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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. 468

Adopted 8 August 2017

Regulations Regarding Individual Types of Customs Control

*Issued pursuant to
Section 14, Paragraph two, Clauses 3 and 4 and Section 14.⁵ of the Customs Law
[24 August 2021]*

I. General Provision

1. The Regulation prescribes:

1.1. the procedures by which the measures of customs control for the protection of intellectual property rights shall be implemented;

1.2. the obligations of the holder of the decision in the process of implementation of the measures of customs control;

1.3. the information to be indicated in the confirmation of the holder of the decision regarding an infringement of the intellectual property rights;

1.4. the procedures by which the holder of the decision shall cover, within the meaning of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (hereinafter – Regulation No 608/2013), costs for the storage and destruction of goods suspended for release or detained and determine the amount of such costs;

1.5. the procedures for the seizure of the samples of the goods referred to in Paragraph 14.⁴ of the Customs Law;

1.6. the procedures by which the samples of the goods seized in accordance with Article 19 of Regulation No 608/2013 shall be returned to the declarant or the holder of the goods if it is detected that the intellectual property rights are not being infringed with the goods;

1.7. the procedures by which a customs official shall detain a road vehicle in the customs territory of the Republic of Latvia for the performance of customs control and shall transport the road vehicle to the customs office for the performance of customs control;

1.8. the technical requirements for the means of the identification of goods and also the procedures for the use thereof.

[24 August 2021]

II. Procedures for the Taking of the Measures of Customs Control for the Protection of Intellectual Property Rights

2. In order to protect intellectual property rights, the persons and entities referred to in Article 3 of Regulation No 608/2013 may submit the application referred to in Article 2(9) of Regulation No 608/2013 to the State Revenue Service for the customs authority to deal with the goods suspected of infringing the intellectual property rights (hereinafter – the application).

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3. The State Revenue Service shall approve the request submitted if it has been submitted in accordance with the requirements laid down in Article 5(2), (3), (4), and (6) of Regulation No 608/2013.

4. The State Revenue Service shall reject the request submitted if it does not conform to the requirements laid down in Article 5(2), (3), (4), and (6) of Regulation No 608/2013 and has not been supplemented by submitting the missing information in accordance with the requirements laid down in Article 7 of Regulation No 608/2013.

5. The State Revenue Service shall take the decision to approve or reject the application in conformity with the time periods specified in Article 9 of Regulation No 608/2013 regarding notification of the decision to the applicant. The State Revenue Service shall publish information on the applications in effect on the website of the State Revenue Service.

6. The State Revenue Service shall take the decision to suspend the measures taken by the customs service in the cases referred to in Article 16(2) of Regulation No 608/2013.

7. If it is not possible to store goods the release of which has been suspended or which have been detained in accordance with Article 17(1) or Article 18(1) of Regulation No 608/2013 in the premises or territories of the State Revenue Service, the State Revenue Service shall hand over goods into accountable storage to the applicant which has received the decision of the State Revenue Service referred to in Paragraph 5 of this Regulation on approval of the application (hereinafter – the holder of the decision) until the moment when the decision on further actions with these goods has become enforceable. Goods shall be handed over for storage by drawing up a deed of delivery and acceptance. One copy of the deed shall remain with the State Revenue Service, the other copy shall be issued to the holder of the decision. The holder of the decision shall store goods at a customs warehouse, in the free zone, or a customs-approved temporary storage site.

8. The holder of the decision shall, in accordance with that specified in Article 23(1)(a) and (b) of Regulation No 608/2013, indicate in the confirmation that it is certain of an infringement of an intellectual property right and agrees to the destruction of goods.

9. If, in accordance with Section 14.¹ of the Customs Law, the declarant or the holder of the goods has submitted written objections to the State Revenue Service against destruction of goods, the holder of the decision shall, within the time period specified in Article 23(3) of Regulation No 608/2013, submit a confirmation to the State Revenue Service regarding an infringement of an intellectual property right. The following information shall be indicated in the confirmation:

- 9.1. the intellectual property right which has been infringed;
- 9.2. the circumstances and signs attesting that the goods suspended for release or detained conform to the definition specified in Article 2(7) of Regulation No 608/2013;
- 9.3. a corresponding value of the original goods.

[24 August 2021]

10. The provision of the guarantee referred to in Article 24(2)(a) of Regulation No 608/2013 shall be certified by a written agreement of the declarant or the holder of the goods and the holder of the decision submitted to the State Revenue Service.

11. If the declarant or the holder of the goods has not submitted written objections to the State Revenue Service against destruction of goods, it shall be considered that it has agreed to the destruction of goods in accordance with Article 23(1)(c) or Article 26(6) of Regulation No 608/2013, and the State Revenue Service shall take the decision to hand over the goods for destruction.

12. [24 August 2021]

13. The State Revenue Service shall hand over the goods on which the decision referred to in Paragraph 11 of this Regulation has been taken for destruction to the holder of the decision.

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14. The holder of the decision has the obligation to accept the goods referred to in Paragraph 13 of this Regulation and in Section 14.¹, Paragraph two of the Customs Law for destruction within 10 working days from the day of receipt of the decision. If necessary, the holder of the decision may agree with the State Revenue Service in writing on the extension of the time period.

[24 August 2021]

15. The holder of the decision shall destroy the goods which have been handed over thereto for destruction in accordance with Paragraph 14 of this Regulation from its own resources in the presence of a representative of the State Revenue Service and shall draw up a deed on destruction of goods in which the goods to be destroyed, the quantity of the goods, and the way of destruction are indicated.

16. If the holder of the decision has not accepted the goods referred to in Paragraph 13 of this Regulation and in Section 14.¹, Paragraph two of the Customs Law for destruction within the specified time period, such goods shall be destroyed by the State Revenue Service.

[24 August 2021]

17. Costs incurred by the State Revenue Service for destroying the goods in accordance with Paragraph 16 of this Regulation shall be covered by the holder of the decision according to the actual costs.

18. If the holder of the decision has not taken over the goods into accountable storage in accordance with Paragraph 7 of this Regulation, it shall cover the cost which the State Revenue Service has incurred in relation to the storage of the goods suspended for release or detained. The amount of storage costs shall be determined in accordance with Paragraph 19 of this Regulation.

19. The storage costs per 1 m² of the area occupied shall be EUR 8.89 per month. If the area occupied is less than 1 m², the storage costs shall be calculated per 1 m² of the area occupied.

[24 August 2021]

20. If the State Revenue Service stores the goods referred to in Paragraph 7 of this Regulation for less than a month, the storage costs shall be calculated by dividing the storage costs of a

month by the number of days of the month and multiplying with the actual number of storage days.

21. The amount of costs for the storage of goods suspended for release or detained shall be calculated from the day of suspension or detention until the day when:

21.1. the holder of the decision accepted the goods in the case referred to in Paragraph 7 or 14 of this Regulation;

21.2. the State Revenue Service destroyed the goods in accordance with Paragraph 16 of this Regulation.

22. [24 August 2021]

23. [24 August 2021]

24. In accordance with Article 29(1) of Regulation No 608/2013, the holder of the decision shall, within 30 days after the calculation of the costs for the storage or destruction of goods has been received from the State Revenue Service, cover the costs for the storage and destruction of the goods with which the intellectual property rights have been infringed.

25. If, within 30 days from the day when the calculation of the costs for the storage or destruction of goods has been received from the State Revenue Service, the holder of the decision does not voluntarily cover the relevant costs, the State Revenue Service shall take the decision on payment of costs, including a warning in the decision of forced execution of the decision.

26. If the decision on payment of costs has entered into effect and the time period for the voluntary execution thereof has expired, however, the holder of the decision has not covered the costs specified in the decision on payment of costs, the State Revenue Service shall transfer the decision on payment of costs to a sworn bailiff for forced execution.

II.¹ Procedures for the Seizure and Return of Samples of Goods

[24 August 2021]

26.¹ If, for the purposes referred to in Article 25(1)(a) of Regulation No 608/2013, the State Revenue Service requires samples of the goods handed over for destruction to the holder of the decision, the State Revenue Service shall inform the holder of the decision thereof concurrently with provision of information on the decision in relation to handing over the goods for destruction. If, within five working days after receipt of the abovementioned information, the holder of the decision has not objected against the handing over of samples of the goods handed over for destruction to the State Revenue Service, it shall be considered that the holder of the decision has agreed thereto in accordance with Article 25(1)(a) of Regulation No 608/2013. If, after the abovementioned time period of five working days, the holder of the decision submits an objection against the handing over of samples of the goods handed over for destruction and justifies missing of the time period for submitting an objection, the State Revenue Service shall revoke the decision to hand over samples of the goods to the State Revenue Service if the reason for missing the time period for submitting an objection can be recognised as justifying.

[24 August 2021]

26.² The State Revenue Service shall take over the goods necessary for samples from the keeper of the goods, drawing up a deed of acceptance and delivery of goods, and shall issue one copy of the deed to the keeper of the goods.

[24 August 2021]

26.³ The holder of the decision shall not reimburse the costs which the State Revenue Service has incurred for the storage of such goods suspended for release or detained which have been taken over as samples by the State Revenue Service.

[24 August 2021]

26.⁴ The State Revenue Service shall destroy the samples of the goods which are no longer necessary for the purposes referred to in Paragraph 26.¹ of this Regulation from its own resources and shall draw up a deed of destruction of the samples of the goods.

[24 August 2021]

26.⁵ The holder of the decision shall store the samples of the goods which have been issued to the holder of the decision for the needs referred to in Article 19(2) of Regulation No 608/2013 until the day when the final decision in relation to the goods the release of which has been suspended or which have been detained enters into effect unless the abovementioned samples of the goods have irreversibly perished during the research process thereof.

[24 August 2021]

26.⁶ If the goods are released or their detention is terminated, the holder of the decision shall hand over the goods referred to in Paragraph 26.⁵ of this Regulation to the State Revenue Service within 10 working days after the day when the decision on the release of the goods or termination of detention has entered into effect. The State Revenue Service shall draw up a deed of delivery and acceptance thereon and shall issue one copy of the deed to the holder of the decision.

[24 August 2021]

26.⁷ The State Revenue Service shall, within 10 working days after taking over the goods referred to in Paragraph 26.⁶ of this Regulation, inform the declarant or the holder of the goods of the possibility to receive the abovementioned goods.

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26.⁸ The declarant or the holder of the goods has the obligation, within 10 working days after the State Revenue Service has notified of the possibility to receive the goods referred to in Paragraph 26.⁶ of this Regulation, to take them over from the State Revenue Service. The State Revenue Service shall draw up a deed of delivery and acceptance of goods on the goods handed over to the declarant or the holder of the goods.

[24 August 2021]

26.⁹ If the declarant or the holder of the goods does not take over the goods referred to in Paragraph 26.⁶ of this Regulation within the time period referred to in Paragraph 26.⁸ of this Regulation, the State Revenue Service shall act with the goods in accordance with the procedures provided for in Article 198(1) of Regulation No 952/2013.

[24 August 2021]

III. Detention of a Vehicle in the Customs Territory of the Republic of Latvia for the Performance of Customs Control and Transportation of a Vehicle to the Customs Authority of the State Revenue Service for the Performance of Customs Control

27. A vehicle shall be detained for the performance of customs control if it is detected or there are sufficient grounds for assuming that goods subject to customs clearance or undeclared cash, or goods, articles, or substances the carriage or movement of which across the State border is

prohibited, thus violating the legal acts in the field of customs, are transported in the vehicle without the authorisation of the customs authority.

28. It is prohibited to detain:

28.1. a vehicle which has special light and sound signals switched on during driving (emergency vehicles);

28.2. a vehicle for which the diplomatic or consular immunity and privileges have been determined.

29. Detention of a vehicle shall be performed by not less than two customs officials.

30. If the driver of a vehicle does not comply with the request of a customs official to stop the vehicle, the customs official shall, using the emergency vehicle of the State Revenue Service with a switched-on flashing blue light and switched-on sound signal, commence pursuit of the relevant vehicle, issuing a repeated instruction with the help of a loudspeaker to stop the vehicle. If necessary, in order to stop such vehicle, the customs official may involve the State Police.

31. If features of an administrative offence or criminal offence in the field of customs affairs have been detected or it is necessary to perform customs control, the customs official shall indicate the site where the driver of the vehicle must transport the vehicle.

32. The driver of the vehicle has the obligation to transport the vehicle to the site indicated by the customs official.

33. If the driver of the vehicle is not able or refuses to transport the vehicle to the site indicated by the customs official, it shall be performed:

33.1. by the customs official;

33.2. upon instruction of the customs official, by another driver of the vehicle or a towing service provider.

34. The vehicle shall be escorted by the customs official with the emergency vehicle of the State Revenue Service to the site indicated by the customs official.

IV. Technical Requirements for the Means of the Identification of Goods and Procedures for the Use Thereof

35. Means of identification of the goods shall be as follows:

35.1. a customs seal (Annex 1);

35.2. a customs label (Annex 2);

35.3. a photograph and a description of the goods;

35.4. a security of another type in accordance with Paragraph 45 of this Regulation.

36. Means of identification of the goods shall be used:

36.1. to preclude unauthorised access to goods or performance of unauthorised activities with such goods, commercial means of transport, premises, and other sites where goods subject to customs control might be located or there are justified suspicions that such goods might be located there (hereinafter – the object of customs control);

36.2. if it is requested by the owner, holder, manager of the object of customs control or their authorised persons.

37. Concurrently it shall be permitted to use several types of means of identification of the goods. One type of means of identification may be exchanged for another type of means of identification of the goods.

38. Customs seals and customs labels shall be used in ascending order of their identification numbers.

39. A customs seal (if it is possible to affix it) shall be used in order to preclude unauthorised access to the object of customs control.

40. A customs label shall be used if it is not possible to affix a customs seal and, by affixing a customs label, it is possible to preclude unauthorised access to the object of customs control.

41. A customs official shall use means of identification of the goods according to the following procedures:

41.1. means of identification of the goods shall be used in the case specified in Article 192(1) of Regulation No 952/2013;

41.2. photographs and descriptions of the goods shall be used as individual or additional means of identification of the goods in order to ensure the objective of identification of the goods referred to in Sub-paragraph 36.1 of this Regulation. Photographs and descriptions of the goods (regardless of the documents issued by experts of the competent authorities) shall be considered as means of identification of the goods after the customs official has approved them with a signature and the stamp of the customs authority. After approval of the list of goods, it shall not be permitted to make additional entries therein. Photographs and descriptions of the goods shall be appended to the accompanying documents of goods (cargo).

42. Customs seals and customs labels shall not be used:

42.1. for heavy, bulky, and homogeneous bulk cargoes;

42.2. if live animals are being transported;

42.3. if it is not possible to attach them physically.

43. The customs official may exchange means of identification of the goods in the following cases:

43.1. if the previous means of identification of the goods have been damaged, are illegible, or have been lost;

43.2. if, in performing customs control, means of identification of the goods have been removed and it is necessary to attach new ones;

43.3. if another customs procedure is applied to part of the goods declared for customs procedure or the amount of goods declared for customs procedure is supplemented with other goods;

43.4. if means of identification of the goods, after coordination with the customs authority, had been removed due to objective reasons.

44. Upon request of the persons referred to in Sub-paragraph 36.2 of this Regulation, the customs official shall affix means of identification of the goods if, in assessing the particular circumstances, the customs official draws the conclusion that it is objectively necessary.

45. A person to whom the customs authority has issued an authorisation granting the right to affix means of identification of the goods without the presence of a customs official:

45.1. shall use it according to the procedures for the use of security specified in the authorisation issued;

45.2. shall use seals and adhesive labels which, by their properties and technical specifications, are analogous to customs seals and adhesive labels;

45.3. with the authorisation of customs authorities, may use seals of other kind if they conform to the requirements of Article 301 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.

46. If goods declared for different customs procedures are carried in one vehicle and they are separated, the person to whom the customs authority has issued an authorisation to use adhesive labels may use adhesive labels as means of identification of the goods, without attaching seals to the vehicle itself.

Prime Minister

Māris Kučinskis

Minister for Justice

Dzintars Rasnačs

Technical Requirements for Customs Seals

1. Strap seal (Figure 1) consisting of:

1.1. a metal strap which is 21.43 cm in length, 0.95 cm in width. The strap shall bear the inscription “LATVIJAS MUITA” [customs of Latvia] and the identification number consisting of two letters and six digits;

1.2. a locking mechanism.

2. Strap seal shall have an extending strap the width of which is 4–5 mm, the length of perforation – 8–12 mm, and the interval between perforations – 13 mm.

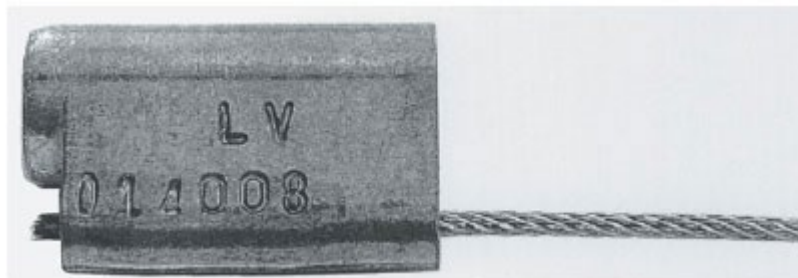


Figure 1.

3. Cable seal (Figure 2) consisting of:

3.1. a locking mechanism – a seal head with engraved letters “LV” and identification number consisting of six digits;

3.2. a cable which is 400 mm in length, 1.6 mm in diameter.



Minister for Justice

Dzintars Rasnačš

Technical Requirements for Customs Labels

1. A customs label is a self-adhesive label of high level of adhesion which cannot be removed without damaging (tearing, deforming) it.
2. A customs label is 180–240 mm in length, 20–40 mm in width.
3. The identification mark of a customs label shall bear the inscription “LATVIJAS MUITA” and “CUSTOMS” in the middle, and the identification number consisting of two letters and five digits shall be located below it.
4. Ancillary material – adhesive tape:
 - 4.1. width is 38 mm, length – unrestricted;
 - 4.2. colour – green;
 - 4.3. material – sufficiently resistant both for use and storage;
 - 4.4. use – ancillary material for a customs label.

Minister for Justice

Dzintars Rasnačš