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Republic of Latvia  
Cabinet

Regulation No. 148  
Adopted 15 April 1997

### **Sanitary Border Inspection By-laws**

Issued pursuant to Section 15, Clause 1 of the  
Law on the Structure of Ministries

#### **I. General Provisions**

1. The Sanitary Border Inspection is a State civil institution that organises and carries out, within the scope of its competence, Cabinet specified control of import, export and transit freight (hereinafter – freight) at the State border. The Sanitary Border Inspection is subordinate to the Ministry of Agriculture.
2. The Sanitary Border Inspection shall, in its operations, comply with the Constitution, laws, other regulatory enactments and these By-laws, as well as execute the orders of the Minister for Agriculture and the relevant methodological instructions of the State Veterinary Department and the State Plant Protection Station.
3. The Sanitary Border Inspection is a legal person. It shall have a seal bearing a supplemented lesser State coat of arms of the Republic of Latvia and the name of the Sanitary Border Inspection in the official language.
4. The financial resources of the State Sanitary Inspection shall be formed by a grant from the State base budget of general income, and by income from paid services for veterinary, phytosanitary and sanitary hygiene control of means of transport and freight (in accordance with a price list approved by the Minister for Agriculture).  
[28 September 1999]
5. The Sanitary Border Inspection shall have an account at the State Treasury Settlement Centre.

#### **II. Functions of the Sanitary Border Inspection**

6. The Sanitary Border Inspection shall have the following functions:
  - 6.1. to control the compliance of freight with the veterinary, phytosanitary and sanitary hygiene requirements determined in the Republic of Latvia and not to permit importation of freight into the State if it does not comply with the referred to standards;
  - 6.2. to check the observance of transportation rules and regimen in regard to freight subject to control;
  - 6.3. if non-conformity in the identification of the freight is determined, or the freight does not comply with the specified requirements, to notify without delay thereof the relevant State

authorities, who shall decide on the issue of disposition of the freight within the scope of their competence;

6.4. if dangerous animal or plant diseases or pests are determined, or there is suspicion thereof, to take a relevant decision in compliance with the requirements for restriction and liquidation of diseases and pests, as well as notify the Ministry of Welfare, the State Veterinary Department and the State Plant Protection Station respectively;

6.5. to perform analysis of violations determined during the control of freight, and to draw up and submit proposals to the Ministry of Welfare, the State Veterinary Department and the State Plant Protection Station regarding prevention of such violations;

6.6. if necessary, to arrange sanitary treatment of means of transport carrying freight, and chemical treatment of freight;

6.7. to perform regular enumeration and registration of freight subject to control, as well as submit, in accordance with specified procedures, accounts and information to the Ministry of Welfare; and

6.8. to control the collection and utilisation of waste from the freight under control at State border customs control points through which importation of the relevant freight has been determined by the Cabinet.

7. The Sanitary Border Inspection shall co-operate with customs, the Border Guard and other services in accordance with the procedures determined in regulatory enactments, as well as involve relevant accredited (certified) testing laboratories in its operation.

### **III. Structure of the Sanitary Border Inspection**

8. The structure of the Sanitary Border Inspection shall be approved by order of the Minister for Agriculture. Units of the Sanitary Border shall operate at State border customs control points determined by the Cabinet, as well as in customs warehouses.

9. Each sanitary border inspector shall have an official stamp with the name of the unit in the official language, as well as an official stamp with the personal number of the sanitary border inspector.

10. The work of the Sanitary Border Inspection shall be managed by the Chief of the Sanitary Border Inspection, who, concurrently shall be the State Chief Sanitary Border Inspector.

11. The Chief of the State Sanitary Border Inspection shall be appointed to and removed from office by the Minister for Agriculture.

12. Officials of the Sanitary Border Inspection are civil servants (civil service candidates) who shall be appointed to and removed from office in accordance with the State Civil Service Law, except persons who may, in accordance with law or with the Cabinet Regulations, hold positions as State civil servants by entering into an employment contract.

13. Officials of the Sanitary Border Inspection are the Chief of the Sanitary Border Inspection, deputy chiefs of the Sanitary Border Inspection, the head of the Sanitary Border Inspection control point, State senior sanitary border inspectors and State sanitary border inspectors.

14. The Chief of the Sanitary Border Inspection shall:

- 14.1. direct and co-ordinate the work of the Sanitary Border Inspection and be responsible for the performance of the functions of such;
- 14.2. give binding orders to officials and employees of the Sanitary Border Inspection;
- 14.3. co-ordinate the co-operation of the Sanitary Border Inspection with State and local government authorities;
- 14.4. be responsible for the rational use of the grant allocated to the Sanitary Border Inspection;
- 14.5. specify the functions and duties of the officials and employees of the Sanitary Border Inspection and its structural units; approve the by-laws of the units of the Sanitary Border Inspection;
- 14.6. submit for approval to the Ministry of Agriculture the list of personnel, as well as the financial plan, and an estimate of revenue and expenditure of the Sanitary Border Inspection;
- 14.7. appoint to and remove from office officials of the Sanitary Border Inspection and hire for and dismiss from work employees of the Sanitary Border Inspection;
- 14.8. enter into contracts with customs warehouse keepers regarding provision to perform the functions of the Sanitary Border Inspection, as well as into other contracts;
- 14.9. examine applications and complaints regarding orders issued and decisions taken by the officials of the Sanitary Border Inspection and, if necessary, amend or revoke such;
- 14.10. request and receive explanations from relevant natural persons and legal persons regarding violations of sanitary border inspection regulations; and
- 14.11. organise training and raising of qualifications for officials and employees of the Sanitary Border Inspection in accordance with the requirements of the European Union regarding border control.

#### **IV. Rights and Obligations of Officials of the Sanitary Border Inspection**

15. Officials of the Sanitary Border Inspection are entitled to:

- 15.1. request from natural persons and legal persons compliance with regulations regarding movement of freight at the border, as well as rectification of the violations, where necessary;
- 15.2. upon presentation of a service identification document, without hindrance enter the State border customs control points and customs warehouses determined by the Cabinet in order to carry out control, as well as request, in accordance with procedures determined by law, relevant explanations from legal persons and natural persons who are engaged in the carriage and storage of freight;
- 15.3. request that the owners or carriers of freight ensure relevant prerequisites for carrying out freight control, but the customs or customs warehouse keepers – premises for carrying out control of the freight accompanying documents;
- 15.4. if there is cause for suspicion, determine additional inspections or other operations in order to establish compliance of the freight with the regulatory enactments (if the freight does not comply with the specified requirements, the relevant expenditures shall be covered by the importer of the freight, but if the freight complies with the specified requirements, the expenditures shall be covered from Sanitary Border Inspection funds);
- 15.5. take samples of contents of the inspected freight and send them for a laboratory or some other kind of expert-examination in accordance with procedures prescribed by regulatory enactments (if the freight does not comply with the specified requirements, the relevant expenditures shall be covered by the importer of the freight, but if the freight complies with the specified requirements, the expenditures shall be covered from Sanitary Border Inspection funds);

15.6. hold or discontinue import, export or transit of freight subject to the control and prepare a report which determines further utilisation of the freight in accordance with the relevant requirements, in the following cases:

15.6.1. an animal disease or the presence of organisms harmful for plants has been determined, or there is cause for suspicion regarding such;

15.6.2. the freight does not have a veterinary or a phytosanitary certificate or other document certifying to its quality, as well as if entries in documents do not conform to the actual state;

15.6.3. the veterinary or phytosanitary certificate does not provide information regarding diagnostic tests or preventive treatments that have been required by the State Veterinary Department, the State Plant Protection Station, or the relevant service of the importing state;

15.6.4. the veterinary or phytosanitary certificates, quality-certifying documents, or entries in the referred to documents, provide cause for suspicion of non-conformity of such to the actual state or of forgery of such;

15.6.5. the sanitary or phytosanitary state of a ship, aircraft, railway carriage, motor vehicle or other means of transport does not meet the specified requirements, or there is cause for suspicion thereof; or

15.6.6. violations of the freight transportation regimen have been allowed;

15.7. organise disinfection and chemical treatment of means of transport, loading and unloading sites and storage places, when so required by the epizootic situation, the sanitary or phytosanitary regulations (the expenditures shall be covered by the owner or carrier of the freight);

15.8. within the scope of their competence, to make mandatory regulations and requirements to be implemented by persons crossing the border and the owners and carriers of freight; and

15.9. during performance of the official duties, wear a specific uniform.

16. It is a duty of the officials of the Sanitary Border Inspection to act in accordance with the law and other regulatory enactments, as well as with official instructions.

## **V. Liability of Officials of the Sanitary Border Inspection**

17. Officials of the Sanitary Border Inspection shall be liable for the compliance of the decisions taken and orders and operations carried out with the law and other regulatory enactments.

18. It is prohibited for officials of the Sanitary Border Inspection to disclose the commercial secrets of legal persons and natural persons, which have become known during performance of their official duties.

19. Complaints against actions of officials of the Sanitary Border Inspection shall be examined, and relevant decisions shall be taken by the Minister for Agriculture.  
The referred to decisions may be appealed in a court.

20. During the performance of their duties of office or work, officials and employees of the Sanitary Border Inspection shall use motor transport with identification marks.

21. Information regarding the requirements of freight control at the border shall be accessible to clients at Sanitary Border Inspection premises.

## **VI. Reorganisation or Liquidation of the Sanitary Border Inspection**

22. The Sanitary Border Inspection shall be established, reorganised or liquidated by the Cabinet.

Prime Minister

A. Šķēle

Minister for Agriculture

R.Dilba