

**EXPORT, IMPORT AND TRANSIT CONTROL IN THE REPUBLIC OF LATVIA
2007 UPDATE**

Recent developments of the import, export and transit control system of Latvia is characterized by accession to the European Union on 1 May 2004, as well as by joining Australia Group in 2004 and Wassenaar Arrangement in 2005. However, the export control system of the country has been in line with the requirements of the EU and export control regimes since 1990s. Latvia is a Member State of the Nuclear Suppliers Group since 1997.

1. Legislation currently in force

On the date of joining the European Union the EU Regulation 1334/2000 on export control of dual use items became directly applicable. On the same day a new “Law On Handling of Strategic Goods” and regulations of the Cabinet of Ministers “On Order of Issuance, Denial or Annulment of Control Documents of Strategic Goods” came into force. The mentioned national legislation is not repeating the regulation 1334/2000 and deals with the following issues:

- 1.1. control institutions, their responsibilities and co-operation;
- 1.2. licensing procedures;
- 1.3. national lists of controlled items;
- 1.4. control of EU Common Military List items;
- 1.5. EU Code of Conduct in Arms Trade;
- 1.6. control of import and transit;
- 1.7. expertise of would-be strategic goods;
- 1.8. implementation of the “Catch All” clause;
- 1.9. control of military assistance;
- 1.10. transparency of transactions;
- 1.11. end-use guaranties.

2. Update of legislation

After several years of experience of being an EU Member State the Latvian government decided to update the export, import and transit control legislation in order to improve its quality and to meet the requirements of several EU directives and other international trends intended to make export control more efficient. In January 2007 the Cabinet of Ministers received a package of the following drafts:

2.1. “Law on Handling of Strategic Goods”. The new draft law more precisely defines control institutions, their responsibilities and co-operation, as well as terms used in the law, including brokering. The National Lists of controlled goods shall be approved by the Cabinet of Ministers instead of the Control Committee of Strategic Goods.

2.2. Regulations of the Cabinet of Ministers “On Order of Issuance, Denial or Annulment and Use of Licences and Other Documents Related to the Handling of Strategic Goods”. The mentioned documents shall be export licences, import licences, transit licences, as well as general licences (for regular export, imports or transits of the same goods to the same end-users), transfer licences (for transfers within the EU), international import certificates, end-use certificates, delivery verification certificates,

expert conclusions and prior consents to transfer arms, munitions or explosives (EU Regulations 93/15/EEC and 91/477/EEC).

2.3. Regulations of the Cabinet of Ministers “Latvian National List of Strategic Goods and Services”.

2.4. Amendment to the “Code of Administrative Violations”. This amendment provides punishments for violations of the “Law on Handling of Strategic Goods” and relevant regulations of the Cabinet of Ministers in accordance with the requirements of Article 19 of the EU regulation 1334/2000.

3. Punishments for violations

3.1. The Criminal Code of the Republic of Latvia provides punishments for the following violations:

3.1.1. imprisonment for 10 years and confiscation for smuggling of strategic goods;

3.1.2. imprisonment for 3, 20 years or life for proliferation of WMD;

3.1.3. imprisonment up to 5 years for illegal handling of CWC chemicals.

3.1. The Code of Administrative Violations provides the following punishments for violations of regulations of export, import, transit and transfer of strategic goods: natural persons, who are not registered as businessmen are fined from 50 to 250 LVL, natural persons who are registered as businessmen – from 100 to 400 LVL, but legal persons – from 250 to 5 000 LVL with or without confiscation of goods. For the same actions committed repeatedly within one year natural persons shall be fined from 250 to 500 LVL, but legal persons – from 1000 to 10 000 LVL with confiscation of goods.

4. Outreach to industry and enforcement

4.1. Seminars

To inform industry and enforcement authorities on the latest developments in global and national export control policy the Control Committee of Strategic Goods organizes regular seminars. The latest seminar was held in September 2006 with participation of Los Alamos National Laboratory and DOE.

4.2. Education of Customs officials and brokers

By a decision of the State Revenue Service all customs officers and brokers have to attend lecture course on control of strategic goods at the Riga Technical University.

4.3. The export control law, national and EU regulations and lists of controlled goods are available for public on the home page of the Ministry of Foreign Affairs www.mfa.gov.lv.

4.4. The commercial company KOMIN localised Internal Control Program software developed by the US company Commonwealth Trading Partners, Inc. and offers this product to industry.

5. UN SC Resolution 1540 (2004)

The provisions stated in the UN resolution relevant to export, import and transit control in Latvia has been in force since 1996.