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16 February 2012 [shall come into force from 21 March 2012];

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3 December 2015 [shall come into force from 29 December 2015];

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22 March 2018 [shall come into force from 16 April 2018].

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:

## On the State Border of the Republic of Latvia

### Chapter I General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **State border of the Republic of Latvia** (hereinafter – the State border) – an uninterrupted and completed line and the vertical surface corresponding to this line which separates the land and water territory of the Republic of Latvia, the subterranean depths and air space thereof from neighbouring countries and from the exclusive economic zone of the Republic of Latvia in the Baltic Sea;

2) **border crossing point** – a location at the State land border or in the proximity thereof, a section of the territory of a port, airport, airfield, railway station, or other location or space intended for the crossing of external borders for persons, as well as for the movement of property and goods across the external border and where the competent authorities perform checks, if it is not otherwise specified by this Law;

3) **checks** – an aggregate of measures specified in the laws and regulations for establishing the permissibility to cross the external border;

4) **external border** – the State border and border crossing points in accordance with Regulation (EU) No 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (hereinafter – Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016);

5) **internal border** – the State border in accordance with Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016;

6) **Member State** – any country which has acceded to the Agreement of 14 June 1985 among the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders and applies the provisions thereof in relation to the abolition of border controls at internal borders;

7) **third country** – any country which is not a Member State within the meaning of this law;

8) **inland waters of the Republic of Latvia** (hereinafter – the inland waters):

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

a) the waters of water courses (rivers, streams and canals) and water bodies (lakes, ponds and water reservoirs) up to the State land border,

b) any other waters which are located on the landward side of the base lines;

9) **territorial sea of the Republic of Latvia** (hereinafter – the territorial sea) – the waters of the Baltic Sea and of the Gulf of Riga of the Baltic Sea in width of 12 nautical miles, counting from the base line, if it has not been otherwise specified by international agreements;

10) **base line in the Baltic Sea** – the maximum low-water line and straight lines which connect the points of the hydrotechnical structures or other structures located on the opposite side of a specific port, which are located further towards the sea;

11) **competent authorities** – the State administrative institutions specified in this Law and other laws and regulations which perform checks on persons, property and goods at border crossing points, at the State border and in the border areas.

*[16 February 2012; 22 March 2018]*

## **Section 2. Purpose of the Law**

The purpose of this Law is to determine a system of State borders and border guarding, and also to ensure the inviolability of the State border on the land, in the sea and in the air space.

## **Section 3. Determination of the State Border**

(1) The State border shall be determined in accordance with the international agreements concluded by the Republic of Latvia.

(2) In order to determine and restore the State border in accordance with the international agreements concluded by the Republic of Latvia, representatives of the Republic of Latvia shall be nominated for work in the Interstate Demarcation Commission (hereinafter – the demarcation commission), as well as in expert commissions and other technical working groups created to ensure the activities of the demarcation commission.

(3) Representatives shall be nominated for work in the demarcation commission, expert commission or other technical working group by taking into account the competence of the State administrative institutions specified in laws and regulations.

(4) The composition of the demarcation commission and the expert commission on the Latvian side, and the State border demarcation documents shall be approved by the Cabinet.

(5) Unless otherwise specified in international agreements, the State border in the Baltic Sea shall coincide with the outer edge of the territorial sea, which shall be taken as the point of reference, using the base line. The co-ordinates of the base line points shall be determined by the Cabinet.

## **Section 4. Establishment of the State Land Border**

(1) The establishment of the State land border shall include the survey, marking on site and registration thereof in accordance with the procedures specified in this Law.

(2) The survey of the State land border shall include the determination of geodesic co-ordinates of the State border line and State border signs and the drawing up of border demarcation maps. The survey of the State land border shall be made in accordance with the international agreements concluded by the Republic of Latvia on determining the State border.

(3) The State land border shall be marked on site and secured with border signs and other securing structures or elements (for example, border trenches, clearances, fences) in accordance with the international agreements concluded by the Republic of Latvia on

determining the State border. It is prohibited to damage, destroy, transform or move border signs, securing structures or elements.

*[22 March 2018]*

## **Section 5. Maintenance of the State Border**

(1) In order to ensure the preservation of the State land border established in accordance with the international agreements concluded by the Republic of Latvia, as well as the preservation of border signs and other securing structures or elements and the conformity thereof with the requirements of the aforementioned agreement, the maintenance of the State land border shall be organised.

(2) Within the scope of the maintenance of the State land border the inspection of the land border on site, i.e., inspection of the location in the locality, comparison with the demarcation documents, analysis of the visual condition, detection of deficiencies, damages or non-conformities, shall be performed and further actions for the elimination of deficiencies or damages shall be determined.

(3) The restoration of the State land border (elimination of the deficiencies or damages found during inspection) shall be organised in accordance with the international agreements concluded by the Republic of Latvia, if necessary, in co-operation with the relevant authorised representatives of the neighbouring state.

(4) If the necessary activities for the maintenance of the State land border exceed the competence of the Republic of Latvia specified in international agreements, inter-state co-operation shall be initiated in accordance with the procedures specified in laws and regulation, in order to resolve the issues of the maintenance or restoration of the State border.

## **Section 6. Border Guarding System**

(1) The border guarding system is a combination of several measures. The co-ordination and implementation of border control at the external border and within the country, measures at the internal border and within the country to be taken in order to compensate the abolition of the border control at the internal border, information exchange, co-operation in combating cross-border organised crime, as well as the analysis of threats and risks found in the field of border guarding shall be included in the set of measures.

(2) The border guarding system shall be established in order to ensure the maintenance of order at the State border, in the border area and at the border crossing points, to perform checks on persons, property and goods at the border crossing points, to control the maintenance procedures at the State border, in border areas and at border crossing points, to ensure the inviolability of the State border and the objects of the infrastructure thereof at the State border, in the border area, in the inland waters, along the sea coast and at border crossing points.

(3) The border guarding system shall be determined by this law, other laws and regulations and the international agreements binding on the Republic of Latvia.

(4) State administrative institutions and the resources at the disposal thereof shall be involved in the maintenance of the border guarding system in accordance with the competence thereof.

## **Section 7. Plenipotentiary Border Representatives of the Republic of Latvia**

In order to implement the functions assigned for the Republic of Latvia that have been specified in accordance with international agreements concluded with neighbouring countries, the Cabinet shall appoint plenipotentiary border representatives of the Republic of Latvia and their deputies from among the border guards for activities in specific sections of the State border, if their appointment has been provided for in the relevant international agreement.

## **Chapter II**

### **Provision of State Border Security**

#### **Section 8. State Border Security**

(1) The State border security is the set of measures specified in this Law and other laws and regulations to guarantee the inviolability of the State border and prevent threat to the State.

(2) The aforementioned measures also include activities of consular officials and specialised attachés (liaison officers) of the Ministry of the Interior in foreign states, international co-operation of State administrative institutions, co-operation of plenipotentiary border representatives, everyday mutually co-ordinated activities of the competent authorities and law enforcement institutions at the State border and within the State.

(3) A State border zone shall be established along the State land border, and also a borderland and a border area – along the external land border.

*[3 December 2015]*

#### **Section 9. State Border Regime**

(1) In order to ensure the inviolability of the State border on land, at sea and in the air space and controlled crossing of the State border and not to allow persons to cross the external border illegally, as well as to move property and goods across the external border outside the specified border crossing points, a State border regime shall be established.

(2) The State border regime shall include:

1) the procedures by which persons shall cross the State border, as well as the procedures by which property and goods shall be moved across the State border;

2) the procedures by which land vehicles and railway transport shall cross the State border;

3) the procedures by which aircrafts shall cross the State border in the air space;

4) the procedures by which vessels shall cross the State border, as well as enter and stay in the territorial sea, inland waters and ports.

#### **Section 9.1 Border Guarding Information System**

(1) For the provision of the State border regime, the State Border Guard shall organise a Border Guarding Information System and manage its operations. The following information shall be registered in the Border Guarding Information System:

1) regarding events related to illegal crossing of the State border, non-compliance with the requirements specified for the State border zone, borderland and border area or at border crossing points, illegal movement of property and goods across the State border, as well as the persons involved in such events;

2) regarding the vessels registered with the State Border Guard and vehicles, which are used in internal waters, along which the external border has been determined;

3) regarding the persons to whom special passes have been issued, cancelled or refused.

(2) The Cabinet shall determine the amount of information to be included in the Border Guarding Information System and the time periods for storage, as well as the State administrative institutions, which shall be granted with access to such information.

*[16 February 2012 / Section shall come into force on 1 September 2012. See Paragraph 3 of Transitional Provisions]*

## **Section 9.2 European Border Surveillance System (EUROSUR)**

The State Border Guard shall fulfil functions of a national coordination centre laid down in Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (EUROSUR).

*[3 December 2015]*

## **Section 10. Crossing of the State Border**

- (1) The State border shall be crossed by land, inland waters, sea or air space.
- (2) Persons shall cross the external land border, as well as move property and goods across the external land border by motorways (if the external border is determined over a river – then by a crossing) or by railway (using railway transport), on which a border crossing point has been established.
- (3) The internal border shall be crossed at any location.
- (4) Persons shall cross the State border with valid travel documents and other documents, the necessity of which has been specified in laws and regulations governing the procedures for the entry, residence, exit or travel in transit of persons.
- (5) The Cabinet shall determine the procedures by which children shall cross the State border.
- (6) During a search and rescue operation of persons the head of this operation is entitled to decide on the crossing of the State border outside the border crossing points in order to take the rescued persons to a medical treatment institution, if actual threats to the life or health of the persons exist, concurrently informing the State Border Guard of the medical treatment institution where the persons have been taken, the number of persons taken and personal data if such is available. The State Border Guard shall organise a border check at the medical treatment institution to which the person has been taken.
- (7) Aircrafts shall cross the State border in accordance with the procedures specified in laws and regulations regarding the use of air space.
- (8) Vessels shall cross the State border, which has been specified in the Baltic Sea and in the Gulf of Riga of the Baltic Sea, at any location, if not specified otherwise.
- (9) Vessels of foreign states have the right to cross the State border and enter the territorial sea in conformity with the principle of innocent passage in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982.
- (10) Persons shall cross the external border at border crossing points in queue order. The following persons shall be allowed to cross the external border at border crossing points by emergency procedure:
  - 1) injured or sick persons who need emergency medical assistance or who are accompanied by medical practitioners;
  - 2) persons with diplomatic, European Commission or United Nation Organisation passports;
  - 3) pedestrians, except for border crossing points which have been created in ports and airports;
  - 4) persons crossing the State border by regular international route buses, emergency vehicles, vehicles with diplomatic registration numbers, as well as by horse-drawn cart or bicycle;
  - 5) official delegations of State and local government institutions, as well as organised children and tourist groups, if the State Border Guard has been informed thereof and regarding the intended border crossing point for crossing the external border, in writing at least 24 hours prior to the period of the planned crossing of the external border, as well as has received a list of persons in which the given name, surname, personal identity number and the type and number of the travel documents has been indicated;

6) persons who are carrying goods by vehicles, net weight of which in the amount of more 50 per cent of the total net weight of goods is formed by the goods included on the lists of goods to be carried by emergency procedure. A list of the goods to be carried by emergency procedure, according to which perishable goods carried in accordance with the Agreement on the international carriage of perishable foodstuffs and on the special equipment used for such carriage (ATP) of 1 September 1970 binding to the Republic of Latvia, as well as other goods due to the nature of which it is necessary to cross the external border by emergency procedure shall cross the external border at border crossing points by emergency procedure, shall be determined by the Cabinet;

6<sup>1</sup>) persons who carry cargo by vehicles on motorways at the border crossing points and the cargo fully consist of goods the consignor of which, in accordance with the directly applicable customs legislation of the European Union, is a holder of a certificate of the Authorised Economic Operator (AEO) if the carrier is concurrently the holder of the aforementioned certificate;

7) persons rescued during a search and rescue operation of persons;

8) other persons in the cases provided for in international agreements.

(11) In exceptional cases, if it conforms with the provisions of international law, the interests of the State of Latvia or is related to *force majeure* or reasons of humanitarian nature, other persons not referred to in Paragraph ten of this Section shall be allowed to cross the border crossing points of the external border by emergency procedure, if an authorisation of the head of the State Border Guard or the authorised official thereof has been received.

(12) The border crossing points shall be determined by the Cabinet.

(13) The information regarding the persons crossing the external border and travel documents thereof, as well as the vehicles driven by the persons when crossing the external border of the Republic of Latvia and documents of such vehicles shall be registered by the State Border Guard in the State information system. The Cabinet shall determine the amount of the information to be included in the aforementioned system, the procedures for using it and the time periods for the storage thereof.

[16 February 2012; 3 December 2015; 22 March 2018]

### **Section 10.<sup>1</sup> Registration for Crossing the External Land Border**

(1) In order to exit with a goods vehicle, the total mass of which exceeds 3500 kilograms, crossing the external land border at the border crossing points specified by the Cabinet, such vehicle shall be registered in a queue (hereinafter – the external land border queue).

(2) [30 May 2013]

(3) The State Border Guard shall register vehicles in the queue at the border crossing points determined by the Cabinet.

(4) The Cabinet shall lay down the procedures for registering vehicles in the queue and crossing the external land border.

[16 February 2012; 30 May 2013]

### **Section 11. Conditions for Crossing the External Border for Vessels**

(1) Vessels, which are crossing the external border in order to enter a port of the Republic of Latvia, shall arrive in a port where a border crossing point is located, except for the cases provided for in points 3.2.4, 3.2.5 and 3.2.7 of Annex VI to Regulation (EC) No 2016/399 of the European Parliament and of the Council of 9 March 2016.

(2) After crossing the external border en route to a border crossing point and back, vessels shall follow the principle of innocent passage in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982.

(3) The procedures, by which foreign warships enter and stay in the territorial sea, inland waters and ports, as well as leave the territorial sea, inland waters and ports shall be determined by the Cabinet.

(4) The warships of the Republic of Latvia and the crew thereof shall not be subject to border check and the conditions referred to in this Section shall not be applicable thereto. If persons not belonging to the National Armed Forces personnel of the Republic of Latvia are present on a warship of the Republic of Latvia when it is leaving or entering a port of the Republic of Latvia, and whom border control needs to be performed, the National Armed Forces of the Republic of Latvia shall inform the State Border Guard of the necessity for border check and shall co-ordinate the location and time thereof.

*[22 March 2018]*

## **Section 12. Flights between Member States and Third Countries**

(1) If an aircraft performs a flight between a Member State and a third country, then the departure of the aircraft from the Republic of Latvia and landing after entering the Republic of Latvia shall only be permitted in airports and aerodromes intended for international flights where border crossing points are located.

(2) Gliders, helicopters, dirigibles, ultra-light aircraft and aircraft for flights of small radius, which perform flights between a Member State and a third country, shall be allowed to land and to take off in certified aerodromes not referred to in Paragraph one of this Section, within the scope of an air show, as well as an event organised by a State administrative institution. In such case it shall be allowed to cross the State border with the property and goods in personal luggage, to which an exemption from payment of the customs duty shall be applied in accordance with the conditions of Chapter X of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty. The compliance with the requirement shall be controlled by the State Border Guard. The Cabinet shall determine the procedures by which checks of the aforementioned aircraft and the persons aboard the aircraft shall be organised in order to establish the fact of crossing the State border.

(3) An aircraft participating in the disaster prevention or response, or liquidation works of the consequences caused thereby, may land outside the border crossing points, if it is provided for by a flight permit issued by the Ministry of Foreign Affairs.

(4) If an emergency landing is required (an accident has occurred), aircraft shall be allowed to land in an airport or aerodrome, in which there is no border crossing point, or in other location suitable for landing.

(5) If an emergency landing is performed, it shall be allowed to land an aircraft in an airport or aerodrome in which there are no border crossing points or in other location suitable for landing.

(6) In the cases referred to in Paragraphs three, four and five of this Section the checks necessary for establishing the fact of crossing the State border shall be organised at the location where an aircraft lands or is landed.

(7) The military aircrafts of the Republic of Latvia and the crew thereof shall not be subject to border check and the conditions referred to in this Section shall not be applicable thereto. If persons not belonging to the personnel of the National Armed Forces of the Republic of Latvia are present on the military aircraft of the Republic of Latvia when it is taking off or landing in the Republic of Latvia, and whom border check needs to be performed, the National Armed Forces of the Republic of Latvia shall inform the State Border Guard of the necessity for a border check and shall co-ordinate the location and time thereof.

*[16 February 2012]*

## **Chapter III**

### **Regime of the State Border Zone, Borderland and Border Area**

#### **Section 13. Determination of the State Border Zone**

(1) In order to mark the physical location of State land borders in the entire length thereof, as well as to create the conditions necessary for the existence of the border guarding system at the external border, the Cabinet shall determine a State border zone of a specific width. The width of the State border zone shall not be narrower than the width of State border zone specified in the international agreements concluded by the Republic of Latvia.

(2) If the State border is determined along the middle of a river (except for a river located on the internal border and, the Daugava River), a stream or canal, the State border zone shall be determined from the baulk of the watercourse or the coastline. The surface area of land and water between the baulk of the watercourse or the coastline and the State border shall be additionally included in the State border zone.

(3) The survey and marking of the State border zone in the vicinity shall be conducted within the scope of the establishment of the State land border, observing the distance specified for the State border zone width from the established State land border line or in the case specified in Paragraph two of this Section – from the baulk or the coastline.

(3<sup>1</sup>) The Cabinet shall lay down requirements for the arrangement and maintenance of the State border zone.

(4) The State shall have exclusive property rights to the land in the State border zone. Land in the ownership of a private individual existing in the State border zone shall be alienable on the basis of an agreement, but in the absence thereof, in accordance with the Law on the Expropriation of Immovable Property Necessary for the Public Needs.

(5) The State border zone regime shall be in effect in the State border zone which is determined along the external border.

*[3 December 2015; 12 January 2017]*

#### **Section 14. State Border Zone Regime**

Persons are prohibited from staying in the State border zone, except when it is connected with:

- 1) border surveillance;
- 2) the maintenance and restoration works of the State land border, the securing structures or elements thereof and the State border zone, which have been co-ordinated with the State Border Guard;
- 3) the maintenance work of communications crossing the State border (for example, pipelines, communication lines, power lines), motorways and railways, which have been co-ordinated with the State Border Guard;
- 4) geodesic and cartography work which has been co-ordinated with the State Border Guard;
- 5) the work for the elimination of the consequences of disasters, regarding which the State Border Guard has been informed.

#### **Section 15. Determination of the Borderland**

(1) In order to ensure the conditions necessary for the existence of a system for the guarding of the territory of the Republic of Latvia and the border guarding system, as well as the border surveillance of the territory adjoining the external land border, the Cabinet shall determine a borderland, not wider than two kilometres, starting from the State border.

(2) The State border zone shall be a component of the borderland.

## **Section 16. Borderland Regime**

(1) [3 December 2015]

(2) It is prohibited to situate prisons and medical treatment institutions of psychiatric profile in the borderland.

(3) Public events in the borderland shall be organised in accordance with the laws and regulations governing the procedures for the organisation of public entertainment and holiday events.

(4) Hunting in the borderland shall be organised in accordance with the laws and regulations governing the procedures for the organisation of hunting.

(5) [16 February 2012]

(6) The organisers of shooting, explosive or pyrotechnic activities planned in the borderland shall co-ordinate them in writing with the relevant territorial structural unit of the State Border Guard at least two weeks prior to the commencement of this work. Co-ordination with the State Border Guard shall not release from the obligation to receive a permit for the performance of the aforementioned activities in accordance with the procedures specified in other laws and regulations.

(7) Establishment of such structures, enclosures, embankments, trenches, communication towers or other facilities, as well as melioration and irrigation works which hinder border surveillance, movement of officials of competent authorities and vehicles involved in border control, the maintenance of the State border or access to the facilities of border control, is prohibited in the borderland.

(8) In order to prevent the illegal crossing of the external border, the State Border Guard may, in the borderland, close rural or forest paths, clearances, crossing points and bridges which cross the external border or create obstacles on them and erect informative signs informing the local government and land owners thereof.

*[16 February 2012; 3 December 2015]*

## **Section 17. Use of Vessels and Vehicles, Fishing, Angling, Swimming and Other Activities in Inland Waters Having a Determined External Border**

(1) The use of vessels and vehicles, fishing, angling, swimming and other activities in inland waters having a determined external border shall only be permitted during the period of time between sunrise and sunset.

(2) The use of only such vessels and vehicles shall be permitted in inland waters having a determined external border, which have been registered in the State registers in accordance with the procedures specified in laws and regulations or in the State Border Guard (vessels and vehicles which are not subject to mandatory registration in State registers).

(3) The procedures by which the State Border Guard shall register vessels and vehicles which are used on inland waters having a determined external border shall be determined by the Cabinet.

## **Section 18. Special Passes**

(1) Persons from the age of 15 years, when staying in the borderland, shall need a special permit issued by the State Border Guard, except cases when:

1) the person who has declared his or her place of residence in the borderland is residing in the borderland of the relevant municipality (town) or the adjoining municipality (town);

2) the person is travelling by a State motorway which crosses the borderland;

3) an official (employee) of a State administrative institution or local government is fulfilling the duties of service (position) in the borderland and can present a service identification document if it is provided for in the regulatory enactments regulating the activities of the relevant institution;

4) the person may present a local border traffic permit issued by the Republic of Latvia.

(2) The following special passes shall be issued to persons by the State Border Guard:

1) permanent passes;

2) term passes.

(3) A permanent pass shall be issued to a person owning immovable property in the borderland.

(4) A term pass shall be issued to a person wishing to stay in the borderland. The term pass shall be issued for the period of time for which it is necessary to stay in the borderland, but not longer than for one year. A merchant is entitled to submit the application for the issuance of a term pass to his or her employees and persons with whom a work-performance contract has been entered into if stay thereof in the borderland is related to the fulfilment of official duties.

(5) An official of the State Border Guard, who is entitled to take the decision to issue a special pass, is also entitled to reject the issuance of a term pass or issue it for a shorter period than that indicated in the application for the issuance of a term pass in the following cases:

1) a reinforced border control has been introduced in the relevant borderland;

2) an emergency situation or exceptional circumstances have been proclaimed in the relevant borderland;

3) the person requesting a special pass has been found guilty of committing such a criminal offence, which is related to human trafficking, terrorism, spying, illegal movement of persons across the State border, smuggling, illegal activities involving narcotic or psychotropic substances, weapons, explosives, explosive devices, radioactive substances, as well as illegal crossing of the State border, by a ruling which has come into effect;

4) it has been established that the reasons indicated in the application for the issuance of a term pass or the requested time period does not correspond to the facts of the stay of a person in the borderland;

5) the person who requests the special pass has been administratively punished for smuggling or violations of the regulations regarding the circulation of goods to which excise duty is applied;

6) the State Border Guard has information which provides grounds to believe that the person constitutes a threat to the public order or security of the State.

(6) An official of the State Border Guard, who is entitled to take the decision to issue a special pass, may cancel a term pass if any of the circumstances referred to in Paragraph five, Clauses 3, 4, 5 and 6 of this Section have been established.

(7) The procedures for the issuance and cancellation of special passes and the sample forms of these passes shall be determined by the Cabinet.

(8) A person whose term pass is cancelled has the obligation to leave the borderland within 24 hours after the decision has been notified. Contesting or appeal of the decision to cancel a term pass shall not suspend its operation.

*[16 February 2012; 3 December 2015]*

## **Section 19. Determination of the Border Area**

(1) In order to create such conditions that would prevent persons from illegally crossing the external border in any manner or by any means, as well as from moving property and goods across the external border outside the determined border crossing points, and in order to

combat cross-border crime, the Cabinet shall determine a border area along the external land border, not narrower than 30 kilometres starting from the State border.

(2) The borderland and the State border zone shall be the components of the border area.

*[16 February 2012]*

## **Section 20. Border Area Regime**

(1) When staying in the border area, a person has the obligation to keep in possession and present upon a request of an official of the State Border Guard a document (documents), which certifies the identity of the person and the right to reside in the Republic of Latvia. The aforementioned condition shall not apply to a person who is an official (employee) of a State administrative institution or local government and, in fulfilling service (official) duties in the border area, may present a service identification (work) document provided for in the laws and regulations governing the operation of the relevant institution.

(2) The organiser of manoeuvres or training of units of the National Armed Forces or law enforcement institutions, in which the use of weapons, special technical equipment of military or other type or vehicles is intended, in the border area shall inform the State Border Guard regarding the planned referred to manoeuvres or training in writing at least two weeks prior to the commencement of these manoeuvres or training.

(3) The State Border Guard is entitled to prohibit or suspend the manoeuvres or training referred to in Paragraph two of this Section, if in the relevant borderland or in the territory of the neighbouring country adjacent to the external border:

1) a reinforced border control has been introduced;

2) an emergency situation or exceptional circumstances have been proclaimed.

*[16 February 2012]*

## **Section 21. Marking of the Border Area, Borderland and State Border Zone**

The border area, borderland and State border zone shall be marked on site with marker posts and informative signs. The samples and procedures for the installation of marker posts and informative signs shall be determined by the Cabinet.

### **Chapter IV**

#### **Organisation of Border Control at Border Crossing Points and at the State Border**

## **Section 22. Checks at Border Crossing Points**

(1) Persons crossing the external border in order to enter or exit the Republic of Latvia, as well as property and goods being moved across the external border by land, by aircraft or vessels in order to bring them into or bring them out of the Republic of Latvia, shall be subject to checks at the border crossing points. The purpose of these checks shall be to confirm the fact of the crossing of the external border and that the persons remain in the Republic of Latvia, and that property and goods are being brought into or brought out of the Republic of Latvia legally.

(2) The conditions referred to in Paragraph one of this Section shall not be applicable to those persons entering and those persons leaving the Republic of Latvia, who are staying during the travel only in accordance with the conditions of the Convention on International Civil Aviation of 7 December 1944 in the transit zone of the international airport created in the territory of the Republic of Latvia. However, it shall not restrict the rights of competent authorities to perform checks which are necessary in the interests of State security, as well as for the prevention of illegal immigration.

- (3) The competent authorities shall perform the necessary checks at a border crossing point in order to establish whether persons are fulfilling the provisions of this Law and other laws and regulations regarding the crossing of the external border, as well as the movement of property, goods and vessels across the external border. Aircrafts shall be checked in cases when it is necessary in the interests of State security, as well as for the prevention of illegal immigration.
- (4) Checks at a border crossing point shall be as follows: border check, which is performed by officials of the State Border Guard; customs control, which is performed by officials of the customs authority; veterinary or phytosanitary control, control of food safety or of safety of non-food products, quality and classification control, which is performed by officials of the Food and Veterinary Service, as well as radiometric control, which is performed by officials of State administrative institutions specified in laws and regulations.
- (5) During a check officials of the competent authorities shall be allowed to restrict and, if necessary, also prohibit persons from leaving or entering a vehicle, aircraft or vessel, as well as to request that persons leave a vehicle, aircraft or vessel.
- (6) For ensuring the functions and tasks thereof the competent authorities shall develop and approve a technology, which shall include a schematic description of the locations for performing checks and a description and sequence of activities to be performed. The technology of checks shall be co-ordinated with the administration of the airport, the owner or operator of the aerodrome, the port authority, the owner or manager of the port facility or the railway structure manager of the relevant border crossing point.
- (7) Border crossing points in which border check, customs control, veterinary or phytosanitary control, control of food safety or of safety of non-food products, quality and classification control and radiometric control, as well as the period of time for the performance of these checks shall be determined by the Cabinet.
- (8) The formalities, which are connected with vessels entering and leaving a port, shall be determined by the Cabinet.
- (9) At a border crossing point where customs control is not intended, it shall be allowed to cross the State border with the property and goods in personal luggage, the fuel and lubricants in vehicles and special tanks, to which an exemption from payment of the customs duty shall be applied in accordance with the conditions of Chapters X and XXVIII of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty. The compliance with the requirement shall be controlled by the State Border Guard.

*[16 February 2012]*

### **Section 23. Provision of the Competent Authorities with Appropriate Locations or Rooms for the Performance of Checks**

In ports, airports and aerodromes where border crossing points have been established, the port authority or the airport or aerodrome owner or operator shall, free of charge, ensure the competent authorities with locations or rooms appropriate for the performance of checks and equipped with the necessary communications.

### **Section 24. Local Border Traffic**

- (1) The Cabinet shall determine the border crossing points where the external border shall be crossed on the basis of the special procedures for crossing of the external border specified in the agreement of the Republic of Latvia and the neighbouring country (hereinafter – the local border traffic).
- (2) Checks shall be performed by the State Border Guard at the border crossing points which are intended only for the local border traffic.

## **Section 25. Organisation of Movement at Border Crossing Points**

(1) Border crossing points shall be marked by marker posts and, if necessary, enclosed. Access and exit from a border crossing point shall only be permitted by the roads and ways intended for this purpose and marked with informative signs.

(2) The movement of persons and vehicles, the movement of property and goods at border crossing points shall take place in conformity with informative signs, as well as instructions of officials of the competent authorities.

(3) In ports, airports and aerodromes where border crossing points have been created, separation of the flow of persons subject to checks from the flow of persons who are not crossing the State border or who are not subject to checks in accordance with international agreements, shall be ensured.

(4) At border crossing points created on motorways, the State Border Guard shall allow the persons who are crossing the external land border in order to enter or leave the Republic of Latvia, to leave the territory of the border crossing point, as well as to move goods and property which are being brought in or brought out of the Republic of Latvia, after receipt of information that the competent authorities have completed their check.

## **Section 26. Border Crossing Point Regime**

(1) A border crossing point regime shall be in force at border crossing points, which determines the procedures by which persons are permitted to stay and move at a border crossing point, as well as the procedures by which the competent authorities perform activities which are connected with the admittance of persons, as well as the movement of property and goods across the external border.

(2) The border crossing point regime shall be applicable to the section of the territory of the sea port, airport, aerodrome or railway station in which border check is being performed, but at border crossing points created on motorways – to the entire border crossing point.

(3) The border crossing point regime shall be determined in accordance with the type of border crossing point. Depending on the functional significance of the buildings, structures and territory of the border crossing point, the border crossing point regime shall be divided as follows:

- 1) the border check zone regime;
- 2) the regime of the closed territory of the border crossing point;
- 3) the regime of the open territory of the border crossing point.

(4) The border crossing point regime shall be ensured by the competent authorities involved in border control, but the State Border Guard shall organise the provision of control of the border crossing point at the border crossing point.

(5) The special characteristics of the border crossing point regime in accordance with the functional significance of the buildings, structures and territory of the border crossing point, as well as the procedures for the performance of the necessary activities at the border crossing point related to the admittance of persons, as well as the movement of property and goods across the external border, shall be determined by the Cabinet.

## **Section 27. Rights and Obligations of Persons, as well as Prohibitions to Persons at Border Crossing Points**

(1) A person at a border crossing point has the right to receive the following information:

- 1) the given name, surname and position of the official performing the check;
- 2) the order and procedures of the check.

(2) A person staying at a border crossing point has an obligation to:

1) keep with him or her a personal identification document or other documents specified in the laws and regulations governing the border crossing point regime, which are necessary in order to stay at the border crossing point, except for the border crossing points which have been created in ports, airports and railway stations;

2) upon the request of officials of the competent authorities, to present a personal identification document for inspection, as well as other documents specified in the laws and regulations governing the border crossing point regime, which are necessary in order to stay at the border crossing point;

3) upon the request of officials of the competent authorities, to present the vehicle, vessel, aircraft, property and goods and their accompanying documents at the disposal thereof for inspection, if the necessity for such documents is specified by laws and regulations;

4) upon the request of officials of the competent authorities to provide oral and written explanations regarding their activities at the border crossing point;

5) inform the officials of the competent authorities regarding the necessity to import weapons, ammunition, special means, explosives, narcotic and psychotropic substances, radioactive substances, other items or substances for the transportation of which a special permit is necessary, into the territory in which a border crossing point regime has been determined;

6) inform the officials of the competent authorities of the necessity to perform any type of activities which may influence the border crossing point;

7) move in conformity with the road signs and informative signs, as well as the instructions of the officials of the competent authorities;

8) to fulfil other legal requirements of the officials of the competent authorities.

(3) A person arriving at a border crossing point in order to cross the external border, shall have the following obligations during a check:

1) to reply to the questions of officials of the competent authorities about himself or herself, the purpose of the trip and other circumstances which may attest the fulfilment of the conditions for crossing the external border;

2) upon the request of officials of the competent authorities, to present valid travel documents and other documents, the necessity of which has been specified in the laws and regulations governing the entry, residence, exit or travel in transit procedures of persons;

3) upon the request of officials of the competent authorities, to present the vehicle, vessel, aircraft, property and goods and their accompanying documents at the disposal thereof for inspection, if it is specified by laws and regulations;

4) to inform officials of the competent authorities of the weapons, ammunition, special equipment, explosives, narcotic or psychotropic substances, radioactive substances or other items or substances at the disposal thereof (including those in vehicles), for the transportation of which a special permit is necessary;

5) to fulfil other legal requirements of the officials of the competent authorities.

(4) It is prohibited for a person at a border crossing point to:

1) perform any activities which may hinder the fulfilment of the service duties of the officials of the competent authorities;

2) enter and stay in the service premises of the competent authorities without the permission of an official of the competent authority;

3) smoke outside specially determined and designated places.

## **Section 28. Temporary Reintroduction of Border Control at the Internal Border**

(1) The Cabinet shall decide on the temporary reintroduction of border control at the internal border, extension of the term for reintroduction of border control or revocation of the temporary reintroduction of border control by considering the conditions of Regulation (EC) No 2016/399 of the European Parliament and of the Council of 9 March 2016.

(2) In especially urgent and substantiated cases the decision to temporary reintroduce border control at the internal border shall be taken by the Minister for the Interior, informing the Cabinet thereof without delay.

(3) The following shall be indicated in the decision to temporary reintroduce border control at the internal border:

- 1) reasons for reintroduction of border control;
- 2) the locations where the border control shall be reintroduced;
- 3) the extent of border control;
- 4) the date of reintroduction of border control and the planned duration.

(4) If it is decided to temporary reintroduce border control at the internal border, the border crossing point regime shall not be applicable to the locations where the border control is reintroduced.

(5) The Ministry of the Interior shall organise and manage consultations, the provision of information and other organisational measures connected with temporary reintroduction of border control at the internal border.

[22 March 2018]

### **Section 29. Use of Technical Means and Service Dogs in Border Control**

(1) For the purpose of fulfilling its functions, the State Border Guard shall use the technical means and service dogs necessary for border inspection and border surveillance.

(1<sup>1</sup>) It is prohibited to damage, destroy, transform or move the technical means of border inspection and border surveillance. It is prohibited to attack, delay or impede a service dog or deprive a service dog of a possibility to perform the tasks assigned thereto.

(2) The technical means necessary for border check and border surveillance shall be determined by the Cabinet.

(3) The Cabinet shall determine the procedures for the control, storage and use of information acquired by devices for recording video information of the State Border Guard.

[22 March 2018]

### **Section 30. Involvement of Officials of Other Countries in Border Control**

If necessary, by complying with the requirements of the regulatory enactments of the European Union, international agreements and laws and regulations of the Republic of Latvia, the officials of other countries may be involved in the implementation of border control at the State border and at border crossing points.

## **Chapter V**

### **Authorisation of State Administrative Institutions and Other Institutions**

#### **Section 31. Authorisation of State Administrative Institutions in the Determination, Establishment and Maintenance of the State Border**

(1) The Ministry of Foreign Affairs shall:

1) on the basis of a decision of the *Saeima* or the Cabinet, conduct bilateral negotiations regarding the determination or restoration of the State border and a border crossing point and the determination of the State border regime;

2) organise and manage demarcation commissions within the scope of the determination and restoration of the State border;

3) regulate border incidents, which have not been regulated by plenipotentiary border representatives of the Republic of Latvia.

(2) The Ministry of Defence shall:

1) regulate all incidents connected with the violation of the State air space regime in accordance with the competence thereof;

2) ensure the survey of the State border – the determination of the State border line and the geodesic co-ordinates of the State border signs and the drawing up of State demarcation maps.

(3) The Ministry of the Interior shall:

1) organise and ensure the marking of the State land border on site and the fixing thereof, the establishment of the State border zone, borderland and border area, as well as plan and ensure the maintenance of the State land border in accordance with the competence thereof specified in the relevant regulatory enactments;

2) ensure the preparation of the documents necessary for the alienation of private properties in the cases specified in this law and in accordance with the procedures specified in regulatory enactments;

3) resolve matters regarding the introduction of the State border regime in accordance with the competence thereof;

4) regulate incidents connected with the violation of the State border regime in accordance with the competence thereof.

### **Section 32. Co-operation of State Administrative Institutions**

The Cabinet shall determine the procedures by which State administrative institutions shall co-operate in matters of State border security.

### **Section 33. Rights of the Air Force of the National Armed Forces in Provision of the Border Guarding System**

In order to ensure the sovereignty and inviolability of the State air space, the Air Force of the National Armed Forces has the right:

1) to involve competent authorities, institutions of other states and of the North Atlantic Treaty Organisation (NATO) in the clarification of situations arising in the State air space and in the identification of aircraft;

2) to prohibit or restrict aircraft flights in individual regions of the State air space, if threats arise that the State border might be illegally crossed by its air space;

3) to request the crews of aircraft that are crossing the State border illegally, to land in the territory of the Republic of Latvia in order to clarify the circumstances and reasons for the illegal crossing of the State border;

4) to conduct the interception of the illegally crossing aircraft, the diversion to the state from which it has flown, the escorting or forced landing thereof.

### **Section 34. Rights of the North Atlantic Treaty Organisation (NATO) in the Provision of the Border Guarding System**

In order to ensure the sovereignty and inviolability of the air space of the Republic of Latvia, the North Atlantic Treaty Organisation (NATO) has the right to perform the control and guarding of the air space thereof.

### **Section 35. Support of Local Governments for the State Administrative Institutions Involved in Provision of the Border Guarding System**

Local governments shall provide support within the competence thereof to the State administrative institutions involved in provision of the border guarding system.

## Transitional Provisions

1. With the coming into force of this Law the State Border Law of the Republic of Latvia adopted on 27 October 1994 (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 23; 1995, No. 24; 1997, No. 2; 1998, No. 22; 1999, No. 24; 2000, No. 13; 2001; No. 7, No. 21; 2004, No. 2, No. 8; 2005, No. 2) is repealed.

2. Until the date of the coming into force of the relevant Cabinet regulations, but not longer than eight months from the date of coming into force of this Law, the following Cabinet regulations shall be in force insofar as they are not in conflict with this Law:

1) Cabinet Regulation No. 246 of 2 July 1996, Regulations Regarding the Determination of State Border Crossing Points and Location of Border Control Points and Border Crossing Points at the State Border of the Republic of Latvia;

2) Cabinet Regulation No. 6 of 13 January 1998, Regulations Regarding State Border Signs;

3) Cabinet Regulation No. 503 of 29 December 1998, On the Determination of the State Border Zone of the Republic of Latvia and the Russian Federation;

4) Cabinet Regulation No. 74 of 2 March 1999, Regulations Regarding the Coordinates of Base Line Points;

5) Cabinet Regulation No. 21 of 16 January 2001, Procedures by which Foreign Warships shall Enter and Remain in the Territorial Waters, the Inland Waters and Ports of the Republic of Latvia, and Leave from These;

6) Cabinet Regulation No. 43 of 30 January 2001, On the Determination of the State Border Zone of the Republic of Latvia and the Republic of Byelorussia;

7) Cabinet Regulation No. 310 of 10 July 2001, Procedures by which Persons Cross the State Border of the Republic of Latvia;

8) Cabinet Regulation No. 126 of 19 March 2002, Procedures by which the State Border Guard shall Perform Guarding of the State Sea Border utilising Technical Means, Craft and Aircraft of the National Armed Forces;

9) Cabinet Regulation No. 195 of 21 May 2002, Regulations Regarding Equipment and Technical Facilities Necessary for Performance of Border Control;

10) Cabinet Regulation No. 296 of 9 July 2002, Regulations Regarding the Border Control Point Regime;

11) Cabinet Regulation No. 499 of 4 November 2002, Regulations Regarding Border Area Regime and Borderland Regime of the Republic of Latvia;

12) Cabinet Regulation No. 892 of 22 November 2005, Regulations Regarding Formalities Related with Ships Arriving in and Departing from Port.

3. Section 9.<sup>1</sup> of this Law shall come into force on 1 September 2012.

*[16 February 2012]*

4. Section 10.<sup>1</sup> of this Law shall come into force on 1 July 2012.

*[16 February 2012]*

5. Until the day when the Cabinet regulations referred to in Section 19, Paragraph one of this Law come into force, but not later than until 1 September 2012 Cabinet Regulation No. 674 of 27 July 2010, Regulations Regarding the State Border Zone, the Borderland and the Border Area, as well as Samples of Indication Signs and Information Signs of the Border Area, the Borderland and the State Border Zone and the Procedure for Installation Thereof, shall be in force, in so far as they are not in contradiction with this Law.

*[16 February 2012]*

This Law has been adopted by the *Saeima* on 12 November 2009.

Acting for the President, Chairperson of the *Saeima*

G. Daudze

Riga, 2 December 2009