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The Permanent Mission of the Republic of Latvia to the UN, OSCE and other International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE and, has the honour to submit

OSCE Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology, 2022.

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to all the Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE the assurances of its highest consideration.



Vienna, July 4, 2022

**To: All Permanent Missions and
Delegations to the OSCE,
CPC of the OSCE**

OSCE Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology

REPORT BY THE REPUBLIC OF LATVIA

2022

1. Their basic principles, policies and/or national practices on the export of conventional arms and related technology.

One of the fundamental goals of the Security Policy of Latvia is a responsible arms control policy, compliance with international norms and regimes in nuclear, conventional, chemical and biological fields. Latvia's arms control policy and export control policy are aimed at prevention of proliferation of weapons of mass destruction and the means of their delivery, as well as reduction of threats posed by the destabilizing accumulations of conventional arms and technologies thus ensuring that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine international security and stability. Latvia coordinates its arms control and non-proliferation policy within the European Union (EU), North Atlantic Treaty Organization (NATO), United Nations (UN) and Organization for Security and Co-operation in Europe (OSCE) in order to promote security and stability internationally and in the region.

Latvian Government has developed an efficient export control based on the requirements of the EU and international export control regimes. Latvian authorities control export, import, transit, brokering and transfer of conventional arms and related technologies. Licences are required for each of all mentioned transactions.

Latvia has ratified Arms Trade Treaty in April 2014.

2. Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or update to the data provided in 1995 including any relevant subsidiary legislation.

The legal basis for control of export, import and transit of strategic goods including conventional arms is made by the following legislative acts:

- The Law on the Handling of Weapons determines the rights and obligations of State and local government authorities and private individuals in relation to the handling (e.g. manufacturing (production), repair, acquisition, sale, importing into or exporting from Latvia, including importing from a third country or exporting to a third country or transit through the territory of Latvia from one third country to another third country) of weapons, ammunition, their components, and special means in Latvia, as well as to determine the classification of such objects, the prohibitions and restrictions in relation to such objects in

order to guarantee personal and public safety (adopted on March 14, 2019, in force since April 10, 2019).

- The Law on the Circulation of Goods of Strategic Significance (in force since July 19, 2007) was designed to ensure controlled circulation of goods of strategic significance according to the national and international interests of the Republic of Latvia, the requirements of international export control regimes and to deflect the proliferation of nuclear, chemical and biological weapons and other weapons of mass destruction, as well as deflect the threat of international terrorism. The Law provides the division of authority among institutions in charge of strategic goods control, their responsibilities and co-operation, as well as terms used in the law, including brokering. The Law defines the authority of Committee for Control of Goods of Strategic Significance regarding assessing licence applications, issuing licences and denials, as well as procedure of expertise and identification of certain goods.

- The procedure for ensuring peace, security, and rule of law in accordance with the international obligations and national interests of Latvia, when introducing international sanctions or imposing national sanctions, is provided in the Law On International Sanctions and National Sanctions of the Republic of Latvia (in force since March 1, 2016) and in the Regulation of the Cabinet of Ministers of July 9, 2019, No.327 "Procedures for the Proposition and Enforcement of International and National Sanctions". The purpose of the Law is to ensure effective and understandable application of international and national sanctions. The Regulation prescribes the procedures for the proposition of international sanctions; the general procedures for the enforcement of sanctions; the procedures for the enforcement of national sanctions which have been imposed in accordance with Section 3, Clause 3 of the Law on International Sanctions and National Sanctions of the Republic of Latvia.

Some of the the regulations issued by Cabinet of Ministers are as follows:

- Regulation of the Cabinet of Ministers of July 20, 2010, No.657 "Procedures for Issuing or Refusal to Issue a Licence for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance" sets down procedures for issuing or refusal to issue an expert statement, an end-use statement, and an import certificate, procedures for issuing, refusal to issue, suspending or annulment a licence for goods of strategic significance and a delivery verification certificate, procedures for licensing and handling of goods not listed in the lists of goods of strategic significance and procedures for issuing a certificate of military manufacturer. It contains also provisions set out in EU Council Regulation 428/2009 and EU Council Common Position 2008/944/CFSP. The Cabinet determine the procedures for the manufacturer's certification to establish the reliability of the recipient undertaking, in particular regards its capacity to observe export limitations of defence-related products received under a transfer licence from another Member State. The above-mentioned regulations determine certification in compliance with Directive 2009/43/EC of the European Parliament to simplify terms and conditions of transfers of defence-related products within the Community.

- Regulation of the Cabinet of Ministers of July 20, 2010, No. 656 "Regulation on Duties for Issue of an expert's statement, an end-use statement, an import certificate, a

delivery verification certificate and a licence for the transfer, export, import and transit of goods of strategic significance” contains provisions on the amount of duties for each type of document as well as determines procedure when and how the duty should be paid.

- Regulation of the Cabinet of Ministers No. 866 of August 4, 2009, “By-laws of the Committee for Control of Goods of Strategic Significance”. The Committee is a collegial control institution subordinate to the Minister for Foreign Affairs responsible for the control of the circulation of goods of strategic significance. Regulation determines functions and responsibilities of the Committee as well as sets out duties of various representatives from institutions involved in export control. Regulation is amended on regular basis according to changes in different institutions involved in the control process.
- Regulation of the Cabinet of Ministers No. 645 of September 25, 2007, “Regulation on the National List of Goods and Services of Strategic Significance”. Regulation provides the list of goods to be controlled additional to those included in the EU Council Regulation 428/2009 Annex I and Common Military List of the EU.
- Regulation of the Cabinet of Ministers No. 331 of May 8, 2012, “Procedures for the Issuance of a Special Permit (Licence) for Commercial Activities with the Goods Referred to in the Common Military List of the European Union”. This Regulation prescribes the procedures, by which the Ministry of Defence shall issue a special permit (licence) of specific form for commercial activities with the goods referred to in the Common Military List of the European Union (hereinafter - special permit (licence)), the procedures for the re-registration, cancellation, and suspension of activity of the special permit (licence), as well as the amount of the State fee to be paid for the issuance and re-registration of a special permit (licence).
- Regulation of the Cabinet of Ministers No. 495 of July 26, 2016 “Regulation on Issuing, Suspending and Withdrawing prior permit for the transfer of firearms and ammunition or explosives among European Union Member States”. The regulation set down procedures for issuing, suspending and withdrawing prior permit for the transfer of firearms and ammunition or explosives among Member States of the European Union. The prior permits are issued by the State Police.
- Regulation of the Cabinet of Ministers No. 210 of May 21, 2019, “Regulation on circulation of weapons and ammunition”.
- Regulation of the Cabinet of Ministers No. 211 of May 21, 2019, “Regulation Regarding the arms licensing and on the removal and destruction of weapons”.
- Regulation of the Cabinet of Ministers No. 212 of May 21, 2019, “Procedures by which the State Police classifies firearms and their ammunition”.
- Regulation of the Cabinet of Ministers No. 188 of May 7, 2019, “Procedure for Issue of License for Commercial Activities with Arms, Ammunition and Special Means and Procedure and Amount of Payment of State Fees”.

- Regulation of the Cabinet of Ministers No. 182 of April 30, 2019, “Procedures for marking firearms, their essential components and ammunition, high energy pneumatic weapons, gas weapons and signal weapons”.
- Regulation of the Cabinet of Ministers No. 158 of April 16, 2019, “Regulation on Technical Specification for the Conversion of a Firearm into a Salute (Acoustic Weapon) and Salute (Acoustic Weapon) Certificate Issuance, Registration and State Duties Payment Procedure and Amount”.
- Regulation of the Cabinet of Ministers No. 157 of April 16, 2019 “Regulation on the Procedure for Issue of Proof of Deactivation of Firearms and High Energy Pneumatic Weapons and State Duty”.
- Regulation of the Cabinet of Ministers No. 536 of November 19, 2019 “Procedures for Commercial Circulation of Weapons, Ammunition and Special Means”.
- Regulation of the Cabinet of Ministers No. 191 of April 7, 2020 “Content and Procedures for the Qualification Examination of the Handling of Weapons and Ammunition and the Amount of the State Fee and the State Fee Payment Procedure”.
- Regulation of the Cabinet of Ministers No. 261 of May 5, 2020 “Procedures for Classification of Gas Weapons and Signalling Weapons and Verification of Conformity Thereof with Category E, as well as Technical Specifications for Category E Weapons”.
- Regulation of the Cabinet of Ministers No. 76 of February 4, 2020 “Regulation of Arms Register”.
- Regulation of the Cabinet of Ministers No. 120 of February 25, 2020 “Regulation of Licence and Certificate Register”.

3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party?

Latvian Government fully supports the EU initiatives regarding the non-proliferation and arms control and has aligned itself with the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, EU Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technologies and equipment, EU Council Decision 2012/711/CFSP of 19 November 2012 on support for EU activities in order to promote, among third countries, the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP, EU Council Directive 2008/51/CE of 21 May 2008 on Control of the Acquisition and Possession of Weapons and EU Council Common Position 2003/468/CFSP on the Control of Arms Brokering.

Latvia implements the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons and is a State Party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or To Have Indiscriminate Effects (CCW) and all its additional Protocols.

4. The procedure for processing an application to export conventional arms and related technology:

- Who is the issuing authority?

The Committee for Control of Goods of Strategic Significance consistent of representatives from the responsible national authorities is in charge of controlling the circulation of conventional arms in the territory of the Republic of Latvia, controlling the transfer of goods of strategic significance among the European Union Member States, export, import, transit, distribution, production, development, storage, use, technical maintenance, repair, and intermediary transactions examining licence application and issuing licences. In accordance with the Regulation of the Cabinet of Ministers of July 20, 2010, No. 657 "Procedures for Issuing or Refusal to Issue a Licence for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance" application to export conventional arms and related technology can be processed if applicant has a permit issued according to the Regulation of the Cabinet of Ministers No. 331 of May 8, 2012 "Procedures for the Issuance of a Special Permit (Licence) for Commercial Activities with the Goods Referred to in the Common Military List of the European Union", as exporters of military items and brokers require special permission from the Ministry of Defence. Licence has to be issued within one month after receiving an application and all additional documents. If additional information or investigations is required, this period may be firstly prolonged for 1 month and then as far as all necessary information is received.

- What other authorities are involved and what is their function?

Ministry of Foreign Affairs – international commitments, export control regimes, export control policy, coordination of work of the Committee for Control of Goods of Strategic Significance.

Ministry of Defence – issues special permits (licences) to individual merchants or commercial companies for commercial activities with goods referred to in in the Common Military List of the EU as well as ensures certification of the licenced companies for the transfer of defence-related-products within the EU.

Ministry of Interior – issuing special permissions to exporters and importers of civilian firearms, ammunition, industrial explosives and pyrotechnical devices.

National Revenue Service, Customs Board – control of circulation of goods.

State Police and State Security Institutions – information exchange and risk analysis.

- Who deals with compliance?

The Committee for Control of Goods of Strategic Significance and the Division of Export Control of Strategic Goods of Ministry of Foreign Affairs of the Republic of Latvia.

5. Lists of conventional weaponry under national export controls and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.

The conventional arms and the related technologies are controlled according to the following lists:

- Common Military List of the European Union;
- The Wassenaar Arrangement Munitions List;
- Regulation of the Cabinet of Ministers No. 645 of September 25, 2007, "Regulations on the National List of Goods and Services of Strategic Significance".

The Law on the Circulation of Goods of Strategic Significance states that control of circulation of these goods shall take place in accordance with the Law On the Circulation of Goods of Strategic Significance, the international obligations of the Republic of Latvia, the requirements of international export control regimes - the Australia Group, the Wassenaar Arrangement, the Missile Technology Control Regime and the Nuclear Suppliers Group as well as Regulation No 2021/821 and other laws and regulations governing the circulation of goods of strategic significance.

6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete *erga omnes* system or a published list of:

- destinations of concerns?
- embargoed countries?
- differentiation between destinations (e.g. is there any preferential treatment of groups or countries?)

According to the Law On the Circulation of Goods of Strategic Significance the Committee for Control of Goods of Strategic Significance is entitled to refuse the issuance of licences for such goods, including conventional arms, if the issuance thereof is in conflict with the general foreign policy guidelines of the Republic of Latvia, embargos determined by the EU, UN and OSCE or the objectives of this Law. The Regulations of the Cabinet of Ministers No. 657 based on this law includes criteria set out by Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technologies and equipment. Transactions with military technologies and equipment can be carried out only after careful analysis of the situation in the receiving state, consultation with experts and receiving credible guarantees from the end-user.

In Latvia each application for export or transit licence is analysed on case-by-case basis. There is data base of denials issued by EU members and this data base is referred to when application is processed and there is information that another country has issued denial for the particular goods, state, entity or person. There is a list of international sanctions and embargoes in force published on the web site of the Ministry of Foreign Affairs.

7. Requirements for the provision of an end-user certificate in an export license application, or of non-re-exportation clause, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of end-user certificate and/or non-re-exportation clause before and after delivery.

For every export and transit transactions with strategic goods the end-user certificate is required. The importer shall provide Import Certificate or the End Use Certificate in which

the importer certifies that the goods shall not be used in any relation to weapons of mass destruction or means for their delivery, as well as acknowledges that he is aware that these goods are controlled in accordance with the laws of Latvia and the exporting country and that violation of those laws is a criminal offence. The importer also undertakes not to divert, re-export or trans-ship the goods without a written permission of the export control authorities and the export control authorities of the exporting country, as well as to inform the export control authorities, in case it has come to their knowledge that the goods might be used for production of weapons of mass destruction or means for their delivery.

Delivery Verification Certificates in standard form are issued by the export control authorities on request of the applicant stating the date and place of arrival, mode of transport, the number of corresponding import certificate and customs declaration.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

Being EU member state Latvia follows EU Customs Code.

Latvia does not differ between conventional arms and general strategic goods policy, so the definition is as follows.

The external transit procedure shall allow the movement from one point to another within the customs territory of the EU Community of:

- non-EU Community goods without such goods being subject to import duties and other charges or to commercial policy measures;
- EU Community goods, in cases and on conditions determined in accordance with the EU Communities procedure in order to prevent products covered by or benefiting from export measures.

The internal transit procedure determines conditions that allow the movement of EU Community goods from one point to another within the customs territory of the Community passing through the territory of a third country without any change in their customs status.

If a company registered in Latvia is involved in transit of strategic goods the transit licence is needed even if strategic goods do not pass the territory of the Republic of Latvia.

Transit licences are not required if strategic goods pass the territory of the Republic of Latvia by foreign forwarder. In such case export license from exporting state and import license or import certificate from importing state is necessary for decision making.

9. The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?

Companies may enter into contract negotiations without official governmental authority, however companies have to have a special permission (licence) issued by the Ministry of Defence and export licence issued by the Committee for Control of Goods of Strategic Significance to export arms by the time they make transaction.

10. Policy on the revocation of export licenses once they have been approved; please list any published regulations.

According to the Regulation of the Cabinet of Ministers of July 20, 2010, No. 657 "Procedures for Issuing or Refusal to Issue a Licence for Goods of Strategic Significance and Other Documents Related to the Circulation of Goods of Strategic Significance" export control authorities may revoke license, even after the licence has been approved, if state of emergency including armed conflict brakes out in a respective recipient country, to which the goods referred to in the Common Military List of the EU are exported or moved in transit.

According to Regulation of the Cabinet of Ministers No. 495 of July 26, 2016 "Procedures for Issuing, Suspending and Withdrawing prior permit for the transfer of firearms and ammunition or explosives among European Union Member States", the State Police may suspend or withdraw prior permit for the transfer of firearms and ammunition or explosives among EU Member States in following cases:

- Special permits (licences) period of validity has ended or Special permit (licence) is suspended;
- Ongoing examination of the facts the result of which may be the basis for the revoke of the Special permit (licence);
- Firearms and ammunition or explosives import into the Republic of Latvia is prohibited with the national regulation or international agreements;
- There is a reasonable suspicion that the firearms, ammunition and explosives will be used illegally, creating a threat to public safety.

11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.

The Criminal Law provides liability:

• For the unauthorised manufacture, repair, acquisition, storage, carrying, transportation, forwarding and sale of firearms, essential components of firearms, firearm ammunition, high-powered pneumatic weapons, explosives and explosive devices, and violation of disposal regulations – Article 233 defines punishment for a person:

- who disposes firearms, essential components of a firearm, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices to a person who does not have a relevant permit or special permit (licence), if committed by a person who has a relevant permit or special permit (licence), the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or probationary supervision, or community service, or a fine.

- who commits manufacturing, repair, acquiring, storing, carrying, transporting, forwarding or disposal of firearms, essential components, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices, without the relevant licence, the applicable punishment is deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or probationary supervision, or community service, or a fine.

- who commits the acts provided for by Paragraph two of this Section, if they have been committed by an organised group, the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with probationary supervision for a period of up to three years.

- For unauthorised storage, carrying, transportation and forwarding of firearms, essential components of firearms, firearm ammunition, high-powered pneumatic weapons, explosives and explosive devices, if as a result of which any of the abovementioned items has been lost or acquired by another person, the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or probationary supervision, or community service, or a fine. For a person who commits the same offence, if serious consequences have been caused thereby, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision, or community service, or a fine. (*Article 236*)

- Violation of the conditions or procedures for the use or utilisation of a firearm or a high-powered pneumatic weapon or a violation of the procedures for the utilisation of explosives or explosive devices, if it has been committed by a person permitted to acquire, store or carry a firearm or a high-powered pneumatic weapon or who has the right to utilise explosives or explosive devices, and if substantial harm has been caused thereby, shall be punishable by deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or probationary supervision, or community service, or a fine. In the case of a similar offence causing serious consequences the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision, or community service, or a fine. (*Article 237*)

- Violation of provisions for the circulation of goods of strategic significance - for a person who commits the violation of the provisions for the circulation of goods of strategic significance, if substantial harm has been caused thereby, the applicable punishment is deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or probationary supervision, or community service, or a fine. For a person who commits the violation of the prohibition of the circulation of equipment, devices or instruments or the components or software thereof specially created or adapted for investigatory operational measures or for disturbance thereof, the applicable punishment is deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or probationary supervision, or community service, or fine, with the deprivation of the right to engage in specific employment for a period of up to five years. (*Article 237.¹*)

- In addition, Articles of the Criminal Law on committing various crimes provide that the use of arms (employing weapons or explosives) in committing such crimes is considered an aggravating circumstance.

- Movement of Goods and Substances the Circulation of which is Prohibited or Specially Regulated across the State border of the Republic of Latvia (*Article 190.¹*):

- for a person who commits moving of a narcotic or psychotropic substance, the source material (precursor) intended for the manufacture of such substances, new

psychoactive substance or a product containing it the handling of which is prohibited or restricted, as well as radioactive or hazardous substance, goods of strategic importance or other valuable property, explosive, weapon and ammunition across the State border of the Republic of Latvia in any illegal way, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property;

- for the commission of the same acts, if they have been committed by a group of persons according to a prior agreement, or if they have been committed on a large scale, the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property;

- for the commission of the same acts, if they have been committed by an organised group, the applicable punishment is deprivation of liberty for a period up to twelve years, with or without confiscation of property, with probationary supervision for a period up to three years, with deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to engage in specific employment or the right to take up a specific office for a period up to five years.

All administrative penalties are included in the appropriate laws since July 1, 2020:

- The Law on the Circulation of Goods of Strategic Significance (Article 20. Violation of the regulations for circulation of goods of strategic significance) provides liability:

- For the commencement of commercial activities without a special permit (license) issued by the Ministry of Defence for commercial activities with goods referred to in the Common military list of the EU or a special permit (licence) issued by the State Security Service for commercial activities with the special equipment and software referred to in the National List of Goods and Services of Strategic Significance of the Republic of Latvia, a fine is imposed on a natural person or on a board member from 280 EUR to 700 EUR, with or without withdrawing of the right for the board member to hold specific positions in commercial companies from 1 month to 3 years.

- For the transfer of goods of strategic significance within EU, brokering transactions, customs procedure - release into free circulation, declaring for export or re-export, submission of a re-export notification or the transfer of such goods in transit through the territory of the Republic of Latvia which are intended for a consignee in a third country without the license a fine from 50 EUR to 350 EUR is imposed on a natural person and fine from 280 EUR to 3000 EUR is imposed on a legal person.

The Chapter XX of the Law on the Handling of Weapons provides for administrative liability for violations of order of circulation of weapons, ammunition, their components and special means and the competence of institutions conducting the procedure of administrative violations:

- Article 98. Violation of the provisions of the handling of weapons, ammunition, their components and special means.

- A fine shall be imposed on a natural person from ten to one hundred fine units¹, but on a legal person - from twenty to two hundred fine units for:

- o violation of the provisions of the handling of a gas weapon and a signal weapon or their ammunition;
- o violation of the provisions of the handling of a low-energy pneumatic weapon, an airsoft weapon, paintball weapon, laser tag device, deactivated weapon, non-firearm weapon or special means.

- For the violation of the provisions of the handling of a firearm, a salute weapon (acoustic weapon), a high-energy pneumatic weapon, an exchangeable essential component of a firearm, a fire sound suppressor (silencer), or ammunition of a firearm or salute weapon (acoustic weapon) or a component of ammunition that has been committed by a person who has a relevant authorisation for weapons, a fine from twenty to one hundred and fifty units of fine shall be imposed on a natural person by depriving this person of the right of acquisition, possession, and carrying of a firearm and a high-energy pneumatic weapon for a period from one to three years or without it, but a fine from forty to three hundred units of fine shall be imposed on a legal person by depriving this person of the right of acquisition and possession of a firearm, a salute weapon (acoustic weapon), and a high-energy pneumatic weapon for a period from one to three years or without it.

• Article 101. Violation of the procedure for commercial handling of weapons, ammunition and special means.

For commercial handling of a weapon, ammunition, their components or special means committed by a legal person to which a special permit (license) has been issued for the performance of the relevant commercial activity, a fine from fifty to three hundred fine units shall be imposed on a legal person for violation of the procedure.

• Article 102. Commercial activities without a special permit (license) in the field of arms circulation.

For commercial activities with weapons, ammunition and special means, components of firearms and ammunition (including gunpowder) without a special permit (license), a fine from three hundred to four hundred fine units shall be imposed on a natural person or a member of the board by depriving him or her of the right to hold specific offices in commercial companies for a period from one to five years or without it.

12. Any circumstances in which the export of arms does not require an export licence?

There is one exception with regard to import - if the institutions under subordination or supervision of the Ministry of Defence, Ministry of Justice and Ministry of Interior transfers goods specified in the Common Military List of the European Union from another EU Member State or European Economic Area (EEA) State or import them without the intermediation of merchants then import licence for such transaction is not required.

¹ The amount of one fine unit is specified in the Law on Administrative Liability and is currently 5 EUR.

No export license is required for the institutions above, if above mentioned goods are sent for the repair to EU, EEA or NATO State, as well as, if that goods are transferred to another EU Member State or EEA State or export them without the intermediation of merchants and if the abovementioned goods are necessary to such institutions within the scope of missions of the NATO, the EU, the United Nations Organisation, or the OSCE.

The Constitution Protection Bureau, institutions under subordination of the Ministry of Interior and the Ministry of Defence, Prison Administration and Security Department of the Bank of Latvia is not required to obtain a special permit (licence) for commercial activities with goods specified in the Common Military List of the European Union.

A special permit (licence) issued by the Ministry of Defence for commercial activities with goods specified in the Common Military List of the European Union is not required if licence for the transfer, export, import or transit of military goods specified in the Common Military List of the European Union is requested by natural person, who exports, imports or transfers firearm accessories for his/her own needs, which are not specially provided for or adapted for military use, but are provided for mounting on firearm owned by the person.

A transit licence shall not be necessary if the transit of goods of strategic significance is being performed by a forwarder registered in a foreign country and an export licence or export permit issued by institutions of the exporting country is affixed to the freight, or a document equivalent to these and an import licence of the importing country or an international import certificate, or end-use statement thereto.

There are some exceptions in place concerning transfers within EU applied to military as well as dual-use goods. Accordingly, National General Export Authorisation for dual-use goods and General Transfer Licence for military goods are both published in official paper by Control Committee and do not require to obtain individual export licence. Those general licences require that entities meet some specific criteria. General Transfer Licence, for example, can be used by entities for transfers of military goods within EU if they are certified by Ministry of Defence as producers of those military goods.

13. Licences for temporary export (e.g. demonstration or testing), the period allowed and any special conditions attached to the license, including verification or return procedures.

The State Police issues permits for temporary export of firearms, their exchangeable essential components and ammunition, deactivated firearms from Latvia to the Member States of the EU, European Economic Area (EEA) countries or third countries in accordance with the Regulation of the Cabinet of Ministers No. 211 of 21 May, 2019 "Regulations on Permits for Firearms and on Removal and Destruction of Weapons".

To obtain a temporary export permit the applicant (this applies to legal persons only) must obtain a document of prior consent from the destination country first if the destination country is an EU Member State or an EEA country.

If the temporary firearms export destination is in a third country (applies to both, natural and legal persons), a permit confirming the right of applicant to temporarily import firearms to the destination country must be obtained first. The validity period of the temporary

export permit does not exceed 90 days and is correlated with the validity period of temporary import permit issued by the destination country (third country).

The document of prior consent or the permit of temporary firearms import (whichever applicable) must be attached to the application of temporary export permit.

The State Police will reject an application (if the applicant is a natural person) for a temporary export permit if at least one of the following statements apply:

- the firearm is not registered for hunting or sports;
- the firearm is not registered with the State Police (Firearms register) and has not been deactivated in accordance with EU Regulation 2015/2403;
- the relevant authority in the third country has not authorized an import of firearms into the country for a specified period of time;
- the applicant has not paid the state fee for obtaining the relevant permit.

The State Police will reject an application (if the applicant is a legal person) for a temporary export permit if at least one of the following statements apply:

- the firearm is not registered for hunting, sports, cultural use, historical event roleplay or firearms collection;
- the firearm is not registered with the State Police (Firearms register) and has not been deactivated in accordance with EU Regulation 2015/2403;
- the relevant authority in the third country has not authorized an import of firearms into the country for a specified period of time;
- a natural person (firearms handler) does not have a permit to operate with firearms that has been issued by the State Police;
- the applicant has not paid the state fee for obtaining the relevant permit.

When a person returns temporary exported firearms from a third country, the customs officers will check if the firearms the person is carrying match those that the temporary export permit was issued for.

When a person returns temporary exported firearms from an EU Member State or an EEA country, no special checks are performed. The State Police will perform routine checks of firearms in accordance with the Article 89 of the Law on the Handling of Weapons.

14. Licence documents and any standard conditions attached to it (copies to be provided).

Licenses are issued to applicants registered with the Latvian Commercial Register and to Government institutions for each separate export, import, transfer, brokering or transit transaction in strategic goods, including arms and weapons, valid for 6 months. The licensing procedure is similar for arms, weaponry, ammunition and military technology. There are no restrictions on quantity or value.

In order to receive a license, an applicant or Government institution shall submit to the Division of Export Control of Strategic Goods of the Ministry of Foreign Affairs of the

Republic of Latvia a license application addressed to the Committee on a specific form, attaching:

- the registration certificate of the business entity;
- special permit (licence) for individual types of commercial operations (if necessary according to Law on Circulation of Strategic Goods);
- contract or invoice (or copies thereof);
- international import certificate of the importing country and/or end-use certificate, permit or other equivalent document - only for export and transit.

The foreign international import certificate (or equivalent document) and End-Use Certificate may be in any language. If they are not written in Latvian, English, German or Russian, an official translation must be provided.

Strategic Goods, including arms, may be re-transferred with the permission of the Committee in accordance with the laws of the country of origin of the goods on export control.

The Division of export control of strategic goods of the Ministry of Foreign Affairs of the Republic of Latvia may request additional information from applicant on the origin of goods, their technical description and certification of end-use. In addition, the Division may note on the licenses, import certificates or end-use certificates conditions whose compliance is compulsory to the merchant.

When signing the license application, applicant certifies with his signature that according to information at his disposal, the goods will not be used in relation to weapons of mass destruction or devices for their delivery, and also that he is aware of the regulations controlling strategic goods in the Republic of Latvia and the liability for violating these regulations or providing false information.

A licence for the import of goods of strategic significance shall not be necessary if the institutions under subordination or supervision of the Ministry of Justice, the Ministry of the Interior or the Ministry of Defence transfer the goods referred to in the Common Military List of the European Union from another European Union Member State or European Economic Area State or import them without the intermediation of merchants.

The Department issues licences and other documents for a fee, except to State institutions and for temporary export or import (exhibitions, repairs etc.).

15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for.

Types of licenses issued in Latvia:

- Individual export, import and transit licence for goods listed in the annex 1 of EU regulation 2021/821, Common Military List of the EU and Latvian National List;
- EU inter-Community transfer licence for goods listed in the Annex IV of the EU regulation 2021/821, Common Military List of the EU and Latvian National List;
- General export and transit licences for goods listed in the Annex 1 of EU regulation 2021/821;

- National General Exports Authorisation (NGEA) for goods listed in the Annex 1 of EU regulation 2021/821 to countries outside EU;
- Global Transfer Licence for goods listed in Common Military List of the EU for transfer to one or more EU countries;
- General Transfer Licence for goods listed in Common Military List of the EU issued in accordance with Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community.

16. Advice given to exporters as to licencensability, such as the likelihood of approval for a possible transaction.

The export control authorities of the Republic of Latvia encourage companies to undergo consultations concerning particular transaction and end-user before signing the contract and applying for a licence.

In Latvia we have approximately 50 companies which are regularly engaged in export of controlled strategic goods. Latvia regularly organizes seminars for the industry and entities involved in trade with strategic goods.

17. The average number of export licences issued annually and the staff engaged in the export licensing procedure.

Latvia has issued 168 export licences. 141 licenses are transfers of military goods from Latvia to EU countries.

Export control staff:

- Licensing officers of the Ministry of Foreign Affairs who consult applicants applying for licenses both for military and dual-use goods - 1
- Technical experts of the Ministry of Foreign Affairs -2
- Head of the Division of the Ministry of Foreign Affairs - 1
- Officials of the Ministry of Defence and Ministry of Interior who give approval for export licensing – 2
- Chairman of the Control Committee who signs the licenses (the Ministry of Foreign Affairs) - 1
- Members of the Control Committee - 14

18. Any other relevant information pertaining to the export of conventional arms and related technology, additional laws, reports to Parliament, special procedures for certain goods.

Latvia fully shares the concern of the international community regarding the arms brokers' activities that may contribute to excessive and destabilizing accumulations of conventional arms and military technologies. By the introduction of appropriate laws and regulations, as well as relevant international legal instruments and effective law enforcement controls the international community could effectively address the problem of unauthorized and illicit arms trafficking.

To that end, Latvia already in 1997 established registration and special permissions for arms brokering. A company must apply for a license for every export/import, brokering or transit transaction of strategic goods. The license is also required if goods are transferred by the company in transit outside the Republic of Latvia.

19. Are all guidelines governing conventional arms transfers nationally published?

All guidelines are included in national laws and regulations and they are nationally published, including on the website of the Ministry of Foreign Affairs of the Republic of Latvia making them easily accessible for public.