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Republic of Latvia

Cabinet

Regulation No. 888

Adopted 28 October 2008

Procedures by Which the Gifts Accepted While Fulfilling the Duties of Office and Which Are the Property of the State or Local Government Authority Shall Be Registered, Evaluated, Utilised and Redeemed

*Issued pursuant to
Section 13.³, Paragraph two of the Law On Prevention of Conflict of Interest in Activities of
Public Officials*

I. General Provisions

1. These Regulations prescribe the procedures by which the gifts accepted while fulfilling the duties of office and which are the property of the State or local government authority shall be registered, evaluated, utilised and redeemed (hereinafter – a gift).
2. These Regulations shall not be applied in relation to diplomatic gifts.

II. Notification on the Acceptance of Gifts

3. A public official shall submit a written notification regarding the acceptance of a gift (hereinafter – a notification) after the acceptance of a gift to the Evaluation Committee of the relevant authority (hereinafter – Committee), which is established in accordance with the procedures specified in these Regulations.
4. Upon submission of the application a public official shall attach the gift thereto. If it is not possible to attach a gift to the notification due to the specific qualities thereof (for example, it may decrease its value, storage costs of the gift may exceed the value of the gift), the reason due to which the gift is not attached and the place of location of the gift shall be indicated in the notification.
5. The President shall submit a notification and the gift attached thereto to the Committee established by the head of the Chancery of the President.
6. A deputy of the Saeima shall submit a notification and the gift attached thereto to the Committee established by the Saeima.
7. The Prime Minister, Deputy Prime Minister, the Head of the Prime Minister's Bureau, adviser to the Prime Minister, the Head of the office of the Deputy Prime Minister and adviser

to the Deputy Prime Minister shall submit a notification and the gift attached thereto to the Committee established by the Director of the State Chancery.

8. The Minister, the Minister of Special Assignments, the Parliamentary Secretary of the Minister, the Head of the Office of the Minister and advisor to the Minister shall submit a notification and the gift attached thereto to the Committee established by the State secretary of the relevant Ministry or the Secretariat of a Minister for Special Assignments.

9. A Justice of the Constitutional Court and of the Supreme Court shall submit a notification and the gift attached thereto to the Committee established by the Chief Judge of the relevant court.

10. A judge of a district (city) court and regional court shall submit a notification and the gift attached thereto to the Committee established by the Director of the Court Administration.

11. A member of the board or council of a State or local government capital company shall submit a notification and the gift attached thereto to the Committee established by the head of the institution which is the holder of capital shares owned by the State or local government.

12. A member of the council of a capital company, who represents the interests of Latvia or local government in the capital company, or a member of the board of a capital company in which the share of the State or local government in equity capital individually or together exceeds 50 per cent, shall submit a notification and the gift attached thereto to the Committee established by the Head of an institution which is the holder of the capital shares owned by the State or local government.

13. The public official fulfilling the duties of office outside the State or local government authorities, if the State or local government authority has permanently or temporarily delegated to him or her any of the functions referred to in Section 4, Paragraph two of the Law on Prevention of Conflict of Interest in Activities of Public Officials in accordance with regulatory enactments, shall submit a notification and the gift attached thereto to the Committee established by the Head of the State or local government authority which has delegated these functions.

14. A notification and the gift attached thereto shall be submitted within a week after receipt of the gift.

15. The following information shall be included in the notification:

15.1. name, surname and position of the public official;

15.2. description of the gift;

15.3. place and date of acceptance of the gift;

15.4. the value of the gift, if known;

15.5. the reason for presenting the gift (in accordance with Section 13.¹, Paragraph one, Clauses 1, 2, 3 and 4 of the Law on Prevention of Conflict of Interest in Activities of Public Officials);

15.6. the name, surname, position of the person presenting the gift or the name and registration number of the legal person; if the presenter of the gift is unknown, it shall be indicated that the presenter of the gift is unknown; if the gift is presented by a foreign delegation, the name of the delegation shall be indicated; and

15.7. information regarding a desire to redeem the gift.

16. If a public official has accepted a gift during State, official or business visits abroad or in the Republic of Latvia, a notification shall be submitted together with the gift within a week after the end of a visit. If it is not possible to submit a gift and notification within the referred to period of time due to objective reasons, a public official shall submit it immediately after the conditions hindering the submission of the notification and gift have ceased to exist.

III. Establishment and Competence of the Gift Evaluation Committee

17. The Committee is a collegial authority which is established by an order of the Head of the relevant State or local government authority, by an order of the officials referred to in Paragraphs 5, 7, 8, 9, 10, 11 and 12 of these Regulations or by a decision of the Saeima in the case referred to in Paragraph 6 of these Regulations. The Committee shall register and evaluate the gift, as well as take a decision regarding the use thereof.

18. The Committee shall consist of at least three members. Members of the Committee shall be appointed from the relevant authority or employees of the authorities subordinate to it or from the relevant authority and employees of the authorities subordinate to it.

19. The members of the Committee shall elect the Chair of the Committee from its membership. The Chair of the Committee shall be responsible for the procedures of the Committee sessions, minutes thereof, registration of gifts, as well as financially liable regarding the storage of gifts until a decision is taken regarding the use of a gift.

20. The Committee shall take decisions by a majority vote. A decision of the relevant Committee shall be binding on the Head of the State or local government authority, as well as the officials referred to in Paragraphs 5, 6, 7, 8, 9, 10, 11 and 12 of these Regulations.

IV. Registration of Gifts

21. The Chair of the Committee shall without delay ensure the registration of a notification and gift.

22. A notification and gift shall be registered in a register of gifts. The following information shall be specified in a register:

- 22.1. date of receipt of the notification;
- 22.2. registration number;
- 22.3. type of gift;
- 22.4. giver of the gift; and
- 22.5. recipient of the gift.

V. Gift Evaluation

23. The Committee shall examine a notification, determine the value of a gift at the moment of evaluation thereof, as well as evaluate whether a gift may have artistic or heritage value.

24. The Committee shall determine the value of a gift in accordance with the market prices of Latvia and draw up a gift evaluation report. If necessary, the Committee may invite an expert for determination of the gift value, as well as artistic or heritage value thereof.

25. If the Committee has determined that a gift may have an artistic or heritage value, it shall submit a written submission to the State Authority on Museums upon co-ordination with the Head of the relevant authority, asking to determine whether the gift has an artistic or heritage value and provide the relevant opinion.

26. If a gift has an artistic or heritage value, the State Authority on Museums shall indicate a museum in the opinion thereof for which the gift is necessary for the replenishing of holdings and making of expositions.

27. The Committee shall attach a photograph of a gift, in which it is clearly visible and can be identified, to a submission referred to in Paragraph 25 of these Regulations. The minimum size of a photograph is 8 x 12 cm, maximum size – 29 x 42 cm. If a submission is submitted electronically, a photograph shall be attached in digital format, and the minimum resolution thereof shall be 800 x 533 pixels. The gift itself shall be handed over to the State Authority on Museums upon request thereof.

28. Upon receipt of the opinion of the State Authority on Museums, if a museum for which a gift may be necessary is indicated, the Committee shall take a decision to hand over a gift to a museum specified by the State Authority on Museums for the replenishing of holdings and making of expositions. At the discretion of the Committee a gift may also be given to another museum.

29. After evaluation of a gift it shall be registered in the relevant group of assets. The specified value of a gift shall be entered on the receipts side.

VI. Utilisation of Gifts

30. Gifts shall be utilised in one of the following ways:

30.1. utilised for the needs of the State or local government authority in which the recipient of a gift holds a position;

30.2. transferred for use free of charge to another State or local government authority for the needs thereof;

30.3. transferred to a museum free of charge in accordance with the procedures specified in these Regulations; or

30.4. transferred to a recipient of the gift for redemption thereof.

31. If the museum indicated by the State Authority on Museums has refused to accept a gift for the replenishing of holdings and making of expositions, the Committee shall decide regarding other types of use of the gift referred to in Paragraph 30 of these Regulations.

32. If the Committee decides that a gift cannot be used in any of the ways referred to in Paragraph 30 of these Regulations due to specific qualities thereof, the Committee shall take a decision regarding destruction of the gift.

33. The Committee shall take a reasoned decision regarding the use or destruction of a gift and make an entry thereof in a gift register. The date of taking a decision and the mode of use of the gift shall be indicated in the register or a notation regarding the destruction of the gift shall be made.

34. The Committee shall notify the Head of the relevant authority regarding the decision taken. The Head of the authority shall ensure the fulfilment of a decision of the Committee.

35. The gifts accepted by the President shall be transferred to the National History Museum of Latvia for replenishing the collection of Presidents' gifts.

VII. Redemption of Gifts

36. If a decision regarding the use of gift has not been taken, due to which it is not possible to redeem the gift, a public official is entitled to submit a submission to the Committee regarding the redemption of the gift until the end of performing the duties of office or three months after termination of the duties of office. The submission is not required if the public official has expressed a desire to redeem a gift in a notification.

37. A public official redeeming a gift shall transfer monies in accordance with the value of the gift specified by the Committee to the account at the Treasury opened by the State budget authority. The State budget authority shall be responsible for transferring this amount into the State budget revenue.

38. When the document regarding the payment has been submitted to the Committee, a public official shall receive the gift to be redeemed and the Chair of the Committee shall make a relevant entry in the gift register.

Prime Minister

I. Godmanis

Minister for Justice

G. Bērziņš