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

19 September 2013 [shall come into force on 1 January 2014];

14 February 2019 [shall come into force on 13 March 2019];

13 June 2019 [shall come into force on 1 July 2019];

20 April 2023 [shall come into force on 16 May 2023].

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*1 has adopted and

the President has proclaimed the following law:

**On Declaration of Cash at the State Border**

**Section 1. Purpose of this Law**

The purpose of the Law is to prevent undeclared cash or cash that is proceeds from crime from entering or leaving the Republic of Latvia, thus preventing money laundering or terrorism and proliferation financing.

[*13 June 2019*]

**Section 2. Scope of Application of this Law**

The Law prescribes the competence of Latvia in issues related to the control of cash entering or leaving the European Union at the State border, and also the competence of Latvia in relation to the control of cash at the internal State border.

[*13 June 2019*]

**Section 2.1 Cash**

Within the meaning of this Law, cash is the cash referred to in Article 2(1)(a) of Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (hereinafter – Regulation No 2018/1672).

[*20 April 2023*]

**Section 2.2 Unaccompanied Cash**

Within the meaning of this Law, unaccompanied cash is the cash referred to in Article 2(1)(i) of Regulation No 2018/1672.

[*20 April 2023*]

**Section 3. Competent Authority**

(1) The State Revenue Service is the competent authority in the Republic of Latvia within the meaning of Article 2(1)(g) of Regulation No 2018/1672.

(2) At the border crossing points where customs control points have not been established, the State Border Guard shall fulfil the functions of the competent authority.

(3) The Financial Intelligence Unit of Latvia is the Financial Intelligence Unit within the meaning of Article 2(1)(k) of Regulation No 2018/1672.

[*20 April 2023*]

**Section 4. Provisions for Determining the Value of Cash**

(1) The cash to be declared shall be recalculated in euros, applying the euro foreign exchange reference rate published by the European Central Bank on the penultimate Wednesday of each month. The State Revenue Service shall publish the euro foreign exchange reference rate published by the European Central Bank on the penultimate Wednesday of each month on its website. If the foreign exchange rate has not been published on the abovementioned day, the newest published foreign exchange rate shall be applied.

(2) If the European Central Bank has not published a euro foreign exchange rate for the specific foreign currency, the newest foreign currency market rate in relation to euro published in a periodic issue or website of a provider of financial information recognised by the global financial market shall be used.

(3) The foreign currency exchange rate specified in Paragraph one of this Section shall be applied during the whole following month, starting from its first day.

(4) The value of the cash to be declared and referred to in Article 2(1)(a)(iii) of Regulation No 2018/1672 shall be determined by the assay authority of Latvia referred to in the law On Supervision of Official Fineness and the institution specified in the law On Protection of Cultural Monuments which implements State control in the protection of cultural monuments, performs survey and research of cultural heritage and registration of monuments.

[*14 February 2019; 20 April 2022*]

**Section 5. Cash Declaration and Cash Disclosure Declaration on Unaccompanied Cash when Crossing the External State Border**

(1) A person who, in accordance with Article 3(1) of Regulation No 2018/1672, has the obligation to declare cash shall complete a cash declaration in accordance with Article 3(2) of Regulation No 2018/1672, certify the veracity of the information provided therein with a signature, and, when crossing the external State border, submit the declaration to the relevant official of the competent authority. At customs control posts at border crossing points where a two-corridor system is in place, the person who has an obligation to declare cash shall cross the customs border and submit the cash declaration in the “red corridor”.

(2) The competent authority shall request that the sender or recipient of unaccompanied cash or their representative completes the cash disclosure declaration referred to in Article 4(2) of Regulation No 2018/1672 if the amount of unaccompanied cash brought in or out of the Republic of Latvia when crossing the external State border is EUR 10 000 or more. The relevant person has an obligation to submit the cash disclosure declaration to the competent authority within 30 days from the moment of the request.

(3) An official of the competent authority is entitled to request that a person crossing the external State border who is not subject to the obligation to declare cash specified in Paragraph one of this Section completes a cash declaration if there are indications that the cash is related to criminal activity. The person has an obligation, without delay, to complete the cash declaration, to certify the veracity of the information provided therein with a signature, and to submit the declaration to the respective official of the competent authority.

(4) If the competent authority discovers that, when crossing the external State border. unaccompanied cash the amount of which is below the threshold specified in Paragraph two of this Section is being brought in or out of the Republic of Latvia and if there are indications that the cash is related to criminal activity, it is entitled to request that the sender or recipient of unaccompanied cash or their representative completes the cash disclosure declaration referred to in Article 4(2) of Regulation No 2018/1672. The relevant person has an obligation to complete the abovementioned declaration and to submit it to the competent authority within 30 days from the moment of the request.

(5) The competent authority shall publish the sample cash declaration form referred to in Paragraph one of this Section and the sample cash disclosure declaration form referred to in Paragraph two of this Section on its website.

[*20 April 2023*]

**Section 5.1 Cash Declaration and Cash Disclosure Declaration on Unaccompanied Cash when Crossing the Internal State Border**

(1) A natural person who, when crossing the internal State border, is bringing in or out of the Republic of Latvia cash in the amount of EUR 10 000 or more, before leaving the Republic of Latvia or after entry therein with the cash, shall, upon request of an official of the competent authority, complete the cash declaration, certify the veracity of the information provided therein with a signature, and submit the declaration to the relevant official of the competent authority.

(2) An official of the competent authority is entitled to request that the sender or recipient of unaccompanied cash or their representative completes the cash disclosure declaration on unaccompanied cash brought in or out of the Republic of Latvia when crossing the internal State border if the amount of unaccompanied cash is EUR 10 000 or more. The relevant person has an obligation to complete the cash disclosure declaration, certify the veracity of the information contained therein with a signature, and submit the declaration to the competent authority within 30 days from the moment of the request.

(3) The person shall indicate the following information in the cash declaration referred to in Paragraph one of this Section and the cash disclosure declaration referred to in Paragraph two of this Section:

1) the given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document;

2) the type and amount or value of the cash;

3) the economic provenance of the cash;

4) the intended type of use of the cash;

5) the transport route (only in the cash declaration);

6) details of the means of transport (mode of transport) (only in the cash declaration).

(4) If the owner of the cash is another natural or legal person, the following information shall be indicated in the cash declaration referred to in Paragraph one of this Section or the cash disclosure declaration referred to in Paragraph two of this Section:

1) his or her given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document;

2) the given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document of the owner of cash if the owner is a natural person or, if the owner is a legal person – the name, contact details (address, telephone number, electronic mail address), registration number, and also, where available, identification number of a value added tax (hereinafter – VAT) payer;

3) if information is available – the given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document of the recipient of cash if the recipient is a natural person or, if the recipient is a legal person – the name, contact details (address, telephone number, electronic mail address), registration number, and also, where available, identification number of the VAT payer;

4) the type and amount or value of the cash;

5) the economic provenance of the cash;

6) the intended type of use of the cash.

(5) The sender of the cash shall indicate the following information in the cash disclosure declaration referred to in Paragraph two of this Section:

1) if the sender of the cash is a natural person – his or her given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document, but if the sender of the cash is a legal person – the name, contact details (address, telephone number, electronic mail address), registration number, and also, where available, identification number of the VAT payer;

2) the type and amount or value of the cash;

3) the economic provenance of the cash;

4) the intended type of use of the cash.

(6) The recipient of the cash shall indicate the following information in the cash disclosure declaration referred to in Paragraph two of this Section:

1) if the recipient of the cash is a natural person – the given name, surname, contact details (address, telephone number, electronic mail address), date and place of birth, nationality, and number of a personal identification document, but if the recipient of the cash is a legal person – the name, contact details (address, telephone number, electronic mail address), registration number and also, where available, the identification number of the VAT payer;

2) the type and amount or value of the cash;

3) the economic provenance of the cash;

4) the intended type of use of the cash.

(7) If the information indicated in the cash declaration referred to in Paragraph one of this Section is false or incomplete, the obligation to declare cash has not been fulfilled and the cash brought in or out of the Republic of Latvia by the person has not been declared. If the cash disclosure declaration referred to in the Paragraph two of this Section is not submitted within the specified time period or the information provided therein is false or incomplete or the cash is not made available for control, it shall be deemed that the obligation to disclose information on unaccompanied cash has not been fulfilled.

(8) The competent authority shall publish the sample cash declaration form referred to in Paragraph one of this Section and the sample cash disclosure declaration form referred to in Paragraph two of this Section on its website.

[*20 April 2023*]

**Section 5.2 Action of the Competent Authority and Obligations of a Person within the Scope of Cash Control**

(1) An official of the competent authority shall ascertain, by sampling or according to the information at the disposal of the official, the conformity of the declared amount of cash with the actual amount of cash, and also the veracity of other information provided in the declaration.

(2) A person who, in accordance with Article 3(1) of Regulation No 2018/1672, has an obligation to declare cash or a person who, when crossing the external State border, brings in or out of the Republic of Latvia unaccompanied cash in the amount of EUR 10 000 or more, or a person who, when crossing the internal State border, brings in or out of the Republic of Latvia cash or unaccompanied cash in the amount of EUR 10 000 or more has an obligation, upon invitation of an official of the competent authority, to present the declared cash and to participate in the control of the declared cash.

[*20 April 2023*]

**Section 6. Procedures for the Use and Exchange of the Obtained Information**

(1) An official authorised by the State Border Guard to whom a cash declaration has been submitted shall, without delay, send this declaration to the State Revenue Service.

(2) The State Revenue Service shall ensure the availability of the information included in the cash declaration and in the cash disclosure declaration to the Financial Intelligence Unit of Latvia.

(21) The State Revenue Service shall provide the information included in the cash declaration and in the cash disclosure declaration to the subject of operational activities or the person directing the proceedings upon a separate request therefrom.

(3) The Financial Intelligence Unit of Latvia is entitled to send the obtained information to the competent authorities of other countries or to the European Commission.

[*13 June 2019; 20 April 2023*]

**Section 7. Administrative Offences Related to the Declaration of Cash at the State Border and Competence in Administrative Offence Proceedings**

(1) For the failure to fulfil the obligation to declare cash specified in laws and regulations in respect of cash that is brought in or out of the Republic of Latvia when crossing the State border, a fine of up to the amount of 20 per cent of the amount in respect of which there is an obligation to declare shall be imposed.

(2) For the failure to fulfil the obligation to disclose information on unaccompanied cash that is brought in or out of the Republic of Latvia when crossing the State border, a fine of up to the amount of 20 per cent of the amount in respect of which there is an obligation to disclose information shall be imposed on a natural or legal person.

(3) Administrative offence proceedings for the offences referred to in Paragraphs one and two of this Section shall be conducted by the State Revenue Service.

(4) If the functions of the competent authority are fulfilled by the State Border Guard, the administrative offence proceedings for the offence referred to in Paragraph one of this Section shall, until examination of the administrative offence case, be conducted by the State Border Guard. The administrative offence case shall be examined by the State Revenue Service.

[*20 April 2023*]

**Transitional Provisions**

[*13 June 2019*]

1. With the coming into force of this Law, the law On Declaration of Cash at the State Border (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2005, No. 22) is repealed.

[*13 June 2019*]

2. Section 7 of this Law laying down administrative liability for the failure to fulfil the cash declaration obligation at the State border of the Republic of Latvia and the competence within the administrative offence proceedings shall come into force concurrently with the Law on Administrative Liability.

[*13 June 2019*]

3. The Cabinet shall, by 1 July 2019, issue the regulations referred to in Section 5, Paragraph seven of this Law.

[*13 June 2019*]

The Law shall come into force on 15 June 2007.

The Law has been adopted by the *Saeima* on 29 March 2007.

President V. Vīķe-Freiberga

Rīga, 17 April 2007