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

24 March 2015 [shall come into force from 31 March 2015].

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. 755

Adopted 9 December 2014

**Procedures for the Circulation, Supervision and Control of Gas Cylinders**

*Issued pursuant to*

*Section 8.1 of the Law On the Safety of Goods and Services*

**1. General Provisions**

1. The Regulation prescribes the procedures for the circulation, supervision and control of such refillable gas cylinders for which in accordance with the laws and regulations regarding transportable pressure equipment conformity assessment or reassessment of conformity has been performed and they have been marked with the labelling certifying conformity – the "Pi" marking, and the necessary measures in order to prevent risk to human life, health, environment, or property.

*[24 March 2015]*

2. The following terms are used in this Regulation:

2.1. gas cylinder – transportable pressure equipment with water capacity not exceeding 150 litres;

2.2. circulation of gas cylinders – any activity involving a gas cylinder from its filling to use, and handing over of an emptied gas cylinder for refilling or utilisation (filling, storage, transportation, trade, gas consumption, refilling or utilisation);

2.3. certification of ownership of a gas cylinder – a document drawn up by the responsible person which allows the identification of gas cylinders which are released into circulation by the responsible persons;

2.4. trader of gas cylinders – a natural or legal person who offers filled gas cylinders to users;

2.5. responsible person – a person who organises the filling process of gas cylinders and their offering to a trader of gas cylinders or a user of gas cylinders.

3. The responsible person shall be deemed a producer within the meaning of the Law On the Safety of Goods and Services.

4. The requirements of this Regulation shall not be applicable in relation to the circulation of gas cylinders to be used in medicine and scientific research.

**2. Requirements for the Circulation of Gas Cylinders**

**2.1. [24 March 2015]**

5. It shall be permitted to offer gas cylinders at trading sites which conform to the requirements of this Regulation and which are registered with the register of trading sites of gas cylinders.

6. It shall be permitted to offer on the market:

6.1. [24 March 2015];

6.2. gas cylinders which conform to the requirements of this Regulation and to the laws and regulations regarding transportable pressure equipment;

6.3. gas cylinders the colour, marking or other technical solution of which permits the identification of the responsible person, as well as gas cylinders which have not been marked according to the abovementioned conditions, if the gas cylinder was handed over for filling by its owner;

6.4. liquefied petroleum gas cylinders which have been filled at stations conforming to the laws and regulations regarding circulation of excisable goods and regarding procedures for technical supervision of liquefied petroleum gas cylinder filling stations, or liquefied petroleum gas cylinders which have been filled in other European Union Member States, Turkey, or in any of the states of the European Economic Area, and conform to the legal framework of the relevant state which ensures equal level of safety.

*[24 March 2015]*

7. The responsible person shall ensure that liquefied petroleum gas cylinders have the following:

7.1. marking in accordance with the laws and regulations regarding the procedures for classification, marking and packaging of chemical substances and mixtures, as well as marking which contains information regarding the filler of the gas cylinder (name of the performer of economic activity, registration number in the Commercial Register, address and telephone number of the cylinder filling station), date of filling, gross weight of the cylinder, and weight of the gas filled;

7.2. sealing, stop angle valve, and valve protector;

7.3. instructions for use in which at least the following information is indicated:

7.3.1 the conditions for transportation;

7.3.2 the conditions for installation;

7.3.3 the conditions for use and storage;

7.3.4. action in cases of gas leak, damage to a gas cylinder and accident.

8. The trader of gas cylinders shall ascertain that gas cylinders which are at the trading site of gas cylinders, conform to the requirements referred to in Paragraph 7 of this Regulation.

9. The trader of gas cylinders shall, upon request of a user of gas cylinder, ensure the delivery and installation of the filled gas cylinder at the location indicated by the user of gas cylinder, for or without remuneration.

10. Upon installing a gas cylinder upon request of the user of gas cylinder, the gas cylinder shall be connected to such devices only the technical condition of which does not cause threat to human health and life, property, and environment, and shall conform to the provisions of the instruction for use and fire safety.

11. If a liquefied petroleum or oxygen gas cylinder is unfit for further use, the trader of gas cylinders shall, without additional fee, accept them from the user of gas cylinder and organise the utilisation of the gas cylinder.

*[24 March 2015]*

**2.2. [24 March 2015]**

12. The responsible person shall draw up a certification of ownership of the gas cylinder in which the telephone number of the service office referred to in Paragraph 20 of this Regulation is included, and shall submit a certification of ownership to the Consumer Rights Protection Centre (hereinafter – the Centre) prior to offering of gas cylinders on the market.

13. The responsible person shall issue the certification of ownership to such trader of gas cylinders who will offer the gas cylinders of the relevant responsible person to users of gas cylinders.

14. A trader of gas cylinders shall accept such empty gas cylinder for exchange which does not have technical damages and conforms to the laws and regulations regarding transportable pressure equipment, as well as a gas cylinder for which the term of regular inspection provided for during the time of use has expired, and shall issue in exchange, upon choice of the user of gas cylinder, such gas cylinder which has been filled by the responsible person regarding which the trader of gas cylinders has included information in the registration application referred to in Paragraph 25 of this Regulation.

*[24 March 2015]*

15. The responsible person shall ensure regular inspection of gas cylinders in accordance with the laws and regulations regarding transportable pressure equipment.

*[24 March 2015]*

16. The responsible person shall ensure that the colour, marking or other technical solution which allows the identification of the responsible person, is easily, clearly and unequivocally visible, readable and indelible.

17. If the responsible person issues a gas cylinder in exchange for a security deposit, the user of gas cylinder is entitled to receive it back in full amount, if user returns the gas cylinder and the technical condition of such cylinder, excluding the natural depreciation, conforms to the essential requirements laid down in the laws and regulations regarding transportable pressure equipment.

18. [24 March 2015]

19. The responsible person shall ensure that the the lease service of gas cylinders is accessible to the user of gas cylinders.

*[24 March 2015]*

20. The responsible person shall ensure servicing of gas cylinders. The responsible persons may also reach a mutual agreement regarding a joint service office.

**2.3. Additional Requirements for the Circulation of Gas Cylinders of Users**

[24 March 2015]

21. [24 March 2015]

22. [24 March 2015]

23. [24 March 2015]

24. [24 March 2015]

**3. Requirements for Trading Sites of Gas Cylinders**

25. Prior to commencing trade in gas cylinders a trader of gas cylinders has a duty to register the trading site by submitting a registration application to the Centre in accordance with Annex 2 to this Regulation (hereinafter – the registration application).

26. [24 March 2015]

27. Prior to making of changes in the information referred to in the registration application the trader of gas cylinders shall prepare and submit the updated registration application to the Centre, as well as notify regarding termination of trade in gas cylinders. If the trader of gas cylinders does not have a possibility of notifying regarding changes in advance, he shall notify regarding changes within five working days since he has become aware of them.

28. The trader of gas cylinders shall place the following information together at the trading site of gas cylinders in a place clearly visible to consumers:

28.1. the name and registration number of the trading site of gas cylinders with the register of trading sites of gas cylinders maintained by the Centre;

28.2. the working hours of the trading site;

28.3. the telephone numbers of the service offices of gas cylinders offered at the trading site.

29. The trader of gas cylinders shall ensure that information regarding the filling site of gas cylinders is available at the trading site.

30. [24 March 2015]

**4. Duties and Rights of the User of Gas Cylinder**

31. A user of gas cylinder has a duty to comply with the requirements laid down in the laws and regulations regarding fire safety, as well as the instruction for use of the liquefied petroleum gas cylinder. Upon detecting damages to the gas cylinder, action according to the safety measures provided for in the instruction for use must be taken.

32. The user of gas cylinder is prohibited to carry out any arbitrary activities involving the gas cylinder and its safety devices, including repair of the valve of the gas cylinder.

**5. Circulation and Supervision of Gas Cylinders**

33. The supervision and control of carrying out this Regulation shall be performed by the Centre and other State administration institutions according to the competence.

34. The Centre shall register a trading site of gas cylinders in the register of trading sites of gas cylinders and post information about it on the website of the Centre.

35. The Centre shall, within five working days after receipt of the information referred to in Paragraph 25 of this Regulation, register the trader of gas cylinders in the register of trading sites of gas cylinders or take a decision to refuse the registration application, and shall notify it in accordance with the procedures laid down in the Law On Notification.

36. The Centre shall, within three working days after receipt of complete information referred to in Paragraph 25 of this Regulation and documents, inform the trader of gas cylinders:

36.1. regarding the date when registration of the trader of gas cylinders will be carried out or a decision to refuse registration has been taken;

36.2. the procedures for contesting the decision of the Centre;

36.3. the procedures for applying a default, if the Centre does not perform registration within the time period referred to in Sub-paragraph 36.1 of this Regulation or does not notify regarding refusal of registration.

37. If the Centre has provided the information referred to in Paragraph 36 of this Regulation to the trader of gas cylinders and does not carry out registration of trading in gas cylinders within the time period referred to in Sub-paragraph 36.1 of this Regulation or does not notify regarding refusal to register, it shall be deemed that the Centre has carried out registration by applying the default referred to in the Law On the Free Provision of Services.

38. The procedures specified in Paragraphs 35, 36, and 37 of this Regulation shall be applicable to updating of information in the register of gas cylinders.

39. The Centre is entitled to exclude a trading site of gas cylinders from the register of trading sites of gas cylinders, if the trader of gas cylinders:

39.1. does not comply with the requirements of this Regulation;

39.2. has provided false or incomplete information in the registration application;

39.3. has been excluded from the Commercial Register;

39.4. does not carry out trade in gas cylinders;

39.5. has submitted a submission regarding exclusion from the register.

**6. Closing Provisions**

40. This Regulation shall come into force on 31 March 2015.

41. The trader of gas cylinders shall inform the Centre regarding trading sites of gas cylinders which participate in the circulation of gas cylinders, by 31 May 2015, in conformity with the procedures laid down in Chapter 2 of this Regulation.

Prime Minister Laimdota Straujuma

Acting for the Minister for Economics –

Minister for Defence Raimonds Vējonis

**Annex 1**

Cabinet

Regulation No. 755

9 December 2014

**Registration Journal of Gas Cylinders**

[24 March 2015]

**Annex 2**

Cabinet

Regulation No. 755

9 December 2014

**Registration Application of Trading Site of Gas Cylinders**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   |   |   |   |   |
|   |   | (place) |   |   |
|   |   |   | No. |   |
| (date) |   |   |   |   |

In accordance with Paragraph 25 of Cabinet Regulation No. 755 of 9 December 2014, Procedures for the Circulation, Supervision and Control of Gas Cylinders

|  |
| --- |
|   |
| (name, registration number, and legal address of the trader of gas cylinders) |

notifies that trade in gas cylinders is commenced, and provides the following information:

|  |
| --- |
| 1. Type of notification (mark with a √): |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFregistration application of gas cylinders |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFupdating of information in the registration application |

|  |
| --- |
| 2. Type of the trading site (mark with a √): |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFstationary trading site of gas cylinders |
|   |
| (address and working hours of the trading site) |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFmovable trading site of gas cylinders |
|   |
| (State registration number of the vehicle and its owner) |

|  |
| --- |
| 3. Contact details: |
|   |
| (given name and surname, telephone number, e-mail of the responsible person) |

|  |
| --- |
| 4. Activities to be carried out at the trading site of gas cylinders (mark with a √): |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFoffering of gas cylinders of the responsible person |
|   | http://www.vestnesis.lv/wwwraksti/BILDES/KVADRATS.GIFaccepting of gas cylinders of the user for filling |

|  |
| --- |
| 5. Gas cylinders of the following volume and of the following responsible persons will be offered at the trading site of gas cylinders: |
|   |
|   | , |
| (responsible person, volume of gas cylinders or volume range of cylinders) |   |
| in which gas or mixture of gases has been filled in |   |
|   | (liquefied petroleum or industrial gas) |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Person with the right of signature of the trader of gas cylinders |   |   |   |   |   |
|   | (position) |  | (given name, surname) |  | (signature) |

Acting for the Minister for Economics –

Minister for Defence Raimonds Vējonis