigation stage before the case is sent to the court, while the Ministry of Justice is in charge of the judicial stage. The issues of extradition and transfer of sentenced persons lie within the competence of the Prosecutor General’s Office.

There are responsible officers in all these central authorities that deal with issues of international co-operation. These persons are contact persons regarding judicial co-operation in criminal matters and will be involved in the future in the activities of the European Union’s judicial network (EJN). The Secretariat of the European Council has been informed about the contact persons of the Ministry of Justice and the Prosecutor General’s Office. Thus, Latvia has already partially started implementation of JA (29 July 1998), On the Creation of a European Judicial Network.

The Manual on Mutual Legal Assistance in Criminal Matters and Extradition in the Baltic Sea Region is being used in Latvia. The Manual also contains information from Latvia about the possibilities to render legal assistance in criminal matters.

In order to improve the judicial co-operation in criminal matters, Latvia is participating in the PHARE project “The Development of Judicial Co-operation in Criminal Matters in Latvia, Lithuania, Estonia”. As a result of this Project, a National Action Plan will be prepared to improve judicial co-operation in criminal matters, experts will be trained on issues of judicial co-operation, legislative norms will be analysed and new legislation drafted, and a practical manual will be prepared for judges, prosecutors and police officers.
Reform of the Judicial System

Latvia understands the crucial importance of an independent, reliable and efficient judiciary, with the capacity to handle court cases in a reasonable time as well as to enforce judgements. In order to achieve the above-mentioned Latvia pays a special attention to ensure an adequate level of staffing, equipment and infrastructure. Increased attention is paid to the professional level of judges.

1. Legislation

Reform of the institute of lay judges

In order to improve quality of work of courts the working group on the Law “On the Powers of Courts” was established. After the pre-trial investigation, the accused and the participations of the trial will have an option: to submit a request before the court hearing, asking to hear the case collegially – in those cases when the law provides for a hearing by the judge alone. When preparing the case for the trial, the judge will have an option, taking into account the complexity of the case and the seriousness of the offence, to decide whether a case of criminal offences, less serious crimes and serious crimes will be heard by the judge alone or collegially. Amendments to the Criminal Process Code, to the Law “On the Powers of Courts” and to the Law “On the Election of Lay judges” have been handed in to the Cabinet of Ministers. It is planned to start the implementation of the reform in the beginning of 2003.

Reform of court bailiffs

In order to shorten the procedure of execution of court judgements a draft Law “On Sworn Court Bailiffs” was prepared. According to the draft Law “On Sworn Court Bailiffs”, sworn court bailiffs are persons belonging to the judicial system, who are appointed to regional courts and who carry out their duties pursuant to the law. The draft Law provides for a dual nature of the court bailiff, which means that, on the one hand, the sworn bailiff, in his official activities, i.e. when carrying out the rulings of courts and other authorities, acts as a state official. At the same time court bailiff is a representative of a free legal profession. In addition to the draft Law “On Sworn Court Bailiffs”, the Ministry of Justice has prepared corresponding amendments to the Civil Procedure Law and other regulatory documents related to the activities of sworn bailiffs. The norms of the Civil Procedure Law have been brought into line with the requirements defined in the draft Law, in order to ensure fast and efficient execution of the rulings of courts and other authorities. The draft Law has been submitted to the Cabinet of Ministers for review.

Criminal Procedure Law and Criminal Process Code

In order to ensure the implementation of the requirements of the EU and standards of human rights in the criminal process of Latvia a new Criminal Procedure Law will be prepared. In addition to the preparation of this Law, the existing Criminal Process Code will be amended. The above mentioned amendments are related to the change of jurisdiction in order to reduce the workload of courts. There are also amendments, which will increase the protection of witnesses in criminal cases. Work is also continued on working out the norms related to judicial co-operation in criminal matters.

Maintenance of court buildings

In March 2000, the Ministry of Justice adopted the Guidelines on Maintenance of Court Buildings, with the aim to prevent corruption in courts, to improve public services and to ensure protection of witnesses. These aims will be achieved by separating the rooms of judges from the public area, by providing corresponding information about the court processes, and by providing special rooms where the process participants can study the materials of the case according to the procedural norms.
2. The Work Load of Courts and Human Resources

At the time being, there are 299 staff positions in the district courts. 14 of these positions are vacant. There are 96 staff positions in regional courts, 10 of that are vacant. The workload of courts in Latvia has been balanced, since there are less and less vacant positions of judges each year. The existing staff positions are insufficient in Riga to ensure that court cases could be handled in the reasonable time. In order to remedy this situation, 8 more positions of judges will be created in Riga by the year 2001.

The number of pending civil cases in the first instance has been reduced in the year 2000. However, the number of pending civil cases is still relatively high, which is related to the fact that 2/3 of all pending cases are cases of insolvency. The number of pending cases in the appeal instance has grown, since the number of cases filed by appeal has also grown.

The number of pending criminal cases in the first instance has been significantly reduced in comparison with the year 1999.

Independence of judges

To guarantee the independence of judges, the monthly salaries of judges in the Supreme Court and in the regional courts have been equalised with the salaries of the 1st Category of civil servants, which corresponds to 372 lats (600 Euro). At the same time the salaries of judges in the Supreme Court serve as a basis for the salaries of judges in other, lower-instance courts. Besides there are additional allowances to judges depending on their qualification class, beginning with 20% and up to 100% of the amount of salary. Thus, there is a motivation for judges to raise their qualification. At the time being, the Ministry of Finances is reviewing the salaries of civil servants, which will, in turn, also affect the amount of the remuneration paid to judges.

Training of judges

To improve the recruitment system of candidate judges and to improve the qualification of these candidates, the Ministry of Justice has approved regulations on training of candidate judges. According to these regulations, the candidate judges must undergo practical training at law enforcement authorities.

Training for the judges is provided by the Judicial Training Centre (founded in 1995), which is in charge of the initial and further training (during the profession career) of judges. This Centre also organises the training of other legal professionals closely related to judicial matters, such as court bailiffs, prosecutors, notaries and attorneys-at-law. According to the basic training program of the Centre, two weeks of training should be provided for every judge each year. Five study hours (out of 20) each week are devoted to the study of the European Union’s legislation and other issues of international law. Each year, the Training Centre for Judges organises at least 5 international seminars on the issues of EU law. Co-operation has been successful with the Council of Europe, TAIEX, UNDP, the Soros-Foundation and different PHARE projects. About 30 judges take part in seminars and conferences outside Latvia each year. The Training Centre for Judges has prepared a 3-year training plan (2000-2002), which includes the training of judges on issues of the national and international law.

3. The Infrastructure of Courts

The computerisation project for courts is currently being implemented, entitled “The Unified Judicial Information System of the Republic of Latvia”. Within the framework of the above mentioned project, the following has been planned:

- to set up local computer networks in courts and providing computers to judges;
- on-line communications between the courts of Latvia and the Ministry of Justice through the National Data Transmission Network;
- setting up a unified judicial information system and implementation of this system to be used by administrations of courts;
- computer training for judges and the staff of courts, and special training for the work with the Unified Judicial Information System;
- setting up a unified database containing information about court rulings and statistics.
The creation of the Unified Judicial Information System has been started in 1998. At the time being, the new information system can perform administration functions in civil matters in the first and second instance, and in the first instance of administrative and criminal matters. This system also provides on-line access to information on court statistics. It ensures that court judgements can be summarised and published on-line through the Internet.

Currently, corresponding equipment has already been installed in all regional courts (5) and their permanent sessions, and in 3 district courts. After the completion of procurement procedures, at least one computer will be installed in each court of a district/city, and 5 courts will be connected to the Unified Judicial Information System.

Successful implementation of this project will undoubtedly improve and facilitate the process of decision making in courts.

4. Court Administration

To review the court administration system, the Ministry of Justice, in co-operation with the Swedish Investment Development Agency (SIDA) launched a new research project in June 1999, “Support for the Development / Implementation of the Court Administration System”. The main idea of this project was to establish an independent court administration. At the time being, the Ministry of Justice, together with Swedish experts, studies the experience of other countries in this area. The concept of court administration will be prepared by March 2001. It is expected to complete the reform of court administration by the end of 2002.
\textbf{ANNEX}

\textit{Visa Policies}

\textbf{ANNEX 1}

List of current legislation of the Republic of Latvia

2) Regulations No. 131, passed by the Cabinet of Ministers on 6 April 1999, “The Order of the Issue of Visas of the Republic of Latvia”;
3) Regulations No. 116, passed by the Cabinet of Ministers on 1 April 1997, “Procedures of Distribution and Use of Health Resort and Travel Vouchers, on the Basis of which Visas to the Republic of Latvia are Issued”;
4) Regulations No. 116, passed by the Cabinet of Ministers on 28 March 2000, “Employment of Foreigners and Stateless Persons in Latvia”; 
5) Regulations No. 229, passed by the Cabinet of Ministers on 29 June 1999, “The Order of Foreign Seamen Crossing the State Border of the Republic of Latvia and Staying on the Territory of the Republic of Latvia”; 
6) Regulations No. 455, passed by the Cabinet of Ministers on 28 December 1999, “Regulations on the State Duty for the Issue of Visas and Residence Permits and Related Services”.

\textbf{ANNEX 2}

List of countries, the citizens of which are not required the visas to enter Latvia

At the time being, bilateral agreements have been concluded with 32 countries: Andorra, Austria, Belgium, the Czech Republic, Denmark, France, Greece, Croatia, Estonia, Ireland, Iceland, Italy, Israel, Japan, Cyprus, United Kingdom, Lithuania, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Finland, Spain, Switzerland, Hungary, Germany, Sweden. At the time being, agreements are negotiated with other countries included in the aforementioned list: Argentina, Brazil, Chile, New Zealand, the Republic of Korea, Monaco, San Marino, Singapore, Venezuela, etc. Latvia has unilaterally granted visa-free entry to citizens of the United States of America and holders of UN and Vatican passports.

\textbf{Migration}

\textbf{ANNEX 1}

List of current legislation of the Republic of Latvia in migration issue

2) The Law of 21 September 1995 “Repatriation Law”;
3) Regulations No. 417, passed by the Cabinet of Ministers on 16 December 1997, “Procedure of Issuing and Registering Residence Permits”;
4) Regulations No. 116, passed by the Cabinet of Ministers on 28 March 2000 “On Employment of Foreign Citizens and Stateless Persons in Latvia”;
5) Regulations No. 160, passed of the Cabinet of Ministers on 4 May 1999 “The Procedure of Compensating Emigration Expenses of Emigrants”;
6) “Concept of Identification Cards” passed by the Cabinet of Ministers on 16 May, 2000;
7) “Concept of Passport Type Documents”, approved by the Cabinet of Ministers on 18 January 2000.
ANNEX 2

Identification cards

The identification cards will completely correspond to the requirements of the Decision 398D0701 of the Council:

- **the form;**
- **the scope of information included:**
  - in a visual part – person's given names; surname; identity number; belonging to Republic of Latvia; sex; date of birth; place of birth; nationality (if person choose); photo; signature; a number of identification card; publisher; date of issue; date of expiration.
  - in a microprocessor – identity number, person's photo and fingerprints. This part of identification card is encoded and could not be changed.
- **the protection elements.**
- Identification cards will be machine-readable.

ANNEX 3

The provisions of Immigration Law

*Immigration Law:*

- The issue of permanent residence permits after an uninterrupted residence of 10 years in a Member state.
- Postponement of the issue of residence permits until the decision of a competent authority on recognising or not recognising marriage as legitimate.
- Possibilities to annul residence permits of those aliens who have given work and residence to illegal immigrants.
- Issuing residence permits to self-employed people if their economic activities facilitate the increase of GDP.
- Impossibility for students to receive residence permits connected with employment after finishing their studies without first leaving the territory of Latvia.
- Procedure of detention and extradition of illegal residents that complies with the *acquis* requirements (extradition without transit, if possible; supplying citizens of third countries with travel documents in case of extradition, conditions and terms of detention, etc.).

ANNEX 1

List of current legislation of Republic of Latvia in the area of asylum

1) The Law “On Asylum Seekers and Refugees in the Republic of Latvia” (passed on 19.06.1998, effective from 18.07.1997),
2) Cabinet of Ministers Regulations:
   - No 19 “Procedures of Residence Choice by Refugees in Latvia” (20.01.1998),
   - No 20 “On Documents of Asylum Seekers and the Procedures of Issuing Them” (20.01.1998),
   - No 21 “On Documents Verifying Identity of a Refugee and the Procedures of Issuing Them” (20.01.1998),
   - No 22 “Procedures of Refugees’ Permanent Residence Permit Registration” (20.01.1998),
   - No 26 “On Appeal Council for Refugee Affairs” (20.01.1998),
   - No 245 “On Refugee Allowance” (07.07.1998),
   - No 243 “Regulation of Accommodation Centre “Mucenieki” for Asylum Seekers” (27.10.1998),
   - Regulation of the Centre for Refugee Affairs of the Citizenship and Immigration Department approved by Decree No 19 of the Ministry of Interior dated 7 January 1998.
**ANNEX 2**

**Provisions of the draft law**

"On Asylum seeker and Refugees in Republic of Latvia"

- introduction of alternative protection forms applicable to persons not satisfying the provisions stipulated in the Geneva Convention for granting of the status of refugee yet standing in need of protection due to threats of sentence to death or corporal punishment, torture, inhuman or humiliating treatment, or degrading punishment at their residence or home country, as well as standing in need for protection due to armed conflicts, either external or domestic, preventing such a person from returning to his/her country of origin, – in order to ensure compliance with *non-refoulment* principle;
- granting of temporary protection to groups of persons;
- detaining of asylum seekers. In order to ensure compliance with the requirements of Convention for the Protection of Human Rights and Fundamental Freedoms, the said draft Law stipulates that detaining a person seeking asylum either at police station or border-crossing office for the period exceeding 72 hours is subject to approval by a judge;
- the criteria applied to determine whether a country is a safe country of origin or a safe third country;
- detailed definition of obviously groundless applications as well as the procedures for review of such applications;
- the procedures for review of application for the status of refugee submitted by a person while at the border-crossing station, as well as guarantees valid during such procedures;
- compliance with family unity principle;
- guarantees applicable to minors not accompanied by adults during the asylum procedures;
- more detailed procedures for appointment of members of the Appeal Council for Refugee Affairs ensuring impartiality of the second instance.

**ANNEX 3**

**List of institutions, which deal with asylum issue**

- The State Police:
  - to receive asylum seeker’s application on assign refugee status in border-crossing station, or at States Police office;
  - upon receipt of the application, the Police officer (official of Order Police Immigration Police Board) shall interview the person seeking asylum;
  - during interviewing process asylum seeker has to be accommodate in Police Office in special space – separately from people which are suspected according to investigation;
  - application as a result of interview with asylum seeker is declared as grounded or non-grounded and materials of interview forwards to the Centre for Refugee Affairs of the Department of Citizenship and Immigration.
- The Centre for Refugee Affairs of the Department of Citizenship and Immigration
  - functions within a process of decision making of granting or refuse the status of refugee – i.e. to check information given by asylum seekers; making a decision of granting or refusing status of refugee; on call UN High Commissioner in Refugee Affairs to hand in all acts of decision on refugee status in particular case; decision on loosing a status of refugee;
  - decision on asylum seeker accommodation in “Mucenieki” after the expiry of legal residence in Republic of Latvia;
  - to issue identification documents;
  - recording permanent residence permits;
  - maintain archives with files of refugee affairs;
  - to give a list of unoccupied accommodation units to “Mucenieki”.

34
Accommodation Centre for Asylum Seekers “Mucenieki”:
- to accommodate asylum seekers – i.e. ensure all legal rights to asylum seeker; essential living conditions, policing within territory of Centre, issue a residence permit within a specific municipal territory;
- when person has become the status of refugee, The Centre has to introduce person with unoccupied accommodation units.

Appeal Council for Refugee Affairs:
- the decision of the Centre for Refugee Affairs can be appealed in Appeal Council for Refugee Affairs;
- during 2 moths Appeal Council for Refugee Affairs makes decision on particular asylum seeker’s appeal. The decision is in writing and it is final, because there is no institution where appeal;
- to approve a decision of the Centre for Refugee Affairs on loosing refugee status, without approval of Appeal Council for Refugee Affairs decision on loosing refugee status is not legal. This decision can be appealed according to legal procedure of Republic of Latvia.

ANNEX 4

The current asylum procedure:
- A person can apply for granting of the status of refugee either upon entering the Republic of Latvia at the border-crossing station, where the application has to be submitted to the State Police officer, or already on the territory of the state – at the State Police station or Centre for Refugee Affairs of the Department of Citizenship and Immigration (hereinafter – the Centre).
- Upon receipt of the application, the Police officer (official of Order Police Immigration Police Board) shall interview the asylum seeker. Police clarifying asylum seeker’s identification.
- After the interview, the asylum seeker is brought to the Accommodation Centre for Asylum Seekers (Accommodation Centre “Mucenieki” for Asylum Seekers). Asylum seekers obtain person’s identification documents and with that residence permit as asylum seeker.
- The State Police forwards the materials of the interview to the Centre for Refugee Affairs.
- The Centre for Refugee Affairs shall decide upon granting the status of refugee or refusal to grant the same during 3 months, but in special cases till 6 months.
- Decision of the Centre may be appealed against before the Appeal Council for Refugee Affairs, and decision of the latter shall be final and is subject to no appeal.
- when asylum seeker has become refugee status, refugee obtains permanent residence permit, travelling document – also person’s identification document, also first 12 month for refugees, who has any other livelihoods, has became allowance.
The control of persons and vehicles crossing the state border in the Republic of Latvia is regulated by:

7. Regulations No. 222 passed by the Cabinet of Ministers on 4 July 2000, “The Procedure of Children Crossing the State Border of the Republic of Latvia”.
10. Regulations No. 50, passed by the Cabinet of Ministers on 5 March 1996, “On the Duties and Rights of the Navy of the National Armed Forces in Guarding of the State Border”.
12. Regulations No. 348, passed by the Cabinet of Ministers on 15 September 1998, “On Formalities of the Entry and Exit of Ships to and from the Port”.
13. Service Regulations of the State Border Guards, approved by the Chief of the State Border Guard.
14. Seasonal Orders by the Chief of the State Border Guard, “On Organising the Guarding of the State Border”.
15. Technological Schemes of Border Control Points and Border Crossing Points prepared for each border control point and border crossing point.

The regulatory instruments described above meet the requirements of the European Union’s *acquis communautaire* regarding external borders.

**ANNEX 2**

**Implementation of the State investment projects**

Among the national investment projects, Project IA-22, “Creation of Technical Protection, Control and Information System of the Border”, has been implemented. Within the framework of this Project, the structural model of the database “REIS-2000” was improved. In co-operation with experts from SIEMENS, technical works on the electronic information system of the State Border Guard were completed.

Within the framework of the State Investment Project IA-16, “Development of Infrastructure of the Eastern Border of the State”, in the second half of 1999 and in 2000, a modern centre for training service dogs was built at the Border Guards School in Rēzekne (in June 1999), two modern Border Guard divisions were built on the Eastern Border – Silene (in July 1999) and Grebņeva (in February 2000), a modern complex of a Border Guard division and simplified border crossing point was built in Bērziņi (in June 2000), and two technical and visual surveillance towers (Makši and Timšāņi) were built on the border with Russia. In May 2000, reconstruction stage two of the State Border Guard Agency of Vīļaka of was completed.
In July 2000, construction works at 2 Border Guard divisions (Aizgārša, Robežnieki) were started, construction of Padedze Border Guard division and border crossing point will be started in the autumn. Project documentation has been prepared for two Border Guard divisions (Ščaune, Piedruja) and 2 border crossing points (Kaplava, Vorzova), and tenders for construction works are being prepared. Technical documentation has been prepared for construction of Railway border control points facilities in Kārsava and Zilupe, and for 6 visual and technical surveillance towers. Works of preparing the construction of 4 surveillance towers on the border with Belarus are underway. Designing works have been started at the Border Guard divisions at Lavošnieki and Ščilbēni.

ANNEX 3

Staff Training

The Border Guard training system has been created and functions extensively. Training of border guards is carried out at the Border Guard School of Rēzekne, at the Police Academy of Latvia, at the Expert Examination Centre of the State Police. A 1-year study program has been accredited at the Border Guard School of Rēzekne (in 1999 – 78 cadets, in 2000 – 113 cadets). 32 border guards study as full-time students and 72 more as part-time students at the Border Guard’s College of the Police Academy of Latvia. 67 border guards improved their professional qualifications at the Police Academy of Latvia and at the Expert Examination Centre of the State Police. 364 border guards have been trained to operate the program “REIS-1999” at special courses organised by the Chief Agency of the State Border Guard. 121 border guards participated in the training of service dogs.

Training under the PHARE program

Training is being successfully continued within the framework of the Twinning Project (supported by the PHARE Program), during which border guards were trained on issues of border protection, on issues of panning, public relations and international relations, as well as the use of vessels and aviation according to the requirements of the European Union and Schengen. Altogether, 507 border guards were trained in 1999 and 2000.

International training

Finnish specialists, on the basis of a bilateral co-operation protocol, have repeatedly organised professional qualification improvement courses for Latvian border guards. Specialists of Sweden, America, France and other countries were also involved in the organisation of several seminars and courses (on document forgeries, combating of illegal migration, use of service dogs), where altogether 64 border guards were trained.

Organised crime

ANNEX 1

Current legal basis

At the time being, the national legislation on combating of organised crime broadly complies with the acquis requirements. The legal instruments, regulating the activities of law enforcement agencies in this area, include:

- the Criminal Law passed on 1 April, 1999,
- the Latvian Criminal Code of Procedure (1961);
- the law “On Police” (1991),
- the law “The Border Guards Act” (1997),
- the law “The Customs Act” (1997),
- the law “On State Revenue Service” (1993),
- the law “On Operative Activities” (1993),
- “Corruption Prevention Act” (1995);
• the Cabinet of Ministers Regulations No 75 “On Crime Combating Council” (1997),
• the Cabinet of Ministers Regulations No 337 “On Corruption Preventing Council” (1997),
• the Cabinet of Ministers Regulations No 327 “On Transit of Narcotic Drugs and Psychotropic Substances” (1996),
• the Cabinet of Ministers Regulations No 326 “Regulations on Division of Illegally Circulated Drugs and Psychotropic Substances” (2000),
• the Cabinet of Ministers Regulations No 249 “On Drug Control and Drug Addiction Combating Co-ordination Commission” (1996),
• the Cabinet of Ministers “Regulations on the co-ordination centre for the fight against smuggling” (1999),
• the Cabinet of Ministers regulations No.427 “On infringement of prostitution” (1998)
• “National Programme of the prevention of crime for the years 1998-2000”, approved by the Cabinet of Ministers on 14 January 1998,
• “State Program for Prevention of Sexual Abuse of Children for the years 2000 through 2004”, approved by the Cabinet of Ministers on 25 January 2000,
• “The Drug Control and Drug Addiction Prevention Strategy of Latvia for the years 1999 through 2003”, approved by the Cabinet of Ministers on 15 December 1998,
• “Corruption Prevention Program”, approved by the Cabinet of Ministers on 4 April 2000.

➢ Agreement between the Government of The Republic of Latvia and the Government of the United States of America on mutual assistance in criminal causes (1997);
➢ Agreement Between The Government of The Republic of Latvia And The Government of The State of Israel on Co-operation In Combating Illicit Trafficking And Abuse of Narcotic Drugs, Psychotropic Substances And Precursors, Terrorism And Other Serious Crimes (December 1998);
➢ Agreement Between the Government of the Republic of Latvia and the Government of the State of Turkey on co-operation in combating illicit trafficking and abuse of narcotic drugs, psychotropic substances and precursors, terrorism and other organised crime (June 1997);
➢ Convention on laundering, search, seizure and confiscation of the proceeds from crime (December 1998);
➢ Agreement between the Government of the Republic of Latvia and the Government of the Republic of Slovakia on co-operation in combating terrorism, illicit trafficking of drugs and in other organised crime (April 1999);
➢ Cabinet of Ministers Order No 250 “On Agreement between the Government of the Republic of Latvia and the Government of the Republic of Finland on co-operation in prevention of crime”(1996);
➢ Cabinet of Ministers Order No 72 “On Agreement between the Ministry of Interior of the Republic of Latvia and Ministry of Interior of the Federal Republic of Austria on co-operation in fields of combating international organised crime, illicit trafficking of drugs and terrorism” (1997);
➢ Cabinet of Ministers Order No 80 “On Agreement between the Government of the Republic of Latvia and the Government of the Republic of Hungary on co-operation in combating terrorism, illicit drug trafficking, and organised crime” (1997);
➢ Cabinet of Ministers Order No 159 “On Agreement between the Ministry of Interior of the Republic of Latvia and the Ministry of Interior of the Republic of Belarus on co-operation in combating organised crime” (1997);
➢ Cabinet of Ministers Order No 52 “On Agreement between the Government of the Republic of Latvia and the Government of the Czech Republic on co-operation in combating terrorism, illicit drug and psychotropic substances trafficking and organized crime” (Feb 2000);
Institutional framework on the fight against organised crime

1. The Saeima (the Parliament) – the Commission of National Security and the Commission of Defence and Interior Affairs supervise the Government’s work in the fight against organised crime.

2. The Cabinet of Ministers – develops the policy instruments for the fight against organised crime.

3. The Crime Prevention Council – the co-ordinating institution at the political level, set up by the Cabinet of Ministers, chaired by the Prime Minister. Its functions are supported by the Council’s Secretariat. The Head of the Secretariat is the National co-ordinator to the Pre-accession Pact on Organised Crime with the Applicant Countries of Central and Eastern Europe. The major tasks of this Council are as follows:
   - to prepare proposals for the state policies and for the strategy to fight organised crime;
   - to co-ordinate the activities of the Latvian law enforcement agencies;
   - to provide Latvia’s participation to the Pre-accession Pact on Organised Crime with the Applicant Countries of Central and Eastern Europe.

4. The Corruption Prevention Council – an inter-ministerial institution, set up by the Cabinet of Ministers, chaired by the Minister of Justice, the task of which is to develop state policies and strategies in the fight against corruption. The Council is entitled to legislative initiatives. The work of the Council is supported by the Council’s Secretariat.

5. The Co-ordination Commission for Drug Control and Fight Against Drug Addiction – an inter-ministerial institution, established by the Cabinet of Ministers, the task of which is to co-ordinate the activities of organisations and institutions involved in drug control and in the fight against drug abuse throughout the country. The Commission acts on two levels: the political level and the level of experts. The activities of sub-commissions are co-ordinated by the Secretariat of the Commission.

6. The Centre for the Fight against Smuggling – an institution, established by the Cabinet of Ministers, which co-ordinates the operative and pre-trial investigation activities of the State Revenue Service, the State Police, the Security Police and the State Border Guards in their fight against smuggling. The major tasks of this Centre are:
   - to co-ordinate implementation of mutually harmonised plans for the institutions involved in smuggling prevention;
   - to initiate criminal cases, to prepare plans for detection and seizure of smuggled goods and disclosure and detention of persons and groups involved in smuggling;
   - to analyse a risk assessments;
   - to facilitate the preventive activities for the elimination the smuggling possibilities and to work out the methodology for investigation capacity.

7. The Ministry of Interior is responsible for the implementation of state policies in preventing and combating crime.

7.1. State Police is an armed public institution under the supervision of the Ministry of Interior and implements the tasks determined by Law “On the Police”: to protect the life, health, rights and freedoms of individuals and their property, and to defend the interests of the society and the state against criminal and other illegal threats.

7.1.1. The Main Criminal Police Board is a unit of the State Police, which directs, co-ordinates and controls the work of the Criminal Police in prevention and detection of serious and especially serious crimes, in searching the persons who hide from prosecution and trial, who evade punishment, or persons who are lost without notice. The Board also performs organisational and practical work in the fight against organised crime, against economic crimes and illegal circulation of drugs.
7.1.1.1. The Bureau for Combating Organised Crime and Corruption (total number of staff – 124) is a sub-unit of the Main Criminal Police Board, which reports to the head of the Board. The Bureau has its central structure (3 agencies) and 5 regional divisions as well as an Analytical and Information Group. Responsibilities of the Bureau are as follows:
- to plan and co-ordinate work in combating organised crime as well as smuggling and corruption as activities controlled by the organised crime;
- to co-ordinate the activities of other sub-units of the State Police, and to participate in this work directly;
- to forecast the development of organised crime, the emergence of new forms of organised crime, to curtail these processes;
- to detect and prevent crimes related to the organised crime, to neutralise the activities of organised criminal groups;
- to carry out inquiries and operative activities throughout the territory of the state within the field of its competence;
- to collect, analyse, process and store official, legal and classified information about persons, groups, facts, events and things related to the fight against and control of organised crime;
- to render methodological and practical assistance to all units of the State Police in fighting organised crime and in the area of inquiry and operative search;
- to carry out operative activities within the framework of the Law on Operative Activities with the aim to detect and pre-warn against crimes committed by police officers.

7.1.1.2. The Economic Police (total number of staff – 228), the main task of which is to fight against economic crimes.

7.1.1.3. The Drug Enforcement Bureau (total number of staff – 64), the main task of which is to fight against illegal circulation of narcotic drugs and psychotropic substances as well as against criminal offences related to prostitution, provision of sexual services and pornography.

7.1.1.4. The Co-ordination Agency for Detection of Serious Crimes (total number of staff – 45), whose responsibilities include co-ordination of detection of violent criminal offences, fight against vehicle theft and explosions.

7.1.1.5. The Service of Special Procedural State Protection provides special procedural protection for persons acting as witnesses in criminal cases.

7.2. The Security Police is a state security authority under the supervision of the Ministry of Interior. The Security Police, in co-operation with the Bureau for Combating Organised Crime and Corruption, collects information about those activities of the organised crime, which could be directed against vitally important state interests. The Security Police collects this information, processes and analyses it with the purpose, according to the applicable legal procedures, to implement measures intended to predict, forestall and prevent the activities of organised criminal groups.

The information collected, processed and ordered by the Security Police about crimes in the area of state security committed by organised criminal groups is then forwarded to the relevant law enforcement agencies according to corresponding legal procedures.

7.3. The State Border Guards is a unit within the framework of the Ministry of Interior, the tasks of which include prevention of illegal entry and stay in the country and detection of illegal immigrants as well as persons who try to cross the national borders illegally or violate the border area regulations.
8. **The Ministry of Finances** and institutions under its command and supervision include detection of crimes in such areas as taxes, state duties and other mandatory payments due to the state; control of the legitimacy of incomes of state officials.

8.1. **The State Revenue Service** carries out its activities under the supervision of the Ministry of Finances and provides for registration and control of tax-payers, collection of state taxes, state duties and other mandatory payments due to the state within the territory of the Republic of Latvia and on its customs borders. This Service also implements state customs policies and is in charge of customs affairs, and it controls the legitimacy of incomes of state officials.

8.1.1. **Financial Police** (Financial Police Agency) is a sub-unit of the State Revenue Service, the tasks of which include the detection and prevention of crimes in the field of revenues, in the activities of officials and staff of the State Revenue Service as well as crimes in the field of smuggling.

8.1.2. **The Customs Board** is a sub-unit of the State Revenue Service, the tasks of which include protection of the economic border of the state, including the control of the system of export and import permissions of goods and other things, seizure of smuggled goods and stopping the import and export of any conventionally prohibited things.

8.2. **The Inspections controlled by the Ministry of Finances, which** are in charge of supervision over particular financial sectors:

8.2.1. **Games of Chance Supervision Inspection** is in charge of streamlining the gambling business and ensuring that the relevant moneys are paid to the state budget in the form of taxes.

8.2.2. **The Securities Market Commission** promotes the development of securities market and stability and protection of the interests of investors, ensures fair competition on securities market.

8.2.3. **Insurance Supervision Inspection** provides supervision over private insurance companies and private pension funds.

9. **Ministry of Justice** implements the state policy for improving the judicial system.

9.1. **Agency of Imprisonment Establishments**;

9.2. **Criminological Research Centre**.

10. **The Prosecution Office of the Republic of Latvia** is an independent judicial institution, the establishment and operation of which is determined by the laws passed by the Saeima. The Saeima also appoints the Prosecutor General. The Prosecution Office of the Republic of Latvia and specialised prosecution offices acting within its structure provide supervision over the activities of institutions of inquiry and operative activities of other institutions; organise, direct and carry out pre-trial investigation; start and implement criminal prosecution and act as attorneys of the state.

The Prosecution Office of the Republic of Latvia consists of the General Prosecution Office and of specialised prosecution offices and supervision authorities.

10.1. **The Specialised Prosecution Office for Organised Crime and Other Branches** is in charge of prosecuting thefts, robbery, misappropriation of narcotic drugs and psychotropic substances, fraud related to the obtaining of narcotic drugs and psychotropic substances and crimes related to violations against regulations which define the production, purchase, storage, accounting, issue or sending of narcotic drugs and psychotropic substances, incitement to the use of narcotic drugs or psychotropic substances or injection of such substances against the will of the person. The sphere of competence of this office also includes economic crimes, including fraud, large-scale embezzlement, use or production of forged documents, afflicting financial damage to the state, to credit institutions or to a large number of persons; extortion by an organised group.
10.1.1. The Specialised Multi-Branch Prosecution Office under the Prosecution Office of the Republic of Latvia is in charge of illegal activities related to narcotic drugs and psychotropic substances, smuggling of narcotic drugs or psychotropic substances.

10.1.2. The Prosecution Office for Financial and Economic Crimes under the Prosecution Office of the Republic of Latvia is in charge of, among other things, smuggling of excise goods, fraud embezzlement if related to prohibited or fictitious entrepreneurial activities.

10.2. Office for Prevention of Laundering of Proceeds Derived from Criminal Activity is a special state institution acting under the control of the Prosecution Office, which, in the manner as provided by the law, receives, orders, analyses reports about unusual and suspicious financial transactions as well as forwards this information to controlling, investigation and judicial institutions in cases defined by the law.

11. Bureau for Protection of Satversme is a non-military state security institution (subject of operative activity with the right of investigation), subject to National Security Council which organises and co-ordinates intelligence (counterintelligence) activities, obtains through its own activities as well as receives, processes, stores, analyses and uses information related to state security, protection of state economic sovereignty, with the aim to defend the state constitutional system, national independence and territorial integrity of the state against foreign and domestic threats.

12. Consultative Council of the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity was established under the Law “Prevention of Legalisation of Criminal Assets” (1997) and is a consultative body, the aim of which is to improve and harmonise legislation in the field of prevention of legalisation of criminal assets, to design and set up a mechanism for reporting suspicious cases, to streamline cash flows and to exert control over suspicious cases.

ANNEX 4

Co-operation between the Law Enforcement Agencies of the Republic of Latvia

On the strategic level:
- according to the order stipulated by the law;
- through the established Councils;
- Co-operation agreements between institutions.

On the operative level:
- between services, on the basis of agreements/contracts concluded.

1. The Ministry of Interior co-ordinates the work of the staff of the central apparatus and reporting and supervised institutions with the aim to assess the results of the work and define the strategies.

1.1. The State Police analyses complexly the work of State Police institutions, evaluates and estimates operative situation; co-ordinates the work of State Police duty offices throughout the country; in cases of operative necessity organises co-operation with other structures and services of the Ministry of Interior, Civil Guard office, Ministry of Defence, Customs, as well as police institutions of neighbouring countries.

On 3 May 2000, the State Police concluded co-operation agreement with the State Revenue Service. This agreement provides that police officers will have continuous online access to information stored in the database of the State Revenue Service, including data from the information system of the Customs, the system of cargo waybills and from the taxpayers Register.

On November 24 1997, the agreement on performing mutual activities in fighting against organised crime and economic crime was concluded between the State Police and State revenue service.
1.1.1. **The Bureau for Combating Organised Crime and Corruption** is the main co-ordinating institution in the field of investigation and operative activity on fighting the crime related to organised crime and corruption facilitated by it, throughout the territory of the Republic of Latvia. The Bureau is closely co-operating and regularly exchanges operative information with the units of the Criminal Police Board of the State Police, the working specifics of which includes fighting the crime related to organised crime:

- Co-ordination Agency for Detection of Serious Crime
- Drug Enforcement Bureau
- Central National Interpol Bureau of Latvia
- Bureau of Economic Police
- Service of Special Operations for State Protection.

The Bureau regularly exchanges information with the Security Police, the Financial Police, and the Penitentiary Institutions Agency under the Ministry of Justice and other units of law enforcement agencies.

Much attention has been paid to find out information on local and foreign contacts of organised criminal groups. Thus, to combat the organised crime more effectively, close co-operation has been established between:

- The State Border Guards,
- The Customs,
- The State Revenue Service,
- The Financial Police,
- The Consultative Council of the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity,
- The Centre for the Fight against Smuggling,
- The prosecution institutions, etc.

The co-operation between the Bureau for Combating Organised Crime and Corruption and other state power and administration institutions is performed in accordance with the law “On Police”, the law of Operative Activity, the Criminal Code of Procedure Latvia, Criminal Law, different regulations and other.

1.1.2. **The Drug Enforcement Bureau** in the end of the last year established regional drug enforcement units for working at the imprisonment establishments and with under-age persons. Thus, 35 additional job positions were created. Regional groups provide practical and methodological assistance to local criminal police officials in fighting illegal transactions of drugs and psychotropic substances and drug addiction.

By co-operating with the Centre of Narcology of the Ministry of Welfare educational sources and informative booklets have been developed and disseminated. On 4 November 1999, a Co-operation Agreement Between the Customs Board of the State Revenue Service and the Drug Enforcement Bureau was concluded, envisaging mutual performance of controlling, operative and other activities in the territory of the Republic of Latvia with the aim to fight together against illegal transacting of drugs and psychotropic substances, including disclosure and prevention of smuggling and transit cases.
1.2. **State Border Guards** have signed the following co-operation agreements:
- 20.04.2000 Protocol on Co-operation between the Republic of Latvia State Police, the State Border Guards and Customs (to define joint directions of activities in the fight against the organised crime);
- 08.02.1999 Co-operation Agreement between the State Border Guards and Air Forces of the National Armed Forces (to detect and prevent illegal movements by persons, vehicles and cargoes across the national land borders);
- Co-operation Agreement between the State Border Guards and the Navy of the National Armed Forces (to prevent illegal trafficking of arms, ammunition, explosives, radioactive, poisonous, narcotic, toxic and other substances and things across the national borders).

The co-operation of the State Border Guard with other law enforcement institutions is determined in the law of Border Guard. It has regular information exchange with the Co-ordination Agency for Detection of Serious Crime of the Criminal Police Board of the State Police of the Ministry of Interior of the RL within the framework of various operations concerning criminal groups and persons dealing with car thefts, transit of the stolen cars and realisation of those cars in the Republic of Latvia.

1.3. **The Security Police**, according to Clause 19 of the State Security Institutions Act, co-operates and exchanges information with other law enforcement agencies of the Republic of Latvia in the field of fighting organised crime. The main forms of co-operation, in which the Security Police is involved, are as follows:
- planning and implementation of joint operative measures;
- exchange of official and operative information;
- qualification improvement courses and seminars.

2. **Ministry of Finance**

2.1. **The State Revenue Service** co-operation with other law enforcement institutions is determined in the law “On State revenue Service”.

2.1.1. **The Financial Police** regularly co-operates with the Security Police, the Office of the Economic Police, the General Prosecution Office, judicial authorities and other institutions.

On 3 April 2000, an agreement was signed between the Financial Police Agency, the Office of the Economic Police and the Register of Companies on location and liquidation of fictitious companies.

2.1.2. **The Customs Board of the State Revenue Service** co-operates with all law enforcement agencies and, particularly, it has concluded agreements with:
- the Ministries of Agriculture and Interior;
- the Drug Enforcement Bureau of the Chief Criminal Police Agency of the State Police;
- the Association of Fuel Traders;
- the Air Forces of the National Armed Forces of the Ministry of Defence;
- the Drug Enforcement Bureau. The Agreement, signed on November 1999, provides implementation of joint control, operative and other measures throughout the territory of Latvia with the aim to fight against drugs on the basis of common co-operation;
- the State Border Guards in requesting data about motor vehicles and crossing of borders by individuals, while the Customs Board supplies necessary data about cargoes to the border guards;
- the State Police in issuing information to their requests;
- the Prosecution Office: by participating in pre-trial investigations if the prosecutors so request and by issuing information;
- the Financial Police: service inspections are carried out together – if any criminal offences are revealed, then the relevant materials are forwarded to the Financial Police.
Memoranda on mutual assistance have been concluded with “MGH Riga”, “Riga Cargo” and “Aviation cargo Service” as well as with the official representative office in Latvia of the Russian international airlines “Aeroflot”, the international airport “Riga” and Riga Passenger Port. The Customs Board of the State Revenue Service co-operates with the Border Guard of the Ministry of Interior in: requiring border crossing data for persons and vehicles – from the part of the CB – information on cargo; with the State Police: providing information when requested by it; with the Prosecution: participation in pre-trial investigation after their request, provision of information; with the Financial Police Agency: joint service activities are conducted and, in case of disclosing an offence with the features of criminal offence the materials are handed over to the Financial Police Agency.

3. The General Prosecution Office co-operates with other law enforcement agencies of Latvia in the field of fight against the organised crime and corruption within the framework of the Latvian Criminal Code of Procedure.

3.1. Fighting the money laundering is performed by the Office for Prevention of Laundering of Proceeds Derived from Criminal Activities in co-operation with law enforcement institutions, for example, Economic and Financial Police. To prevent the possibility of using the financial system of Latvia for legalisation of illegally obtained assets the Control Service maintains contacts with approximately 400 credit and finance institutions. In 1999, the Control Service joined EGMONT group, which comprises 48 similar institutions from different countries of the world.

Police co-operation

ANNEX 1

Training of the State Police employees

Training of the State Police employees is arranged at both the Police Academy of Latvia, the Police School of State Police, other structural units of the Ministry of Interior as well as short-term courses abroad.

The Police School of State Police provides the initial professional training and qualification improvement for private employees and junior commanders engaged without special education (pursuant to the Law “On Police”, section 31).

The Police Academy of Latvia and the Police School of the State Police provide the regular training for the personnel of the State Police. Currently there are 98 full-time trainees and 150 half-time trainees. This year the Training Centre has organized 2 one-week qualification improvement courses for the inspectors of the Traffic Police (altogether for 58 inspectors) and courses for assistant duty officers (altogether for 24 officers). There are now 551 police officers studying at the Police Academy.

- Training course has been organised at the Ministry of Interior Information Centre on the use of information systems “Filter” “Register of invalid documents” and “Vehicles in search” by police employees in duty. 154 police officers have completed training courses organized at the Information Centre of the Ministry of Interior.

- Qualification improvement course for employees of the Economic Police has been arranged at the Bank Institute of Latvia. 24 police officers from the Economic Police attended qualification improvement courses at the Bank Institute.

- A two-week course has been organised for employees of the State Police within the framework of bilateral co-operation agreement entered into by and between the governments of Latvia and Sweden on 1998 on the topic “Inspection of the crime scene”. Within the Cooperation Agreement between Latvia and Sweden, the training courses are organized for the officers of the State Police (the courses were completed by 93 officers of the criminalistics service).

- Training course has been organised within the framework of methodical teaching aid between Police Academies of the Nordic States and the Baltic States “Police tactics and safety in work”, “Investigation of children sexual abuse and violence”, “Negotiations at dangerous situations”, “Police Service Preventive Steps”.
654 police employees improved their professional qualification at different training courses during the first half of the year 2000.

Administrative capacity is also being improved by the means of OCTOPUS II project and the AEPC training models.

Illicit drugs

ANNEX 1

Current legislation on illicit drugs

The Republic of Latvia laws pertaining to narcotic drugs mainly comply with the acquis requirements.

- On 15 December 1998, the Cabinet of Ministers approved the drug control and drug addiction prevention strategy of Latvia for the years 1999 through 2003.
- On 11 May 1993, Latvia has ratified the 1961 Single Convention on Narcotic Drugs as amended in accordance with the protocol of 1972, the 1971 Convention on Psychotropic Substances, the 1988 UN Convention on Illegal Circulation of Narcotic Drugs and Psychotropic Substances.
- Pursuant the said conventions, on 1996 there have been passed the laws “On Procedures of Legal Circulation of Drugs and Psychotropic Substances and Medicines” and “On Precursors”.
- Among the most important instruments in the concerned field there is the Cabinet of Ministers Regulations No 326 “On Division of Illegally Circulated Drugs and Psychotropic Substances” effective from 23 September 2000, elaborated by the Drug Control and Drug Addiction Combating Co-ordination Centre in co-operation with the Drug Enforcement Bureau, the Drug Addiction Treatment Centre the Ministry of Welfare Pharmacy Department and the State Police Investigation Centre.
- Special attention being paid to protection of children and adolescents against narcotic and psychotropic substances, amendments have been introduced in the Criminal Law providing for increased responsibility of individuals admitting prohibited sales of narcotic and psychotropic substances to juveniles as well for prohibited sales of narcotic substances at education establishments or territories adjacent thereto, at restaurants, canteens, bars, public entertainment or holiday event areas.

In order to ensure more efficient fight against drug distribution and to carry out optimum preventive steps, there has been developed draft proposal with the view to raise funds within the framework of the European Union PHARE National Program 2000 “On Fight against Drugs”. The developed project comprises 3 components:

- elaboration of National drug control and drug addiction preventing strategy Action Plan, corresponding with the EU Strategy Program and the EU recommendations;
- improvement of the National Drug Focal Point in compliance with requirements of the European Drug and Drug Addiction Monitoring Centre;
- development and implementation of illegal drug circulation counter-investigation system.

Harmonisation of legislation with acquis

The Republic of Latvia laws pertaining to drug combating mainly comply with the acquis requirements:

- By 31 December 2000, there will be developed proposals on amendment of Latvia Criminal Code of Procedures which currently lacks flexibility in investigation of minor offences according to the Resolution of 29th November 1996 on measures to address the drug tourism problem within the EU.
- Latvia will accede to the Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances till the 1 July 2002.

When all the above-mentioned amendments are approved the Republic of Latvia laws shall fully comply with the acquis requirements pertaining to the given field.
Terrorism

ANNEX 1

Paragraph 88 of the Penal Code - Terrorism

On April 1 1999, the new Penal Law came into force in the Republic of Latvia. It contains paragraph 88 – Terrorism:

(1) Blowing up, burning or other intentional actions directed to destruct people or create a threat to people’s health, destruct or damage enterprises, buildings, oil – conduits or gas – mains, electro lines, means and ways of conveyance, telecommunication lines or other property with a view to make harm to the Republic of Latvia or its citizens, and do mass poisoning or epidemic and epizootic spreading done on the same purpose –
   • is sentenced to lifetime confinement or imprisonment from 8 to 20 years with confiscation of property.

(2) Intentional violence dangerous to life or health against person or destruction or damaging of one’s property done with blowing up, burning or in other dangerous ways, or menace of such actions putted forward as condition for interruption of violence if there is a reason to consider that these threats can be carried out with a view to force the state, its institutions or international organisation to do some action or to abstain from it, -
   • is sentenced to lifetime confinement or imprisonment from 15 to 20 years with confiscation of property.