Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

8 June 2004 [shall come into force from 12 June 2004];

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3 July 2007 [shall come into force from 7 July 2007];

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22 December 2015 [shall come into force from 1 January 2016];

1 November 2016 [shall come into force from 4 November 2016].

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. 236

Adopted 29 April 2003

**By-laws of the Ministry of Defence**

*Issued pursuant to*

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

**I. General Provisions**

1. The Ministry of Defence (hereinafter – the Ministry) is the leading State administration institution in the field of national defence.

2. The Ministry is directly subordinate to the Minister of Defence (hereinafter – the Minister).

3. The Ministry is the highest authority for the State administration institutions subordinate to the Ministry.

**II. Functions, Tasks and Competence of the Ministry**

4. The Ministry shall have the following functions:

4.1. to draw up the national defence policy;

4.2. to organise and co-ordinate the implementation of the national defence policy;

4.3. to organise and co-ordinate the implementation of State policy in the field of geodetic, cartographic and geospatial information;

4.4. to organise and co-ordinate the implementation of State policy in the field of military education and science;

4.4.1 to plan the development of medium-term and long-term capabilities of the National Armed Forces, including infrastructure, personnel, finances and provision with material and technical resources;

4.5. to carry out other functions laid down in external laws and regulations.

*[7 July 2008; 30 March 2010]*

5. In order to ensure carrying out of the functions, the Ministry shall perform the following tasks:

5.1. ensure the development of the National Armed Forces and their conformity with the military capabilities stipulated by the North Atlantic Treaty Organisation;

5.2. prepare the analysis of military threats, draw up a national defence concept and a national defence plan, a plan for the development of the National Armed Forces, a plan for the mobilisation of the National Armed Forces and a host country support plan;

5.3. ensure the development of the administration and military education policy of the personnel involved in national defence;

5.4. participate in the shaping of the security and national defence policy of the North Atlantic Treaty Organisation, European Union and other international security and defence organisations;

5.5. ensure bilateral and multilateral co-operation of countries according to the priorities of the national defence policy;

5.6. ensure the participation of Latvia in international security and defence measures;

5.6.1 plan the participation of the National Armed Forces in international operations;

5.7. manage the mobilisation of the National Armed Forces and involving of such foreign armed forces, the support of which has been deemed as necessary by a Cabinet decision;

5.8. draw up the guidelines for technical provision and supply of national defence, determine the political guidelines of the National Armed Forces, as well as draw up conceptual documents in the field of provision and supply;

5.9. shape policy in issues related to social guarantees for soldiers and in accordance with the procedures laid down in laws and regulations ensure social guarantees to the personnel of the National Armed Forces;

5.10. in accordance with the procedures laid down in laws and regulations issue a permit to the foreign armed forces for bringing in armaments into the Republic of Latvia and bringing out therefrom, keep records of and control the armaments brought in;

5.11. in the cases and in accordance with the procedures laid down in laws and regulations issue authorisations (licences) for commercial activity of individual types;

5.12. ensure the drawing up of draft laws and regulations, as well as the methodological management and monitoring of the sector in the field of geodesy and cartography;

5.13. draw up the policy guidelines for youth military patriotic upbringing;

5.14. co-ordinate co-operation with scientific organisations in the field of national defence;

5.15. draw up guidelines for informing the public regarding national defence and international security policy issues;

5.15.1 co-ordinate the shaping and implementation of security policy of information technologies;

5.15.2 ensure the work of Supervisory Committee of Electronic Identification;

5.16. perform other tasks laid down in laws and regulations.

*[7 July 2008; 30 March 2010; 9 July 2013; 1 November 2016]*

6. The Ministry shall:

6.1. draw up draft legal acts governing the sector and policy planning documents;

6.2. provide statements regarding draft legal acts and policy planning documents drawn up by other institutions;

6.3. in the cases specified in external laws and regulations issue administrative acts;

6.4. ensure the implementation of the sectoral policy in State administration institutions subordinate to the Ministry;

6.5. prepare and, in accordance with the procedures laid down in laws and regulations, provide proposals regarding the financing necessary for national defence from the State budget, as well as the financing for implementation of the measures provided for in laws and regulations related to national defence and respective policy planning documents and for the performance of the tasks of the Ministry from the State budget;

6.6. within the scope of its competence, represent the State interests in international organisations and institutions of the European Union;

6.7. in the name of the State, perform private legal transactions necessary for ensuring the operation of the Ministry;

6.8. perform checks of the performance of the functions, as well as other checks in State administration institutions subordinate to the Ministry;

6.9. in accordance with the procedures laid down in laws and regulations, co-operate with other State administration institutions in the drawing up and implementation of a single sectoral policy;

6.10. inform the public regarding the sectoral policy and operation of the institutions subordinate to the Ministry, consult with non-governmental organisations in decision-making process, promote social dialogue in issues related to the drawing up and implementation of the policy, as well as involve public representatives in State administration.

*[14 June 2005]*

7. The Ministry has the following rights:

7.1. in the cases specified in external laws and regulations, to request and receive the information and documents necessary for the performance of the tasks of the Ministry from natural persons and legal persons governed by private law free of charge;

7.2. to involve representatives of ministries, other State administration institutions, local governments and other institutions in the solving of sectoral policy issues;

7.3. to participate in events organised by international organisations, to enter into international co-operation contracts, and to co-ordinate international co-operation;

7.4. to perform an audit and check at State administration institutions subordinate to the Ministry;

7.5. to implement other rights laid down in laws and regulations.

*[30 March 2010]*

**III. Structure of the Ministry and Competence of Officials**

8. The work of the Ministry shall be managed by the Minister.

9. The Minister:

9.1. shall represent the Ministry without special authorisation;

9.2. shall give orders to the State Secretary and political officials of the Ministry;

9.3. shall give orders to the administrative officials and employees of the Ministry, who shall inform a higher official thereof;

9.4. shall give orders to officials of the National Armed Forces and administrative officials and employees of State administration institutions subordinate to the Minister and the Ministry, and issue internal regulatory enactments binding to them, insofar as it has not been laid down otherwise in external laws and regulations;

9.5. within the scope of the competence specified in external laws and regulations, shall supervise the operation of State administration institutions and officials subordinate to the Minister or the Ministry or authorise a respective official of the Ministry for it;

9.6. may revoke internal regulatory enactments, decisions and orders, except administrative acts, issued by the Parliamentary Secretary, State Secretary and other administrative officials of the Ministry;

9.7. may revoke internal regulatory enactments, decisions and orders, except administrative acts, issued by the Minister and administrative officials of State administration institutions subordinate to the Ministry, if it has not been laid down otherwise in laws and regulations;

9.8. shall appoint to the office and remove from the office the State Secretary of the Ministry and heads of State administration institutions subordinate to the Ministry, insofar as it has not been laid down otherwise in external laws and regulations;

9.9. shall determine the internal audit system in the Ministry;

9.10. shall enter into international agreements in accordance with the procedures laid down in external laws and regulations;

9.11. perform other functions laid down in laws and regulations.

*[14 June 2005]*

10. The Commander of the National Armed Forces shall be subordinate to the Minister.

11. The Parliamentary Secretary shall carry out the duties laid down in the State Administration Structure Law and other laws and regulations.

12. The State Secretary shall:

12.1. organise the drawing up of sectoral policy and strategy and the implementation of sectoral policy;

12.2. manage the administrative work of the institution and ensure the carrying out of the functions of the Ministry;

12.3. ensure the carrying out of orders of the Minister and the Parliamentary Secretary;

12.4. establish a rational structure for the performance of the functions of the Ministry;

12.5. plan financial resources for State administration institutions subordinate to the Ministry;

12.6. take administrative decisions and issue internal regulatory enactments;

12.7. represent the Ministry without special authorisation;

12.8. give direct orders to administrative officials and employees of the Ministry;

12.9. ensure the continuity of operation of the Ministry, if a change in the political management of the Ministry has taken place;

12.10. co-ordinate the work of units of the Ministry and institutions subordinate to the Ministry, as well as co-operation with the National Armed Forces and institutions under supervision of the Ministry;

12.11. perform other functions of the head of a State institution of direct administration laid down in the State Administration Structure Law and the functions laid down in other laws and regulations.

13. The State Secretary shall have deputies. The competence of the Deputy State Secretary, as well as the units of the Ministry directly subordinate to the respective Deputy State Secretary shall be determined by the State Secretary.

14. Departments, their divisions and independent divisions are units of the Ministry. Departments, their divisions and independent divisions shall be established, reorganised and liquidated by the State Secretary. Rules of procedure of departments, their divisions and independent divisions shall be issued by the head of the respective unit after co-ordination with the State Secretary.

15. [30 March 2010]

16. A department shall be managed by the director of the department. The director of the department may have deputy directors. The competence of the director of the department and his or her deputies shall be determined in the description of the office of a civil servant or in employment contract.

17. An independent division shall be managed by the head of the division. The head of the independent division may have deputies. The competence of the head of the division and his or her deputies shall be determined in the description of the office of a civil servant or in employment contract.

*[3 July 2007]*

17.1 The personnel of the Ministry shall consist of civil servants, employees and soldiers who have been temporarily transferred in the interests of national defence.

*[9 July 2013]*

18. The Minister and the State Secretary may establish councils, working groups and commissions in the Ministry. Authorised representatives of other institutions, as well as private individuals may be involved in the abovementioned institutions. By-laws of institutions shall be approved by the Minister or State Secretary accordingly.

**IV. Mechanism for Ensuring Rule of Law of the Operation of the Ministry and Reports on Operation of the Ministry**

19. The rule of law of operation of the Ministry shall be ensured by the State Secretary. The State Secretary shall be responsible for the creation and operation of the system for verification of administrative decisions.

20. The State Secretary has the right to revoke decisions of administrative officials of the Ministry and internal regulatory enactments.

21. The State Secretary shall take a decision on an administrative act issued by an administrative official of the Ministry contested by a private individual or on actual action of an administrative official and employee, unless it has been laid down otherwise in external laws and regulations.

22. A private individual may appeal the administrative acts issued by and actual action of the State Secretary to the court.

23. The Ministry shall, not less than once a year, provide a report to the Minister on the implementation of the sectoral policy, performance of the functions of the Ministry and utilisation of budget resources, as well as prepare an annual public report on the implementation of the sectoral policy in accordance with the procedures laid down in laws and regulations.

24. The Minister has the right to request a report on the implementation of sectoral policy or policy of a separate field, as well as on operation of a State administration institution subordinate to the Ministry at any time.

**V. State Administration Institutions Subordinate to the Ministry**

*[14 June 2005]*

25. The following institutions shall be subordinate to the Ministry:

25.1. the Youth Guard and Information Centre;

25.2. the Military Intelligence and Security Service;

25.3. the State Centre for Defence Military Objects and Procurement;

25.4. the Latvian War Museum;

25.5. the Latvian Geospatial Information Agency.

*[30 March 2010; 9 July 2013; 22 December 2015]*

Prime Minister E. Repše

Minister for Defence Ģ. V. Kristovskis