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

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following law:

## **Law on Corruption Prevention and Combating Bureau**

### **Chapter I General Provisions**

#### **Section 1. Concept of Corruption and Purpose of this Law**

(1) Within the meaning of this Law, corruption is bribery or any other action by a public official intended to gain an unmerited benefit for himself or herself or other persons through the use of his or her position, powers thereof or by exceeding them.

(2) The purpose of this Law is to prescribe the legal status and functioning of the Corruption Prevention and Combating Bureau (hereinafter – the Bureau) in order to pursue corruption prevention and combating with a complex approach, as well as to control fulfilment of the financing provisions of political organisations (parties) and associations thereof.

#### **Section 2. Status of the Bureau**

(1) The Bureau is the institution of direct administration which performs the functions laid down in this Law for corruption prevention and combating, and also controls fulfilment of financing regulations of political organisations (parties) and associations thereof and inspects how the restrictions laid down for the pre-election campaign, the campaign before referendum, the campaign for the initiation of a law, and the campaign for the initiation of recalling of the *Saeima* are complied with.

(2) The Bureau is under supervision of the Cabinet. The Cabinet shall implement the institutional supervision with the intermediation of the Prime Minister. Supervision shall include the right of the Prime Minister to inspect the rule of law of administrative decisions taken by the Head of the Bureau and withdraw unlawful decisions, and also, upon detecting

<sup>1</sup> The Parliament of the Republic of Latvia

unlawful failure to act, issue an order to take a decision. The right of the Cabinet to implement supervision shall not apply to the decisions taken by the Bureau in fulfilling the functions referred to in Sections 7, 8, 9, and 9.<sup>1</sup> of this Law.

(3) The Bureau is a body performing investigative field work.

[10 March 2016]

## **Chapter II**

### **Structure, Officials and Staff of the Bureau**

#### **Section 3. Structure of the Bureau and Consultative Bodies of the Bureau**

(1) The Bureau is made up of the central headquarters and territorial branches; these branches do not have the status of a legal person. The structure of the Bureau is governed by the rules of procedure of the Bureau.

(2) The Head of the Bureau, his or her deputies and Heads of Departments of the central headquarters are included in the composition of the Board. The activities of the Board of the Bureau has a consultative nature. The tasks of the Board of the Bureau shall be the following:

1) review priorities of the Bureaus activities;

2) review the draft budget of the Bureau;

3) review the draft co-operation agreements between the Bureau and the relevant foreign counterparts;

4) review other issues related to the fulfilment of functions of the Bureau if so requested by the Head of the Bureau or any member of the Board of the Bureau;

(3) The meetings of the Board of the Bureau shall be convened upon recommendation of the Head of the Bureau or a member of the Board of the Bureau. The Board shall accept recommendations by a majority of votes of all the members of the Board.

(4) In order to ensure participation of the representatives of the public in the creation, implementation of corruption prevention policy and education of the public, the Head of the Bureau shall establish the Public Consultative Council. Decisions of the Public Consultative Council shall be of recommendatory nature.

[27 January 2005; 10 March 2016]

#### **Section 4. Head of the Bureau**

(1) The Head of the Bureau shall manage the work of the Bureau and shall be responsible for efficient fulfilment of the functions of the Bureau laid down in this Law. The Head of the Bureau shall be appointed by the *Saeima* for five years upon recommendation of the Cabinet. The Head of the Bureau shall be dismissed from the position by the *Saeima* in accordance with the procedures laid down in this Law. The same person may be the Head of the Bureau not more than two successive terms of office.

(2) The Cabinet shall announce an open competition for the position of the Head of the Bureau. The Cabinet shall determine the conditions and procedures for applying for the position of the Head of the Bureau by applicants, and also the procedures for selecting and evaluating the applicants.

(3) The selection of applicants for the position of the Head of the Bureau shall be carried out by the commission managed by the Director of the State Chancellery. The Prosecutor General, the Director of the Constitution Protection Bureau and the Director of the State Security Service shall be in the composition of the commission. Not more than three representatives authorised by the Public Consultative Council shall participate in the selection of applicants for the position of the Head of the Bureau in advisory capacity.

(4) The functions of the secretariat of the commission shall be ensured by the State Chancellery.

(5) A person who complies with the following mandatory requirements may be nominated for the position of the Head of the Bureau:

- 1) is a citizen of Latvia with an impeccable reputation;
- 2) is fluent in Latvian and at least two foreign languages;
- 3) has obtained a higher vocational education or academic education (except for the first level vocational education) and the qualification of lawyer, accumulated work experience appropriate for the position and experience in a managing position in public administration or in the field of the protection of rights;
- 4) has not reached the age laid down in the law On State Pensions for granting the old-age pension;
- 5) has not been punished for criminal offence (regardless of the criminal record having been set aside or extinguished);
- 6) has not been convicted for a criminal offence, releasing from a punishment;
- 7) has not been held criminally liable except when a person has been held criminally liable but the criminal proceedings had been terminated on an exonerating basis;
- 8) is not and has not been a staff employee or a freelance employee, an agent, resident or safe-house keeper of the U.S.S.R., Latvian S.S.R. or the security service (intelligence or counter-intelligence service) of any foreign state other than the Member State of the European Union or North Atlantic Treaty Organisation;
- 9) is not and has not been a member of an organization prohibited by law or by court ruling;
- 10) complies with the requirements of this Law to receive the special permission for access to an official secret.

(6) The Head of the Bureau shall carry out the functions of the manager of the institution of direct administration laid down in the State Administration Structure Law, and also:

- 1) represent the Bureau without any special authorisation;
- 2) issue internal regulatory enactments of the Bureau without any special co-ordination with the Prime Minister, except for the rules of procedures of the Bureau;
- 3) determine jurisdiction of examination of matters and decision taking in the Bureau;
- 4) at least once a year submit a report to the Cabinet and the *Saeima* on activity results of the Bureau in fulfilment of the functions referred to in Sections 7, 8, 9, and 9.<sup>1</sup> of this Law, on development of the personnel policy of the Bureau, and utilisation of the budget funds. The Prosecutor General may be invited to examination of the report in the Cabinet and responsible commission of the *Saeima*. Where necessary, the commission referred to in Paragraph three of this Section shall provide an opinion to the Cabinet and the *Saeima* on the report of the Head of the Bureau. The degree of details and amount of information to be included in the report shall be determined by the Cabinet.

(7) In the absence of the Head of the Bureau his or her duties shall be performed by the Deputy Head of the Bureau.

(8) The powers of office of the Head of the Bureau shall terminate without any special decision:

- 1) within a month from the day when the Head of the Bureau has submitted a submission to the Prime Minister and the Chairperson of the *Saeima* for resignation from the position;
- 2) if the term of office laid down in the law has expired;
- 3) upon reaching the age laid down in the law On State Pensions for granting the old-age pension;
- 4) if a conviction has taken effect;
- 5) if death has occurred.

(9) The Head of the Office may be dismissed from the position by the decision of the *Saeima*, if it is established in accordance with the procedures laid down in this Law that he or she:

- 1) in performing his or her office duties, has committed an intentional violation of law or negligence as a result of which significant damage to the State or person has been caused;

2) fails to comply with the requirements laid down in Section 4, Paragraph five of this Law;

3) participates in activities of political organisations (parties) or associations thereof;

4) has failed to comply with the restrictions and prohibitions laid down in the Law On Prevention of Conflict of Interest in Activities of Public Officials as a result of which damage to the State or person has been caused;

5) has not performed his or her office duties due to temporary incapacity for more than four successive months or six months in a period of one year.

(10) The reasons referred to in Paragraph nine, Clauses 1, 2, 3, and 4 of this Section for dismissal of the Head of the Bureau from the position which are indicated based on the information provided by the Prosecutor General or Prime Minister, shall be assessed by the commission managed by the Prosecutor General. The Director of the State Chancellery, the Director of the Constitution Protection Bureau and the Director of the State Security Service shall be in the composition of the commission, and also not more than three representatives authorised by the Public Consultative Council shall participate in its work in advisory capacity. If the commission fails to find the reasons referred to in Paragraph nine, Clauses 1, 2, 3, and 4 of this Section for the dismissal of the Head of the Bureau from the position, his or her dismissal procedure shall be terminated. The Cabinet shall determine procedures for the establishment, operation and decision taking of the commission.

(11) If the commission referred to in Paragraph ten of this Section finds the reasons referred to in Paragraph nine, Clauses 1, 2, 3, and 4 of this Section for the dismissal of the Head of the Bureau from the position, it shall prepare a relevant decision. The Head of the Bureau may appeal such decision within 10 days from the day of notification thereof before the Administrative Regional Court. The court shall examine the case as the court of first instance. The matter shall be examined in the panel of three judges. The court shall examine the case and make a ruling within 30 days after receipt of the application. If the law determines a time period for execution of any procedural step, however, the time period for the examination of the case and making of the ruling laid down in this Paragraph would not be complied with in executing the relevant procedural step within such time period, the judge (court) shall determine a time period for the execution of the relevant procedural step. The ruling of the Administrative Regional Court is not subject to appeal.

(12) If the decision of the commission referred to in Paragraph eleven of this Section is not appealed or is appealed, and the court has recognised that it is lawful, the commission shall send the decision to the Prime Minister. The Prime Minister shall draw up and submit to the *Saeima* the relevant draft decision to dismiss the Head of the Bureau from the position. The decision of the *Saeima* to dismiss the Head of the Bureau from the position is not subject to appeal.

[10 March 2016; 2 February 2017; 7 December 2017; 29 October 2020]

## **Section 5. Persons Employed in the Bureau**

(1) Persons employed in the Bureau shall be officials and employees of the Bureau.

(2) The officials of the Bureau are the Head of the Bureau, his or her deputies, the heads of departments of the central headquarters and territorial branches, investigators and other persons who ensure fulfilment of the functions of the Bureau and are responsible for them, including they shall draft laws and regulations or control compliance with them, draw up or issue administrative deeds, draw up or take other decisions related to the rights of an individual.

(3) An official of the Bureau shall be employed in accordance with the State service relations, and the norms of the laws and regulations governing the employment legal relations shall be applicable to his or her employment legal relations which determine the principle of equal rights, the principle of prohibition of different attitude, the prohibition to cause adverse consequences, working and rest time, remuneration for work, material liability of the employee

and time periods insofar as it is not laid down in this Law, the Law on Remuneration of Officials and Employees of State and Local Government Authorities or the State Administration Structure Law.

(4) An employee of the Bureau shall be a person who carries out technical work (for example, a technical secretary, a driver) and does not fulfil the functions referred to in Paragraph two of this Section. Such person shall be employed in accordance with the laws and regulations governing employment legal relations.

(5) A person who complies with the following mandatory requirements may be a candidate for the position of the official of the Bureau (except for the Head of the Bureau):

- 1) is a citizen of Latvia;
- 2) is fluent in Latvian and at least one foreign language;
- 3) has acquired higher education and accumulated the work experience appropriate for the position;
- 4) has not reached the age laid down in the law On State Pensions for granting the old-age pension;
- 5) has not been punished for criminal offence (regardless of the criminal record having been set aside or extinguished);
- 6) has not been convicted for a criminal offence, releasing from a punishment;
- 7) has not been held criminally liable except when a person has been held criminally liable but the criminal proceedings had been terminated on a vindicatory basis;
- 8) is not and has not been a staff employee or a freelance employee, an agent, resident or safe-house keeper of the U.S.S.R., Latvian S.S.R. or the security service (intelligence or counter-intelligence service) of any foreign state other than the Member State of the European Union or North Atlantic Treaty Organisation;
- 9) is not and has not been a member of an organization prohibited by law or by court ruling.

(6) A person who has not acquired higher education may be employed in the position of an official of the Bureau, if such education is not necessary for the performance of the relevant position, an applicant has a secondary education and work experience complying with the position.

(7) The Head of the Office shall determine the selection procedures for the positions of officials and employees of the Bureau.

(8) The officials and employees shall comply with the requirements laid down in the law On Official Secrets in order to receive a special permit for access to the official secret.

[10 March 2016]

## **Section 6. Appointing to and Dismissal from a Position of an Official of the Bureau**

(1) Officials of the Bureau shall be appointed to and dismissed from the position by the Head of the Bureau.

(2) An official of the Bureau shall be appointed to the position for an indefinite period of time. The official of the Bureau may be appointed in the position also for a definite period of time by indicating service conditions determining it.

(3) By appointing an official of the Bureau to the position, the Head of the Bureau may determine a probationary period not exceeding six months.

(4) Service relations with the Bureau shall terminate for an official of the Bureau (except for the Head of the Bureau):

- 1) if the official is dismissed from the position by a decision of the Head of the Bureau;
- 2) if death of the official has occurred;
- 3) on the basis of a written agreement between the Head of the Bureau and the official.

(5) An official of the Bureau is dismissed from the position by a decision of the Head of the Bureau:

- 1) upon his or her own will;
  - 2) due to expiry of the term of office;
  - 3) due to failure to pass probation;
  - 4) due to non-conformity with the position to be held;
  - 5) due to non-satisfactory results of the work performance assessment;
  - 6) due to non-conformity with the mandatory requirements laid down in this Law (Section 5, Paragraphs five and eight of this Law);
  - 7) upon reaching the age laid down in the law On State Pensions for granting the old-age pension, except when a justified decision to keep the relevant official in the position for a definite period of time has been taken;
  - 7<sup>1</sup>) upon own will due to the fact that such length of service has been reached which grants the right to the service pension in accordance with the procedures laid down in the law;
  - 8) due to liquidation of a position or due to reduction in the number of officials;
  - 9) if an official has not been able to fulfil his or her office duties due to temporary incapacity for more than four successive months or six months in a period of one year;
  - 10) by applying dismissal from the position of the official as a disciplinary sanction;
  - 11) due to election or appointment in other position, if laws and regulations prohibit combining the position of the official with the relevant position;
  - 12) due to a conviction other than exonerating or a public prosecutor's penal order in a criminal matter;
  - 13) due to the fact that the official cannot perform his or her office duties due to the health condition and it is certified by a physician's opinion.
- (6) A decision of the Head of the Bureau to dismiss an official of the Bureau from the position may be appealed by the relevant official to court in accordance with the procedures laid down in the Administrative Procedure Law.
- (7) A consent by a trade union is not necessary for the termination of the service relations of an official of the Bureau, also for his or her dismissal from the service.
- [10 March 2016; 29 October 2020]

### **Section 6.<sup>1</sup> Assessment of Activities of Officials and Employees of the Bureau and Results Thereof**

- (1) An assessment of activities of officials (except for the Head of the Bureau) and employees of the Bureau and results thereof shall be carried out by the direct manager of the official or employee or the assessment committee established by the Head of the Bureau each year.
  - (2) The procedures for the assessment of activities of officials and employees of the Bureau and results thereof shall be determined by the Head of the Bureau.
  - (3) The results of the assessment shall be used as the basis for a decision to continue or terminate employment relations, transfer into another position and determine remuneration.
- [10 March 2016]

### **Section 6.<sup>2</sup> Suspension of an Official and Employee of the Bureau from a Position**

- (1) If means of security related to deprivation of liberty are applied or criminal prosecution has been initiated against an official of the Bureau, the Head of the Bureau (in case of the Head of the Bureau – the Prosecutor General) shall suspend the relevant official from performing his or her office duties and stop disbursement of remuneration from the date of suspension onward, paying a minimum monthly salary for such period of time, if special restrictions on combining positions of a public official are laid down in the laws and regulations for such official. If during the time period of suspension the official combines his or her position of a public official with a position permitted by the law and earns income, the remuneration shall not be disbursed from the date of suspension onward.

(2) If an official of the Bureau suspended in such manner is found guilty by a court of committing a criminal offence, the remuneration shall not be disbursed for the time period of suspension, but if the minimum monthly salary is paid to the official during the time period of suspension, the difference between full remuneration and minimum monthly salary shall not be disbursed for the time period of suspension. In case of acquittal the remuneration shall be disbursed to the official for the time period of suspension, but if the minimum monthly salary has been paid to the official or employee during the time period of suspension, the difference between full remuneration and minimum monthly salary shall be disbursed.

(3) The Head of the Bureau may temporarily, however not longer than for three months, suspend an official or employee from performance of office duties, if the official or employee, in performing his or her duties, is under influence of alcohol, narcotic or toxic substances, and also in other cases when non-suspension of the official or employee from performance of office duties may cause harm to personal or third person's safety and health, or public interests, or hinder investigation of disciplinary or criminal matter. In case of suspension disbursement of remuneration shall be stopped from the day of suspension onward. If suspension of the official or employee has been unjustified, remuneration shall be disbursed for the suspended official or employee for the time period of suspension.

[10 March 2016]

### **Chapter III** **Competence of the Bureau**

#### **Section 7. Functions of the Bureau to Prevent Corruption**

(1) In order to prevent corruption, the Bureau shall perform the following functions:

1) develop a corruption prevention and combating strategy and draw up a national programme, which is approved by the Cabinet;

2) co-ordinate co-operation among the institutions referred to in the national programme in order to ensure implementation of the programme;

3) control implementation of the law On Prevention of Conflict of Interest in Actions of Public Officials, and also compliance with additional limitations laid down for public officials in other laws and regulations;

4) prepare and co-ordinate projects of financial assistance by foreign countries and international authorities;

5) review complaints and submissions in accordance with the competence thereof, as well as carry out inspections proposed by the President of Latvia, the *Saeima*, the Cabinet and the Prosecutor General;

6) compile and analyse the information about the inspections made, declarations submitted by public officials, any violations detected in the submission thereof and failure to observe the restrictions provided by law;

7) analyse the practice of State authorities in preventing corruption and the resolved cases of corruption, submit recommendations to the relevant Ministry and the State Chancellery for the rectification of discrepancies found;

8) develop a methodology for corruption prevention and combating in the State and local government institutions and in the private sector;

9) compile and analyse the experience of other countries in corruption prevention and combating;

10) analyse laws and regulations and draft laws and regulations, and also initiate to make amendments thereto, submit proposals for drafting new laws and regulations;

11) carry out public opinion surveys and analysis;

12) educate the public in the area of the law and ethics;

- 13) inform the public of the corruption development tendencies and resolved cases of corruption, as well as the measures taken in corruption prevention and combating;
  - 14) develop and introduce a public relations strategy;
  - 15) in accordance with the competence thereof evaluate the content and results of inspections performed by other institutions; and
  - 16) examine the declarations of public officials within the scope laid down by the law On Prevention of Conflict of Interest in Actions of Public Officials.
- (2) Provide information and recommendations on corruption prevention issues upon the request of the Crime and Corruption Prevention Council.  
[6 March 2003; 14 November 2008]

## **Section 8. Functions of the Bureau in Combating Corruption**

- (1) In order to combat corruption, the Bureau shall perform the following functions:
- 1) hold public officials administratively liable and apply sanctions for administrative violations in the field of corruption prevention in the cases provided by the law;
  - 2) carry out investigative and operational actions to discover criminal offences provided in the Criminal Law in the service of State authorities, if they are related to corruption.
- (2) Other persons performing operational activities laid down in the law have a duty, upon request of the Bureau, to provide performance of measures of operational activities in a particular manner necessary for fulfilment of the functions of the Bureau.  
[16 June 2005]

## **Section 9. Functions of the Bureau in Controlling Fulfilment of Financing Regulations by Political Organisations (Parties) and Associations Thereof**

- The Bureau in controlling the fulfilment of financing regulations by political organisations (parties) and associations thereof shall perform the following functions:
- 1) control the fulfilment of the Law on Financing of Political Organisations (Parties);
  - 2) in cases provided by the law, charge persons at fault with administrative liability and impose appropriate sanctions;
  - 3) perform investigation and operational activities in order to discover criminal offences provided for in the Criminal Law, if they are linked to violations of financing regulations of political organisations (parties) and associations thereof and if, in accordance with the law, such violations are not under the jurisdiction of national security authorities;
  - 4) review complaints and submissions in accordance with the competence thereof, as well as carry out inspections initiated by the President of Latvia, the *Saeima*, the Cabinet and the Prosecutor General;
  - 5) compile and analyse the information prepared about declarations of financial activities submitted by political organisations (parties) and associations thereof, violations found in the submission thereof and failure to observe the restrictions provided by the law;
  - 6) analyse laws and regulations and draft laws and regulations, and also initiate to make amendments thereto, submit recommendations for drafting new laws and regulations;
  - 7) carry out public opinion surveys and analysis;
  - 8) educate the public in the field of financing of political organisations (parties) and associations thereof; and
  - 9) inform the public of any violations of financing regulations of political organisations (parties) and associations thereof, as well as of measures taken in prevention thereof.  
[16 June 2005]

## **Section 9.<sup>1</sup> Functions of the Bureau in Controlling a Pre-election Campaign**

Before the *Saeima* elections, elections to the European Parliament and local government elections, the Bureau, in controlling the fulfilment of the restrictions for a pre-election campaign, shall perform the following functions:

- 1) in accordance with the competence laid down in laws on pre-election campaign, control the conformity with the restrictions for the pre-election campaign;
- 2) in cases provided by the law, charge persons at fault with administrative liability and impose appropriate sanctions;
- 3) in accordance with the competence thereof examine submissions;
- 4) compile and analyse information about the established violations;
- 5) inform the society of the rules of the pre-election campaign to be complied with by persons not related to political organisations and associations thereof;
- 6) inform the society regarding the established pre-election campaign violations, and also of the measures implemented for their eliminations.

[11 June 2009; 29 October 2020]

## **Section 10. Rights of Officials of the Bureau**

- (1) An official of the Bureau has the right, within the competence thereof:
  - 1) to conduct investigations as provided in the Criminal Procedure Law;
  - 2) to perform operational activities in order to resolve and prevent criminal offences in the field of corruption and financing of political organisations (parties) and associations thereof;
  - 3) to conduct administrative offence proceedings for the administrative offences the examination of which is under the jurisdiction of the Bureau in accordance with the law;
  - 4) to request and receive free of charge information, documents and other material from the State administration and local government institutions, companies (undertakings), organisations, officials and other persons, regardless of the secrecy regime thereof;
  - 5) to request and receive free of charge information from credit institutions in cases and in accordance with the procedures specified in the Law on Credit Institutions;
  - 6) to have free access to all information stored in registered data bases, the registration of which is specified in regulatory enactments, regardless of the ownership thereof;
  - 7) to obtain, receive, register, process, compile, analyse and store information necessary for the performance of the functions of the Bureau, the procedures for use of which shall be determined by the Head of the Bureau;
  - 8) if certain features have been ascertained in the actions of a person evidencing to the possibility of wrongful act, to warn a person that violations of the law are unacceptable;
  - 9) upon presenting a service certificate of identity, freely visit State administration and local government institutions, as well as manufacturing premises, warehouses, trade and other commercial premises located in the territory of Latvia owned or used by legal or natural persons;
  - 10) if necessary in the performance of corruption combating functions and financing control functions of political organisations (parties) and associations thereof, to use free of charge communication and public information facilities of State institutions, State companies (undertakings) and State organisations, but in exceptional cases also the facilities owned by other persons. The costs of the use of communication and public information facilities owned by other persons shall be paid if so requested by the owner;
  - 11) in emergency cases and with the consent of the vehicle driver, to use vehicles owned by companies (undertakings), institutions, organisations or private persons (except for vehicles of foreign diplomatic and consular representations and representations of international organisations, as well as vehicles of special services) for proceeding to a scene of event or transportation of persons to medical treatment institution if urgent medical assistance is needed,

as well as for the pursuit of persons who have committed criminal offence, and for immediate transportation of detained persons to a police department;

12) to keep and carry service or personal firearms; use firearms, as well as physical force and special means in accordance with the law On Police;

13) to summon to the Bureau any person linked to the investigation of a case or materials, and in the event a person fails to appear without a justifiable reason after receiving such summons, bring him or her by force;

14) to demand that a person cease to violate the law and other actions interfering with the performance of their powers by officials and employees of the Bureau, as well as to use compulsory measures against such offenders;

15) to check personal documents of identification while performing corruption combating functions and control functions of financing of political organisations (parties) and associations thereof;

16) to announce and reimburse remuneration for assistance in resolution of a criminal offence and in detention of persons who have committed a criminal offence;

17) with mediation of the Prosecutor General or his or her authorised prosecutor, to pass materials of commenced criminal proceedings to another investigative institution or to take over materials of commenced criminal proceedings falling within the competence of the Bureau from another investigative institution for continuing of investigation; and

18) to detain and escort persons suspected or accused of committing a criminal offence in accordance with the procedures laid down in laws and regulations.

(2) The procedures for possession and carrying of firearms and special implements owned (possessed) by the Bureau shall be determined by the Head of the Bureau.

[6 March 2003; 16 December 2004; 27 January 2005; 16 June 2005; 29 October 2020]

## **Section 10.<sup>1</sup> Issuance and Contestation of Administrative Acts of the Bureau**

(1) The Bureau shall, in fulfilling the functions laid down in the law in accordance with the procedures laid down in the laws and regulations governing administrative proceedings, issue administrative acts, including administrative acts directed towards monetary payments.

(2) Administrative acts issued by officials of the Bureau or actual action of an official or employee of the Bureau may be contested to the Head of the Bureau, but the administrative act and actual action of the Head of the Bureau – appealed before a court unless it has been laid down otherwise in laws and regulations.

(3) Compulsory execution of administrative acts issued by the Bureau shall be performed by bailiffs in accordance with the procedures laid down in the Civil Procedure Law and the Administrative Procedure Law.

[27 January 2005]

## **Section 11. Duty of Officials and Employees of the Bureau**

(1) An official and employee of the Bureau have a duty to perform office or work duties, showing personal initiative and acting in the public interests, in order to ensure proper fulfilment of the functions of the Bureau as provided for in this Law, to be responsible for his or her actions in accordance with the procedures laid down in laws and regulations and to comply with the basic principles of professional ethics and behaviour laid down in the code of ethics of the Bureau.

(2) In the performance of the functions referred to in Sections 7, 8 and 9 of this Law, the Bureau shall cooperate with other State and local government institutions, public organisations and foreign authorities.

[27 January 2005]

## **Chapter IV**

### **Legal Defence, Social Guarantees and Liability of Officials and Employees of the Bureau**

#### **Section 12. Legal Defence and Guarantees of Independence of Officials of the Bureau**

(1) An official of the Bureau is a representative of the State authority, and any legal requests and orders made or issued by him or her in the performance of his or her office duties are mandatory for all persons. Defamation of an official of the Bureau, resisting an official of the Bureau, endangering the life or health of an official of the Bureau, or any action interfering with his or her performance of office duties shall be punished in accordance with the law. A service identification document and a special badge for verification of his or her powers shall be issued to officials of the Bureau.

(2) An official of the Bureau shall not be liable for any material or physical harm caused in accordance with the powers of the Bureau to an offender failing to surrender or resisting arrest.

(3) An official of the Bureau shall not be held criminally liable in the territory of Latvia without the consent of the Prosecutor General, he or she shall not be subject to arrest (including administrative arrest), search, conveyance by force; his or her residential or office premises or personal or official vehicles shall not be subject to search or inspection. Such criminal procedural restrictions shall not apply to officials of the Bureau if they are caught committing a criminal offence, of which the Prosecutor General and Head of the Bureau shall be notified within 24 hours thereon.

[27 January 2005]

#### **Section 13. Restrictions for Officials of the Bureau**

(1) Restrictions for earning income, combining positions and performance of work, and also other restrictions and obligations related thereto are laid down in the Law On Prevention of Conflict of Interest in the Actions of Public Officials.

(2) Along with the restrictions referred to in Paragraph one of this Section, the following additional restrictions shall apply to officials of the Bureau:

1) it is prohibited to take part in the activities of political organisations (parties) and associations thereof;

2) it is prohibited to organise strikes, demonstrations, pickets or take part therein.

#### **Section 14. Remuneration of Bureau Officials**

Remuneration for officials of the Bureau shall be determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

[1 December 2009]

#### **Section 15. Social Guarantees for Officials and Employees of the Bureau**

[1 December 2009]

#### **Section 15.<sup>1</sup> Service Pensions for Officials of the Bureau**

Service pensions shall be granted to officials of the Bureau in accordance with the laws and regulations determining the procedures for granting, calculating and disbursing service pensions for officials of the Bureau.

[27 January 2005 / Section shall come into force concurrently with the Law on Retirement Pensions of the Officials of Corruption Prevention and Combating Bureau. See Transitional Provisions]

**Section 16. Benefit Payable in Case of Injury of an Official or Employee of the Bureau or in Case of Death of an Official or Employee of the Bureau or a Member of Their Families**

[1 December 2009]

**Section 17. Childbirth Benefit**

[1 December 2009]

**Section 18. Benefit in Case of Removal from Office or Layoff Benefit**

[1 December 2009]

**Section 19. Supplement for the Performance of Additional Duties**

[1 December 2009]

**Section 20. Supplement for the Performance of Office or Work Duties in Conditions of Increased Work Intensity and Supplement for the Length of Service**

[1 December 2009]

**Section 21. Further Training and Coverage of Training Expenses**

[1 December 2009]

**Section 22. Annual Leave**

[1 December 2009]

**Section 23. Study Leave**

[1 December 2009]

**Section 24. Leave Without Pay**

[1 December 2009]

**Section 25. Disciplinary Liability of Officials of the Bureau**

(1) An official of the Bureau (except for the Head of the Bureau) shall be held disciplinary liable for the abuse of position, exceeding official powers, disclosure of an official secret or restricted access information, and failure to comply with the working procedures, failure to fulfil the professional duties or neglectful fulfilment of these duties, damage or loss of the property of the Bureau, and also for the failure to comply with the basic principles of professional ethics and behaviour laid down in the code of ethics of the Bureau, for a shameful act not compatible with the status of the official, and for the violation of other laws and regulations during the fulfilment of the office duties.

(2) The following disciplinary sanctions may be imposed on an official of the Bureau for a disciplinary offence:

- 1) a reproof;
- 2) a reprimand;
- 3) reduction of the monthly salary for a period of time of up to one year deducting up to 20 per cent from the monthly salary;
- 4) demotion in position for a period of time up to three years; or
- 5) removal from office.

(3) The Head of the Bureau shall initiate a disciplinary matter not later than one month after detection of a disciplinary offence. A disciplinary matter shall not be initiated, but the initiated

disciplinary proceedings shall be terminated, if one year has passed from the day of committing the disciplinary offence.

(4) The procedures for the initiation, examination and application of the disciplinary sanction shall be determined by the Head of the Bureau.

(5) The Head of the Bureau shall impose the disciplinary sanction within 10 days from the day of receipt of the opinion of the Disciplinary Committee. A decision to impose a disciplinary sanction may be appealed before a court within a month from the date of entering into effect of the decision in accordance with the procedures laid down in the Administrative Procedure Law.

(6) Holding of an official of the Bureau as disciplinary liable shall not release from the possible civil, administrative or criminal liability.

[27 January 2005; 10 March 2016]

## **Section 26. Admonishment**

(1) If an official of the Bureau has committed any of the disciplinary offences referred to in Section 25, Paragraph one of the Law, but such an offence is insubstantial or has not caused unfavourable consequences, the Head of the Bureau may give an admonishment to such an official without initiating a disciplinary matter or by taking the decision to terminate the disciplinary matter. Before giving an admonishment, a written explanation shall be requested from the official of the Bureau.

(2) An admonishment shall be given in written form (also in the form of a resolution) by indicating the act or failure to act having the features of a disciplinary offence and the infringed legal norm, and the official to whom the admonishment is given shall be informed thereof.

(3) Admonishment is not a disciplinary punishment.

(4) Copy of the document in which the admonishment is given shall be appended to the personal file.

[29 October 2020]

## **Transitional Provisions**

1. This Law shall come into force on 1 May 2002.

2. As of 1 May 2002 the organisational measures shall be taken for commencement of the activities of the Bureau.

3. As of 1 July 2002, the Bureau shall perform the following functions:

1) in corruption prevention – the functions specified in Section 7 of this Law except for those provided for in Paragraph one, Clauses 3 and 6 of the Section;

2) in corruption combating – inquiry and investigatory operations according to its competence;

3) controlling the fulfilment of financing regulations of political organisations (parties) and associations thereof.

4. As of 1 February 2003, the Bureau shall perform the functions specified in this Law in full amount.

[6 March 2003]

5. Authorities, within the competence of which the functions of corruption prevention and combating, as well as the functions of controlling the fulfilment of financing regulations of political organisations (parties) and associations thereof were included up to the date of coming into force of this Law, shall continue to perform the referred to functions until the time when they are taken over by the Bureau.

6. The Cabinet shall issue the Cabinet Regulation referred to in this Law within three months.

7. The requirement referred to in Section 5, Paragraph three, Clause 3 of this Law of higher education for an official of the Bureau who has been appointed to the position before the date of coming into force of this legal norm, shall be applicable starting from 1 January 2009. An official of the Bureau who has not commenced studies at an institution of higher education before the date of coming into force of this legal norm, shall commence studies in the institution of higher education until 1 October 2005 and submit a statement issued by the institution of higher education on the commencement of studies to the Head of the Bureau. An official of the Bureau studying in an institution of higher education shall submit a statement issued by the institution of higher education on the continuation of studies to the Head of the Bureau each year until 15 October. An official of the Bureau failing to commence studies at an institution of higher education within the period of time laid down in this Paragraph or failing to continue studies shall be dismissed from the Bureau due to non-compliance with the position held. An official of the Bureau is permitted to hold the position of the official of the Bureau also without higher education, if four years or less are left until reaching the service age laid down in the law on the date of coming into force of this legal norm.

*[27 January 2005]*

8. Section 15.<sup>1</sup> of this Law shall come into force concurrently with the Law On Retirement Pensions of the Officials of Corruption Prevention and Combating Bureau.

*[27 January 2005]*

9. In 2009 the remuneration (salary, benefits, etc.) specified in accordance with this Law shall be determined in accordance with the law On Remuneration of Officials and Employees of State and Local Government Authorities in 2009.

*[12 December 2008]*

10. The Cabinet shall issue the regulations provided for in Section 4, Paragraph 1.<sup>1</sup> of this Law until 1 January 2012.

*[28 April 2011]*

11. Amendments to Section 4, Paragraph two of this Law, which provide additional requirements for the applicants to the position of the Head of the Bureau, shall not apply to persons, who have applied to competition for the position of the Head of the Bureau, announced until the day of coming into force of these requirements.

*[13 October 2011]*

12. The Cabinet shall issue the regulations provided for in Section 4, Paragraph two of this Law until 1 June 2016. Until the day of coming into force of these regulations, however, not later than until 1 June 2016, the Cabinet Regulation No. 671 of 2 October 2012, Procedures for Selection of Candidates for the Position of the Head of the Corruption Prevention and Combating Bureau, shall be applied insofar as it is not in contradiction with this Law.

*[10 March 2016]*

13. The Cabinet shall issue the regulations provided for in Section 4, Paragraph six, Clause 4 which lay down the degree of details and amount of information to be included in the report until 1 June 2016.

*[10 March 2016]*

14. The Cabinet shall issue the regulations provided for in Section 4, Paragraph ten of this Law until 31 March 2018.

[7 December 2017]

15. The head of the Bureau shall, not later than by 30 June 2016, notify employed persons with whom the State service relations are to be established of the termination of employment legal relations and establishment of the State service legal relations. If the employed person (official or employee) does not agree to establish State service relations within a month after receipt of the notice, then the Head of the Bureau shall terminate employment legal relations with the employed person by an order. Consent of a trade union is not necessary for the termination of such employment legal relations.

[10 March 2016]

This Law has been adopted by the *Saeima* on 18 April 2002.

President

V. Vīķe-Freiberga

Riga, 30 April 2002