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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 1139

Adopted 6 October 2009

Procedures for Keeping, Registration, Holding in Captivity, Marking, Trade of Specimens of Species Endangered by the International Trade and Issuance of Certificates

*Issued pursuant to
Section 4, Clause 12 of the Law On the Conservation of Species and Biotopes*

I. General Provisions

1. This Regulation prescribes:

1.1. the procedures for keeping, registration, holding in captivity, marking, trade of specimens of species endangered by the international trade and issuance of certificates;

1.2. the procedures for registration and issuance of certificates to private individuals and institutions (hereinafter – person) engaged in production, packaging or repackaging of caviar;

1.3. the procedures for registering animal and plant breeders included in Annex A to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (hereinafter – Council Regulation (EC) No 338/97).

2. Terms used in this Regulation:

2.1. non-reusable label – a label or sticker with which each container of caviar is sealed off so that it could not be opened, and which cannot be removed and moved to other containers, without leaving visible damages;

2.2. source code – letters (for example, W, C, F) which according to the source of caviar and animals are laid down in Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (hereinafter – Commission Regulation No 865/2006);

2.3. caviar – specially prepared unfertilised roe of sturgeon species *Acipenseriformes* spp.;

2.4. packer and re-packer of caviar – a person who is engaged in preparation of and trade in caviar, packaging or re-packaging it in primary packagings;

2.5. country of origin of caviar – country in which caviar has been acquired in the wild or in aquacultures and packaged in primary packaging;

2.6. producer of caviar – a person who packages caviar in primary packaging in the country of origin of caviar;

2.7. commercial purposes – buying, selling, keeping for the purpose of selling, offering for buying or selling, displaying for commercial purposes, advertising, photographing, leasing, breeding and propagating for the purpose of acquiring profit or other similar activities in order to acquire profit, unless the activity does not have a clear non-commercial nature;

2.8. primary packaging – packaging which is in direct contact with caviar;

2.9. secondary packaging – packaging in which the primary packaging is inserted;

2.10. code of species – identification code of sturgeon species, hybrids and mixed species (Annex 1).

3. A document certifying legal origin of an animal is:

3.1. a permit or certificate of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (hereinafter – CITES permit or CITES certificate);

3.2. an accompanying note on which the Latin name of the animal or the number of the CITES permit or CITES certificate is indicated;

3.3. a document in which a registered breeder is indicated, if the country of origin of the endangered animal is any of the European Union Member States;

3.4. a document certifying that the owner or legal possessor of the animal (hereinafter – owner) has obtained this animal in his or her possession before 1997 when the Republic of Latvia joined the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, or before the animal was included in annexes to Council Regulation No 338/97;

3.5. a document in which the previous owner of the animal and location where the animal was held, the Latin name of the animal species and the characteristic or special features are indicated, if the animal has been received as a gift or inheritance or if the animal has been left or abandoned for care in a registered place for holding wild animal species, an animal shelter or a registered zoo;

3.6. a permit for acquiring individuals of non-hunttable species, which has been received in accordance with the laws and regulations regarding the procedures for issuing permits for acquisition of individuals of non-hunttable species, introducing wild animals not characteristic to the nature of Latvia, as well as repopulating (re-introducing) animals in nature if the animal has been acquired in the wild in Latvia;

3.7. a permit issued by the State Forest Service for the acquisition or holding captive of hunttable animals;

3.8. Section B of the animal registration and marking sheet issued by the Nature Conservation Agency (hereinafter – Agency);

3.9. a veterinary (health) certificate of the animals referred to in Annex B to Council Regulation No 338/97 for trade in animals from a holding;

3.10. an individual report of the International Species Information System on an animal, in which the number of the CITES permit or CITES certificate or the number of the accompanying note is indicated.

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4. Any document of legal origin must contain the Latin name of the animal.

II. Holding Captive, Registration and Marking of Animals

5. A specimen of live mammal, bird or reptile species included in Annexes A and B to Council Regulation No 338/97 (hereinafter – the endangered animal) shall be held captive in

accordance with the laws and regulations regarding animal welfare and holding of wild animals captive.

6. The endangered animal shall be registered and marked within three months after its purchase, or if the endangered animal has been acquired in ownership after coming into force of this Regulation, then within a year after the day of coming into force of this Regulation. The animals referred to in Annex 2 to this Regulation need not be registered, if the owner can prove by a document certifying legal origin that the endangered animal was born and bred in captivity.

[18 September 2012]

6.¹ The animal species to be marked are laid down in Article 62 of Commission Regulation No 865/2006.

[18 September 2012]

7. The owner shall pay a State fee for registration of each endangered animal.

8. The Agency shall ensure on its website access to the animal registration and marking sheet (Annex 4), as well as to the report sheet on change of the owner or holding place (Annex 5) and the report sheet on the death of the animal (Annex 6).

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9. In order to register and mark the endangered animal, the owner shall submit an application to the Agency regarding registration and marking of the animal and Section A of the animal registration and marking sheet, indicating therein:

9.1. the date of birth and sex of the endangered animal;

9.1.¹ the name of species of the endangered animal in Latvian and Latin;

9.2. the name and special characteristics of the endangered animal;

9.3. the address where the endangered animal is held or is intended to be held for more than six months a year;

9.4. *[18 September 2012]*;

9.5. the given name, surname or name of the owner;

9.6. the personal identity number or registration number of the owner;

9.7. the declared place of residence or legal address, telephone number and electronic mail address of the owner.

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9.¹ If the animal is already permanently marked on the day of registration, the owner shall indicate the type of marking, the number, the place of localisation and, if known, the number of the certificate of the practising veterinarian in Section A of the animal registration and marking sheet.

[18 September 2012]

10. If the endangered animal has two or more owners, only one owner shall be indicated in the animal registration and marking sheet according to a mutual written agreement of the owners. The agreement shall be drawn up in at least two copies, and it shall be confirmed by all owners with a signature. One copy of the agreement shall be appended to the animal registration and marking sheet.

11. The owner shall be responsible for the veracity of the information provided in the animal registration and marking sheet.

12. The owner shall append a copy of a document certifying legal origin of the endangered animal to the animal registration and marking sheet, presenting the original.
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13. The Agency shall take a decision to survey the endangered animal at the place of residence within three working days after receipt of the application and the animal registration and marking sheet and shall inform the owner regarding the decision taken in writing, as well as complete Section B of the animal registration and marking sheet, indicating therein:

13.1. the Latvian and Latin name of the species of the endangered animal to be registered, if necessary, inviting an expert for determination of the species;

13.1.¹ the name and number of the document certifying legal origin of the endangered animal;

13.2. the necessity and justification of marking the endangered animal;

13.3. the type of marking, if marking is necessary;

13.4. the date when the section was completed;

13.5. the telephone number of the employee.

[18 September 2012]

14. The following endangered animals shall be registered, but need not be marked:

14.1. the endangered animals included in Annex B of Council Regulation No 338/97, which are not used for trade or advertising purposes;

14.2. the endangered animals from genera *Bradipodion*, *Brookesia*, *Calumma*, *Cordylus*, *Cyrtodactylus*, *Furcifer*, *Kinyongia*, *Nadzikambia*, *Phelsuma*, *Uromastix* and *Uroplatus*.

[18 September 2012]

15. If marking of the endangered animal is necessary, the Agency shall indicate the type of marking in Section B of the animal registration and marking sheet:

15.1. a uniquely numbered, unalterable microchip transponder conforming to Latvian national standards LVS ISO 11784+A1:2008 “Radio frequency identification of animals – Code structure” and LVS ISO 11785:2008 “Radio frequency identification of animals – Technical concept” (hereinafter – the microchip);

15.2. a uniquely numbered band, tag or tattoo, if marking with the microchip is not appropriate because of the physical or behavioural properties of the endangered animal;

15.3. marking with a ring or photoidentification, if other means of marking are not appropriate because of the physical or behavioural properties of the endangered animal.

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16. The Agency shall issue the completed animal registration and marking sheet to the owner.

17. The owner shall ensure marking of the endangered animal with an practising veterinarian within 10 working days after receipt of the animal registration and marking sheet, presenting the animal registration and marking sheet.

[18 September 2012]

18. The practising veterinarian shall mark the endangered animal, as the Agency has indicated it in Section B of the animal registration and marking sheet, if it does not endanger the health or life of the animal. If the indicated means of marking are dangerous to the health or life of the endangered animal, the practising veterinarian shall issue a notice to the owner with an indication when repeat examination of the health condition of the endangered animal should be performed, and mark the endangered animal as soon as it is possible.

19. After marking the endangered animal the practising veterinarian shall complete Section C of the animal registration and marking sheet, indicating the type of marking, the number and the place of localisation, the date of marking and the date of completing Section C of the form, as well as the number of the certificate of the practising veterinarian, and shall issue the completed animal registration and marking sheet to the owner.

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20. The owner shall submit one copy of the animal registration and marking sheet to the Agency within five working days, and shall keep the other. The number of copies shall not apply to an animal registration and marking sheet prepared in the form of an electronic document.

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21. If the owner of a registered endangered animal changes, the previous owner shall inform the new owner regarding marking of the endangered animal and the necessary documents, as well as complete and submit to the Agency, within a month, a report sheet on change of the owner or place of holding of the animal, indicating:

21.1. that change of the owner has taken place;

21.2. the date of the event;

21.3. the Latvian and Latin name of the endangered animal species;

21.4. the type and number of marking;

21.5. the given name, surname or name of the new owner;

21.6. the personal identity number or registration number of the new owner;

21.7. the declared place of residence or legal address, telephone number and electronic mail address of the new owner;

21.8. the address of the place where the endangered animal is held and where it is intended to hold the endangered animal for more than six months a year;

21.9. the date of completing the form.

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22. If the owner of the endangered animal changes, the information indicated in the report sheet on change of the owner or place of holding of the animal shall be confirmed by the previous owner with a signature.

23. If the place of holding the endangered animal changes, the owner shall complete and submit, within a month, to the Agency the report sheet on change of the owner or place of holding of the animal, indicating:

23.1. that change of the place of holding has taken place;

23.2. the date of the event;

23.3. the Latvian and Latin name of the endangered animal;

23.4. the type and number of marking;

23.5. the address of the place where the endangered animal is held and where it is intended to hold the endangered animal for more than six months a year;

23.6. the date of completing the form.

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24. If death of the endangered animal has occurred, the owner shall complete and, within a month after establishing the fact, submit to the Agency the report sheet on the death of the animal, indicating:

24.1. the date of death of the endangered animal;

24.2. the Latvian and Latin name of the endangered animal species;

24.3. the type and number of marking;

24.4. the given name, surname or name of the owner;

24.5. the date of completing the form.

[18 September 2012]

25. The Agency shall create and maintain an electronic list of registered endangered animals (hereinafter – list). The following information shall be stored in the list:

25.1. the date of registration of the endangered animal;

25.2. the Latvian and Latin name of the endangered animal species;

25.3. the date of birth and sex of the endangered animal;

25.4. the date of death of the endangered animal if the report sheet on the death of the animal has been received;

25.5. the name or special characteristics of the endangered animal;

25.6. the address where the endangered animal is held or is intended to be held for more than six months a year;

25.7. the date when the place of holding the endangered animal was changed, if the report sheet on change of the owner or place of holding of the animal has been received, in which such an event is indicated;

25.8. the name and number of the document certifying legal origin of the endangered animal;

25.9. the given name, surname or name of the owner;

25.10. the date when the owner was changed, if the report sheet on change of the owner or place of holding of the animal has been received, in which such an event is indicated;

25.11. the personal identity number or registration number of the owner;

25.12. the declared place of residence or legal address, telephone number and electronic mail address of the owner;

25.13. the type of marking, the number and the place of localisation;

25.14. the date of marking;

25.15. the number of the certificate of the practising veterinarian who performed marking.

[18 September 2012]

26. The Agency shall include the relevant information in the list within five working days after receipt of the document referred to in Paragraphs 20, 21, 23 and 24 of this Regulation.

[18 September 2012]

27. *[18 September 2012]*

28. The Agency shall publish the information referred to in Sub-paragraphs 25.1, 25.2, 25.3, 25.5, 25.13 and 25.15 of this Regulation on its website within five working days after registering the animal.

[18 September 2012]

29. The owner shall, upon request of an employee of the Agency, the State Environmental Service or the Food and Veterinary Service, present the endangered animal, a document certifying legal origin of the endangered animal and the animal registration and marking sheet.

[18 September 2012]

30. The cases of disputes, if the Agency or the owner of the endangered animal do not receive the documents or notification referred to in Paragraphs 20, 21, 23 and 24 of this Regulation

within the specified time period or they have not been sent at all, shall be settled in accordance with the procedures laid down in the Administrative Procedure Law.
[18 September 2012]

III. Registration of a Producer, Packer and Re-packer of Caviar and Issuance of Certificates

31. In order for a person to be able to engage in preparation, production, packaging or re-packaging of caviar intended for trade, a certificate (Annex 7) and a four-digit code of the producer, packer or re-packer of caviar shall be received from the Agency.

32. In order to receive a certificate, the producer, packer or re-packer of caviar shall submit an application (Annex 8) in which the number of a food undertaking registration certificate or a food undertaking recognition certificate issued by the Food and Veterinary Service is also indicated. The following documents shall be appended to the application:

32.1. a sample of non-reusable label in accordance with the requirements laid down in Paragraphs 43, 46 and 48 of this Regulation;

32.2. copies of documents (presenting the originals) certifying legal acquisition of roe of sturgeon species;

32.3. *[18 September 2012]*.
[18 September 2012]

33. If the information indicated in the application is unspecific or the documents referred to in Paragraph 32 of this Regulation have not been appended to the application, the Agency shall inform the applicant within 14 working days after receipt of the application in writing, indicating the necessary information and the time period within which the requested information must be submitted.

34. The producer, packer or re-packer of caviar shall be responsible for the veracity of the information provided in the application.

35. The Agency shall issue a certificate within a month after receipt of all the documents referred to in Paragraph 32 of this Regulation, indicating the assigned four-digit number, or take a decision not to issue the certificate.

36. The Agency shall create and maintain an electronic list of the issued certificates.
[18 September 2012]

37. The Agency shall cancel the certificate, if the recipient of the certificate has provided misleading or false information in the application or does not conform to this Regulation.

38. The producer, packer or re-packer of caviar shall not be issued a certificate two years after cancellation of the certificate, if it has been cancelled for repeated provision of misleading or false information or repeat non-conformity with this Regulation.

39. The Agency shall once a year inform the Secretariat of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (hereinafter – CITES Secretariat) on the certificates issued and cancelled.

40. If changes are required to the non-reusable label, the producer, packer or re-packer of caviar shall inform the Agency thereof in writing. If written objections have not been received

from the Agency within 14 working days after informing, changes in the non-reusable label shall be deemed approved.

41. Cases of disputes, if the producer, packer or re-packer of caviar or the Agency does not receive the documents referred to in Paragraphs 33 and 40 of this Regulation within the specified time period or they have not been sent at all, shall be settled in accordance with the procedures laid down in the Administrative Procedure Law.

IV. Marking and Packaging of Caviar

42. The producer, packer or re-packer of caviar shall mark each primary and secondary packaging with a non-reusable label in accordance with the laws and regulations regarding marking of food products.

43. A non-reusable label is easy to see, made of resistant, appropriate material, not less than 30 x 20 millimetres. Information on a non-reusable label is printed, clearly legible and indelible.

44. Packaging shall ensure that any signs of opening the packaging may be visually established.

45. Caviar shall be packed and stored in accordance with the laws and regulations regarding materials coming into contact with food and the hygiene requirements for food products.

46. Upon packaging caviar, the producer of caviar shall mark each primary packaging with a non-reusable label, indicating:

- 46.1. the species code of caviar;
- 46.2. the source code of caviar (F code should be used if caviar is obtained from a female born in captivity and if at least one of her parents is of the wild by origin);
- 46.3. the ISO code of the country of origin of caviar;
- 46.4. the year when caviar was obtained;
- 46.5. the four-digit code assigned by the Agency;
- 46.6. the batch number of goods.

47. The non-reusable label of primary packaging, in which all the information referred to in Paragraph 46 of this Regulation is indicated, may be used for re-exportation of caviar, if caviar is not re-packaged.

48. Upon packaging caviar, the packer or re-packer of caviar shall mark each primary packaging with a non-reusable label, indicating:

- 48.1. the species code of caviar;
- 48.2. the source code of caviar (F code should be used if caviar is obtained from a female born in captivity and if at least one of her parents is of the wild by origin);
- 48.3. the ISO code of the country of origin of caviar;
- 48.4. the year of re-packaging;
- 48.5. the four-digit code assigned by the Agency, which is added to the ISO code of the country of re-packaging, if it is different from the ISO code of the country of origin of caviar (for example, IT-kkkk);
- 48.6. the number of the CITES export permit or CITES re-export certificate, but if caviar is produced in Latvia – the batch number of goods.

49. Upon exporting or re-exporting caviar, the producer, packer or re-packer of caviar shall indicate precise quantity of caviar on each secondary container.

50. Information which is indicated on the non-reusable label on the packaging shall also be indicated in the CITES import or export permit or CITES re-export certificate.

V. Registration of Animal and Plant Breeders Included in Annex A to Council Regulation No 338/97

51. An animal breeder who propagates or wishes to propagate specimens of the animal species included in Annex A to Council Regulation No 338/97 for commercial purposes in captivity (hereinafter – animal breeder) shall register with the Agency and receive a permit for propagation of animals for commercial purposes and a registration number of the animal breeder.

52. In order to receive a permit for propagation of animals for commercial purposes, the animal breeder shall submit an application to the Agency. The following shall be indicated in the application:

52.1. the given name, surname and personal identity number of a natural person-animal breeder, the name and registration number of a legal person;

52.2. contact information and address of the location of the farm;

52.3. the Latvian and Latin name for the species referred to in Annex A to Council Regulation No 338/97, which are propagated in captivity;

52.4. the number, age and sex of specimens for each species, which are used for initial propagation;

52.5. documents certifying legal origin in relation to breeding stock;

52.6. information regarding biological and physiological breeding characteristics of the animal species bred, including mortality rate according to species, age and sex for different groups in captivity, as well as the methodology for propagation and breeding;

52.7. information attesting that the species is successfully propagated until second offspring generation (F2);

52.8. if the animal breeder propagates animals only until first offspring generation (F1), then information attesting that the propagation method used would be successful also for producing second generation offspring;

52.9. information regarding the number of animal offspring which has been in the farm hitherto, the current number and the future anticipated number and, if possible, the number of females producing offspring each year, as well as the possible fluctuations in birth rate and an explanation thereto;

52.10. information regarding the need to supplement the population of breeding stock in the future, indicating the potential location of producing and species of animals in order to avoid inbreeding of related individuals;

52.11. the type of selling the animals (indicating whether the animals are sold alive or as produce, for example, skin, feather or other articles);

52.12. information regarding the means of marking the animals for breeding stock and animals or produce that will be used for commercial purposes;

52.13. information regarding participation in propagation programmes and other activities which are related to ensuring the protection of wild population, if such activities have been performed;

52.14. a certification of the owner that propagation and use of animals for commercial purposes will be performed with due regard to humane care, conforming to the physical and physiological needs of animals.

[18 September 2012]

53. Within a month after submitting the documents indicated in Paragraph 52 of this Regulation and consulting with the CITES Secretariat the Agency shall take a decision to issue a permit for propagation of the animals included in Annex A to Council Regulation No 338/97 for commercial purposes and to assign a unique registration number of the animal breeder.

54. The Agency shall register plant nurseries in which specimens of the plant species included in Annex A to Council Regulation No 338/97 are artificially propagated for commercial purposes (hereinafter – plant nursery), and shall assign a unique registration number of the animal breeder.

55. In order to register a plant nursery, a relevant application shall be submitted to the Agency. The following shall be indicated in the application:

55.1. the given name, surname and personal identity number of a natural person-breeder, the name and registration number of a legal person;

55.2. contact information and address of the location of the plant nursery;

55.3. the Latvian and Latin name for the species referred to in Annex A to Council Regulation No 338/97, which are propagated in captivity;

55.4. documents certifying the origin of the plant material to be propagated;

55.5. information regarding the propagation technology of the plants grown and the potential increase in population in a specific time period.

[18 September 2012]

56. Within a month after receipt of an application the Agency shall take a decision to register a plant nursery and to assign the registration number of a plant nursery.

56.¹ The Agency shall create and maintain an electronic list of the registered plant nurseries.

[18 September 2012]

57. A decision of the Agency may be contested in accordance with the procedures laid down in the Administrative Procedure Law.

58. The Agency, the State Environmental Service and the Food and Veterinary Service, upon mutual co-operation, shall control the conformity with the requirements of this Regulation according to their competence.

[18 September 2012]

VI. Closing Provision

59. Chapters II and V of this Regulation shall come into force on 1 April 2010.

Prime Minister

V. Dombrovskis

Minister for Environment

R. Vējonis