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18 June 2013 [shall come into force from 22 June 2013].

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. 944

Adopted 16 November 2004

## **By-law of the State Plant Protection Service**

*Issued pursuant to  
Section 16, Paragraph one of the State Administration Structure Law*

### **I. General Provisions**

1. The State Plant Protection Service (hereinafter – the Service) is an institution of direct administration under supervision of the Minister for Agriculture.
2. The purpose of the activity of the Service is to ensure sustainable use of crops and forest resources, protection and circulation supervision thereof in order to preserve biologic diversity, improve the quality of agricultural products, promote safety of the public and protect environment from the possible pollution caused by plant protection products and fertilisers, and also to increase efficiency and agricultural competitiveness.

### **II. Functions, Tasks, and Competence of the Service**

3. The Service shall carry out the functions which are laid down in the Plant Protection Law, the Seed and Variety Circulation Law, the Plant Varieties Protection Law, the Law on Circulation of Genetically Modified Organisms, the Law on Circulation of Fertilisers and other laws and regulations which govern plant protection, plant quarantine, seed certification and circulation, circulation and use of fertilisers, circulation and co-existence of genetically modified organisms, supervision and control of organic farming, granting of the State and European Union aid for agriculture within the framework of direct aid schemes, obtaining of information regarding the fertility level of agricultural land and changes thereof, and also protection of the breeders' rights.

*[18 June 2013]*

4. In order to ensure that the functions are performed, the Service shall carry out the following tasks:
  - 4.1. prepare and submit proposals to the Ministry of Agriculture regarding the development of the laws and regulations in the fields within the competence of the Service;
  - 4.2. provide information to the Rural Support Service which is necessary to administer the European Union direct payments;

- 4.3. in conformity with the competence, participate in the meetings of the working groups and committees of the European Commission and the Council of Europe;
- 4.4. provide paid services in the field of plant protection, plant quarantine, seed certification and protection of breeders' rights;
- 4.5. co-operate with other State administration institutions, non-governmental organisations, the European Commission and European Union Member States;
- 4.6. co-operate with foreign and international organisations, participate in transnational co-operation programmes and projects;
- 4.7. provide information to the European Commission in conformity with the competence;
- 4.8. inform the public regarding operation of the Service and provide consultations to natural and legal persons;
- 4.9. perform private transactions on behalf of the State which are necessary for ensuring the operation of the Service;
- 4.10. preserve the State property that is in the balance sheet of the Service.

5. According to the competence the Service is entitled:

- 5.1. to request that illegal activities are discontinued in the field of plant protection and seed circulation;
- 5.2. in accordance with the laws and regulations in the field of plant quarantine, to withdraw plants or plant products and other related products if they cause phytosanitary risk;
- 5.3. to request and receive, free of charge, the information and documents from State and local government institutions, and also – in the cases laid down in external laws and regulations – from private individuals necessary for the carrying out of the tasks of the Service;
- 5.4. to prepare proposals on the financing from the State budget necessary for the carrying out of the tasks of the Service.

### **III. Administration and Structure of the Service**

6. The work of the Service shall be managed by the Director of the Service.

7. The Director of the Service shall be appointed to the office and removed from the office by the Minister for Agriculture in accordance with the procedures laid down in the State Civil Service Law.

8. The Director of the Service shall carry out the functions of the head of an institution of direct administration laid down in the State Civil Service Law and establish structural units of the Service, and also determine their functions and tasks.

*[18 June 2013]*

8.<sup>1</sup> The functions laid down in the laws and regulations referred to in Paragraph 3 of this Regulation shall be implemented by regional divisions of the Service, and also departments of the relevant field. Supervision over the operation of regional divisions in the fulfilment of the functions laid down in the laws and regulations shall be implemented by the Chief Inspector and department of the relevant field.

*[18 June 2013]*

#### **IV. Ensuring the Rule of Law of the Operation of the Service and Reports Regarding the Operation of the Service and Utilisation of the State Budget Resources**

9. The rule of law of the operation of the Service shall be ensured by the Director of the Service. The Director of the Service shall establish a system for internal control and verification of decisions of the Service.

10. The Director of the Service has the right to revoke decisions of officials of the Service, and also internal regulatory enactments.

11. Administrative acts issued by or actual action of the officials of the Service may be contested and appealed in accordance with the Administrative Procedure Law in accordance with the following procedures:

11.1. the administrative acts issued by or actual action of the officials of regional divisions may be contested by lodging a submission to the head of the department of the relevant field, except for the cases referred to in Sub-paragraphs 11.2 and 11.3 of this Regulation. The decisions of the head of the department may be appealed to the court;

11.2. the administrative acts issued by or actual action of the officials of regional divisions which is related to suspension or prohibition of distribution of goods may be contested by lodging a submission to the Chief Inspector. The decisions of the Chief Inspector may be appealed to the court;

11.3. the administrative acts issued by or actual action of the officials of regional divisions which is related to results of field inspections may be contested by lodging a submission to the Director of the Service. The decision of the Director of the Service may be appealed to the court;

11.4. the administrative acts issued by or actual action of the officials of the department may be contested by lodging a submission to the head of the relevant department. The decisions of the head of the department may be appealed to the court;

11.5. the administrative acts issued by or actual action of the head of the department may be contested by lodging a submission to the Director of the Service. The decisions of the Director of the Service may be appealed to the court;

11.6. the administrative acts issued by or actual action of the Chief Inspector may be contested by lodging a submission to the Director of the Service. The decisions of the Director of the Service may be appealed to the court;

11.7. administrative acts issued by or actual action of the Director of the Service may be contested to the Ministry of Agriculture. The decisions of the Ministry of Agriculture may be appealed to the court.

*[18 June 2013]*

11.<sup>1</sup> The decisions taken by the officials of the Service in administrative violation matters may be contested and appealed in accordance with the Latvian Administrative Violations Code in accordance with the following procedures:

11.<sup>1</sup> 1. the decisions of the officials of regional divisions in administrative violations matters may be contested by lodging a submission to the Chief Inspector. The decisions of the Chief Inspector may be appealed to the court.

11.<sup>1</sup> 2. the decisions taken by the Chief Inspector in administrative violations matters may be contested by lodging a submission to the Director of the Service. The decisions of the Director of the Service may be appealed to the court.

*[18 June 2013]*

12. The financial resources of the Service shall consist of:

12.1. subsidies from general revenue of the State budget;

12.2. income from provided paid services and other own income.

13. The Service shall prepare a report on utilisation of budget resources and an annual public account. The Director of the Service shall provide a report on the operation of the Service to the Minister for Agriculture not less than once a year. The Minister for Agriculture has the right to request the report on activity of the Service at any time.

Prime Minister

I. Emsis

Minister for Agriculture

M. Roze