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Republic of Latvia

Cabinet

Regulation No 96

Adopted 1 February 2005

Procedures by which Market Supervision Institutions Request and Receive Samples of Goods, and Handle them after a Laboratory or Other Types of Expert-Examination

*Issued pursuant to
Section 12, Paragraph three of
the Law On Safety of Goods and Services*

1. These Regulations prescribe the procedures by which market supervision institutions shall request and receive samples of goods (hereinafter — samples), as well as by which they shall handle them after a laboratory or other type of expert-examination (hereinafter — the expert-examination). These Regulations apply to non-food consumer goods .
2. Market supervision institutions shall take samples at the places where goods are located (hereinafter — sampling points).
3. On behalf of a market supervision institution, samples of goods shall be requested and taken by an official of the market supervision institution. An official of the market supervision institution, when requesting and taking samples, shall present a service identification card.
4. An official of the market supervision institution shall take samples at random in representative (sufficient) amounts, observing the requirements in the field of safety of goods and services prescribed in external regulatory enactments.
5. A performer of economic activities, from whose goods samples are taken (hereinafter — a performer of economic activities), the head of the sampling point or a person authorised by him or her, or another financially liable person (hereinafter — a responsible person), but in urgent cases or in cases when the responsible person refuses to participate in the sampling procedure — two invited persons, shall participate in the sampling procedure.
6. A document regarding the sampling shall be drawn up in two copies (one copy for the market supervision institution and one for the responsible person). If two invited persons have participated in the sampling procedure, the relevant copy of the document within a period of three working days shall be sent by post to the legal address of the responsible person.
7. The document of the sampling shall contain the following information:

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- 7.1. the document number, place, date and time of completion;
- 7.2. the name, address and telephone number of the market supervision institution;
- 7.3. the name, registration number and address of the sampling point; for natural persons — the given name, surname and address;
- 7.4. the substantiation for the taking of samples;
- 7.5. a description, identifying features if any, and the number of samples or the number of sample units;
- 7.6. the storage conditions, if any, of the goods taken for sampling;
- 7.7. the expiry period, if any, of the goods taken for sampling;
- 7.8. the selling price of the samples taken at the time and place of sampling, if necessary;
- 7.9. the identification code assigned to the sample;
- 7.10. a list of the copies of documents attached to the document, if any;
- 7.11. any other information if such is necessary in accordance with standards or regulatory enactments;
- 7.12. the position, given name, surname and signature of the official of the market supervision institution; and
- 7.13. the position, given name, surname and signature of the responsible person, or given name, surname, address and signature of the invited persons.

8. The samples (their size and type permitting) shall be packed so as not to be damaged, and the packaging shall be sealed. A label containing the identification code referred to in Sub-paragraph 7.9 of these Regulations shall be attached to the samples taken or the packaging thereof. The persons who participate in the sampling procedure shall sign the label.

9. The market supervision institution shall be responsible for ensuring that the samples are not damaged or exchanged before undergoing the expert-examination.

10. The samples shall be stored in conformity with the storage provisions of the goods taken for sampling if such have been specified.

11. The sample shall be handed over for the expert-examination together with an application for the expert-examination compiled by the market supervision institution. The application shall specify what is necessary to be clarified in the expert-examination.

12. The market supervision institution and the performer of the expert-examination (employee or expert of a laboratory) shall compile a document in two copies (one copy for the market supervision institution and one for the performer of the expert-examination) regarding the handing over of the sample for the expert-examination. The document shall contain the following information:

- 12.1. the document number, place, date and time of completion;
- 12.2. the name, address and telephone number of the relevant market supervision institution;
- 12.3. the name, registration number if any, address and telephone number of the performer of the expert-examination (a laboratory or an expert) and the signature of the head of the laboratory or the expert;
- 12.4. a description of the samples, sample identifying features if any, and the number of samples or the number of units;
- 12.5. the condition of the packaging or the seal of the packaging (whether damaged or not);

- 12.6. the identification code assigned to the sample; and
- 12.7. the position, given name, surname and signature of the official of the market supervision institution.

13. An expert-examination opinion (test report) shall provide written answers to the questions posed in the application for the expert-examination, as well as indicate whether any damage has occurred as a result of the expert-examination which reduces the safety of the samples, the quality of the basic functions performance or properties of use, as a result of which the samples may pose a risk to human life, health or the property of a person.

14. The person who has signed the opinion of an expert-examination shall be responsible for the objectivity of the expert-examination results. If an expert-examination opinion has been drawn up on the basis of the results of a test report, the person who has signed the test report shall be responsible for the test results. The performer of an expert-examination not later than within a period of five working days after the completion of the expert-examination opinion (test report) shall submit to the market supervision institution two copies of the expert-examination opinion (test report).

15. If during an expert-examination samples have not been utilised or destroyed, the market supervision institution after the performance of the expert-examination shall take back from the performer of the expert-examination (a laboratory or an expert) the samples handed over for the expert-examination and draw up a document of acceptance in two copies (one copy for the market supervision institution and one for the performer of the expert-examination).

16. The document of acceptance shall include the following information:

- 16.1. the document number, place, date and time of completion;
- 16.2. the name, address and telephone number of the relevant market supervision institution;
- 16.3. the name, registration number if any, address and telephone number of the performer of the expert-examination (a laboratory or an expert) and the signature of the head of the laboratory or the expert;
- 16.4. a description of the samples, sample identifying features if any, and the number of samples or the number of units;
- 16.5. the identification code assigned to the samples; and
- 16.6. the position, given name, surname and signature of the official of the market supervision institution.

17. If during the expert-examination samples have not been utilised or destroyed, the market supervision institution within a period of three working days shall inform the performer of economic activities that the sample (or the unutilised part thereof) shall be returned, except for the cases when the market supervision institution has determined that the sample must be destroyed.

18. The market supervision institution shall declare that samples must be destroyed if the expert-examination opinion (test report) specifies that the samples do not conform to the safety requirements or, during the performance of the expert-examination, damage has occurred which reduces the safety of the samples, the quality of the basic functions performance or properties of use, as a result of which the samples may pose a risk to human life, health or the property of a person.

19. A document shall be drawn up in two copies (one copy for the market supervision institution and one for the performer of economic activities) regarding the return of the samples (or unutilised parts thereof).

20. The document on the return of the samples shall include the following information:

20.1. the document number, place, date and time of completion;

20.2. the name, address and telephone number of the relevant market supervision institution;

20.3. the name, registration number and address of the sampling point; for natural persons — the given name, surname and address;

20.4. a description of the samples (or the unutilised parts thereof), identifying features if any, and the number of samples or the number of units;

20.5. the identification code assigned to the sample;

20.6. the position, given name, surname and signature of the official of the market supervision institution; and

20.7. the given name, surname and signature of the performer of economic activities, from whose goods samples have been taken.

21. If the performer of economic activities refuses to take back the samples (or the unutilised parts thereof) referred to in Paragraph 17 of these Regulations, the market supervision institution shall destroy the samples.

22. The market supervision institution shall draw up a document regarding the destruction of samples (or the unutilised parts thereof) in respect of the destruction of the samples referred to in Paragraphs 18 and 21 of these Regulations. The document shall contain the following information:

22.1. the document number, place, date and time of completion;

22.2. the name and address of the market supervision institution;

22.3. the position, given name, surname and signature of the official of the market supervision institution;

22.4. the justification for the destruction of the samples (Paragraphs 17 and 18 of these Regulations);

22.5. the number and date of the expert-examination opinion (test report);

22.6. a description of the samples to be destroyed, identifying features if any, the number of samples or the number of units; and

22.7. the identification code assigned to the samples;

23. The market supervision institution in accordance with the procedures determined by the director (head) of the market supervision institution shall register and record in the single register the documents referred to in Paragraphs 6, 12, 15, 19 and 22 of these Regulations.

24. The expenses related to the moving of the samples from the sampling points to the performer of the expert-examination and back or to the place of the destruction of the samples, as well as the expenses related to the destruction of the samples shall be covered by the market supervision institution.

25. If an expert-examination opinion (test report) specifies that the samples do not conform to the safety requirements, the performer of economic activities within a period of five working days after the receipt of the documents approving the expenses shall pay to the market supervision institution the expenses referred to in Paragraph 24 of these Regulations.

26. If a performer of economic activities in the case and time period referred to in Paragraph 25 of these Regulations does not pay the expenses referred to in Paragraph 24 of these Regulations or refuses to pay such expenses, the market supervision institution shall recover the referred to expenses in accordance with the procedures prescribed by regulatory enactments.

27. Cabinet Regulation No. 83 of 27 February 2001, Procedures by Which Market Supervision Institutions Request and Receive Samples of Products, and Handle them after Performance of a Laboratory or Other Types of Expert-Examination (*Latvijas Vēstnesis*, 2001, No. 35) is repealed.

Acting for the Prime Minister,
Minister for Transport

A. Šlesers

Minister for Economics

A. K. Kariņš