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LATVIJAS REPUBLIKAS PASTĀVĪGĀ PĀRSTĀVNICĪBA ANO, EDSO UN CITĀS
STARPTAUTISKAJĀS ORGANIZĀCIJĀS VĪNĒ
PERMANENT MISSION OF THE REPUBLIC OF LATVIA TO THE UN, OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

Verbal Note

No. 2.3.5.-178

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, and with reference to FSC.DEC 17/10 has the honour to submit Latvia's information exchange on the control of brokering of Small Arms and Light Weapons.

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other International Organizations 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, 23 August, 2011

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

Vienna

*) Change of distribution status, text remains unchanged

QUESTIONNAIRE

Question	Sources	Question	Yes	No
1	PoA II.14	<i>Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?</i>	Y	
2		<i>List laws and/or administrative procedures regulating SALW brokering in your country.</i> Law on the Circulation of Goods of Strategic Significance (LCGSS) and the regulations of the Cabinet of Ministers thereof.		
3	GGE Report, paragraph 63(i)	<i>Are those laws and procedures part of the national export control system?</i>	Y	
4	FSC.DEC/8/04	<i>Does your country have a definition of brokering activities by persons and entities?</i>	Y	
4a		<i>Sect.1 LCGSS - circulation of goods of strategic significance means the transfer of goods of strategic significance among the European Union Member States, export (including technology export in an intangible form – orally, by telephone or means of electronic communication), import, transit, distribution, production, development, storage, use, technical maintenance, repair and intermediary transactions.</i>		
5		<i>Does your country require brokers to register before they can apply for brokering licences?</i> <i>Sect.5 LCGSS - individual merchants or commercial companies are entitled to receive a special permit.</i>	Y	
6		<i>Does your country require a licence to engage in brokering activities?</i> <i>Sect.1 LCGSS - licence for goods of strategic significance gives the entity for the circulation of goods of strategic significance the right to transfer goods of strategic significance among European Union Member States or to perform transactions of export, import or transit of goods of strategic significance with countries that are not European Union Member States.</i>	Y	
7		<i>Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences?</i> <i>Sect.5 LCGSS (among other restrictions)– licence can be obtained if there is no information at the disposal of the State security services that the activities of the relevant merchant are directed against the security of the Republic</i>	Y	

		<p>of Latvia or that this merchant violates the restrictions incorporated in international treaties or prescribed by international organisations, and if the participants, heads, persons that take up office in administrative bodies, as well as employees who are directly associated with the production, repair, distribution, storage and transportation of military goods specified in the Common Military List of the European Union or the provision of services or guarding associated with these, conform to the following requirements:</p> <ol style="list-style-type: none"> 1) they are citizens of the Republic of Latvia or citizens of a European Union Member State, or citizens of a European Economic Area State who have reached the age of at least 21; 2) they have not been sentenced for the committing of a criminal offence – at least one year after a conviction being extinguished or removed; 3) a psychiatrist’s opinion that they have not been diagnosed with mental disorders is available; 4) a neurologist’s opinion that they have not been diagnosed with addiction to alcohol, narcotics, psychotropic or toxic substances is available; 5) within the period of the last year they have not been administratively sanctioned for violations committed under the influence of alcohol, narcotics, psychotropic or toxic substances; 6) the State police, the public prosecutor or State security institutions have no information that would attest to their affiliation to prohibited military or armed groups, public organisations (parties) or the unions thereof; 7) they have a declared (registered) place of residence; and, 8) they have not been convicted for the intentional committing of a criminal offence. 		
8	PoA II.14	<i>Does your country keep a register of SALW brokers/traders?</i>	Y	
9	FSC.DEC/8/04	<i>Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?</i>	Y	
10		<i>Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?</i>	Y	
11		<i>Does your country control brokering activities outside</i>	Y	

		<i>your territory carried out by non-citizen residents who are established in your country's territory?</i>		
12	BPG, Brokering, V (1)	<i>What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction?</i> Regulation (EC) No.428/2009.		
13	BPG, Brokering, V (5(i))	<i>Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?</i> <i>Sect.1 LCGSS - end-use statement is a document (certificate) approved by a competent control authority, with which an entity for the circulation of goods of strategic significance prior to the receipt of goods declares to the consigner of the goods, that the goods of strategic significance received shall only be utilised for the purposes indicated, shall not be utilised in association with weapons of mass destruction or the means for delivery thereof and shall not be handed over to third persons.</i>	Y	
14	PoA II.14	<i>Does your country require a licence, permit or other authorization for each brokering transaction?</i>	Y	
15	GGE Report paragraph 44	<i>Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?</i>	Y	
16		<i>Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?</i>	Y	
16a		<i>Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials)</i> <i>Sect.4 LCGSS - an import licence for goods of strategic significance shall not be necessary if the National Armed Forces, Prison Administration or authorities existing under the subordination or supervision of the Ministry of the Interior transfer goods specified in the Common Military List of the European Union from another European Union Member State or import these without the mediation of a Merchant.</i>		
17		<i>What are the criteria for granting a licence, permit or other authorization?</i>		

		See question 7 above.		
18	BPG, Brokering, V (3)	<i>Is ex post facto licensing possible?</i>		N
19		<i>Does your country have measures to validate the authenticity of documentation submitted by the broker?</i>	Y	
19a		The documents are validated in cooperation with other government agencies, such as State Police, State Revenue Service etc.		
20	FSC.DEC/8/04	<i>Does your country keep records of all licences or written authorizations issued?</i> Indefinitely.	Y	
21	BPG, Brokering, V (4(ii))	<i>Does your country require brokers to report regularly on their activities?</i>	Y	
22	PoA II.3	<i>Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country?</i> Criminal Law - Section 190.¹ Movement of Goods and Substances the Circulation of which is Prohibited or Specially Regulated across the State border of the Republic of Latvia (1) For a person who commits the moving of narcotic or psychotropic substances or the source materials (precursors) for the preparation of such substances, as well as radioactive or hazardous substances, goods of strategic importance or other valuable property, explosives, weapons and ammunition across the State border of the Republic of Latvia in any illegal way, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property. (2) For a person who commits the same acts, if the commission thereof is repeated, or where committed in a group of persons pursuant to prior agreement, or if such is committed on a large scale, the applicable punishment is deprivation of liberty for a term of not less than ten years, with or without confiscation of property. (3) For a person who commits the same acts, where committed in an organised group, the applicable punishment is deprivation of liberty for a	Y	

		<p>term of not less than twelve years, with confiscation of property, and with police supervision for a term not exceeding three years.</p> <p><i>Criminal Law Section 237.¹ Violation of the Provisions for the Circulation of Goods of Strategic Significance</i></p> <p>For the violation of the provisions for the circulation of goods of strategic significance, if it has caused substantial harm, or for the violation of the prohibition of the circulation of equipment, devices or instruments or the components thereof specially created or adapted for investigatory operational measures to be performed by a specific method,</p> <p>the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.</p>		
23		<i>Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration?</i>		N
24		<i>Does your country regulate activities that are closely associated with the brokering of SALW?</i>	Y	
24a		<i>If so, which of the following activities are regulated (check relevant boxes)?</i>		
		<i>a) acting as dealers or agents in SALW</i>	Y	
		<i>b) Providing for technical assistance</i>	Y	
		<i>c) Training</i>		
		<i>d) Transport</i>	Y	
		<i>e) Freight forwarding</i>	Y	
		<i>f) Storage</i>	Y	
		<i>g) Finance</i>		
		<i>h) Insurance</i>		
		<i>i) Maintenance</i>	Y	
		<i>j) Security</i>	Y	
		<i>k) Other services</i>		
25		<i>Are these activities regulated by legislation on brokering or any other legislation?</i>	Y	
26	PoA II.14	<i>What penalties or sanctions does your country impose for</i>		

		<i>illegal brokering activities?</i>		
		See question 22 above.		
27	PoA II.14	<i>If the answer to question 1 is "no", does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?</i>	N/A	
28		<i>What kind of assistance do you require?</i>	N/A	
29		<i>Has your country developed a project proposal for assistance?</i>	N/A	
29a		<i>Does your country require training on controlling brokering activities in SALW?</i>	Y	
30	PoA II.6	<i>During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?</i>		N
31		<i>Is your country content for these replies to be published on the OSCE website?</i>	Y	