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

1 January 1996 [shall come into force on 20 January 1996];

23 May 1996 [shall come into force on 1 June 1996];

2 April 1998 [shall come into force on 29 April 1998];

22 October 1998 [shall come into force on 18 November 1998];

8 June 2000 [shall come into force on 11 July 2000];

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2 June 2005 [shall come into force on 6 July 2005];

4 April 2007 [shall come into force on 9 May 2007];

17 July 2008 [shall come into force on 13 August 2008];

12 December 2008 [shall come into force on 1 January 2009];

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1 December 2009 [shall come into force on 1 January 2010];

16 December 2010 [shall come into force on 1 January 2011];

8 July 2011 [shall come into force on 3 August 2011];

14 July 2011 [shall come into force on 11 August 2011];

22 November 2012 [shall come into force on 1 January 2013];

5 September 2013 [shall come into force on 3 October 2013];

5 March 2015 [shall come into force on 2 April 2015];

9 June 2016 [shall come into force on 13 July 2016];

1 November 2018 [shall come into force on 1 January 2019];

5 December 2019 [shall come into force on 27 December 2019];

27 February 2020 [shall come into force on 11 March 2020];

17 June 2020 [shall come into force on 3 July 2020];

30 September 2021 [shall come into force on 6 October 2021].

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:

**Office of the Prosecutor Law**

**Chapter One**

**Tasks, Functions and Principles of Operation of the Office of the Prosecutor**

**Section 1. Office of the Prosecutor and its Task**

(1) The Office of the Prosecutor shall be a judicial power authority which independently exercises supervision over the compliance with law within the scope of the competence specified in this Law.

(2) The task of the Office of the Prosecutor shall be to respond to a violation of law and to ensure the deciding of the case relating to such in accordance with the procedures laid down in law.

(3) A prosecutor shall be an official of the Office of the Prosecutor who holds any of the offices referred to in Section 30 of this Law.

**Section 2. Functions of the Office of the Prosecutor**

The Office of the Prosecutor shall:

1) supervise the conformity with laws of pre-trial investigation and operational activities, the intelligence and counterintelligence processes of State security institutions, and the system for the protection of official secret;

2) conduct a pre-trial investigation;

3) initiate and conduct criminal prosecution;

4) maintain the State prosecution;

5) supervise the execution of punishments;

6) protect the rights and lawful interests of persons and the State in accordance with the procedures laid down in law;

7) submit a statement of claim or a submission to a court in the cases provided for by law;

8) take part in court hearings in the cases provided for by law.

[*21 May 2009*]

**Section 3. Legal Basis for the Activities of a Prosecutor**

The legal basis for the activities of a prosecutor shall be the Constitution, this Law and other laws, and also legal acts.

**Section 4. Organisational Principles of the Office of the Prosecutor**

(1) The Office of the Prosecutor shall be a single, centralised three-level system of units under management of the Prosecutor General.

(2) Prosecutors of the same rank shall be mutually substitutable. According to the instructions of a Prosecutor General, one of the chief prosecutors of departments shall substitute for the Prosecutor General during the temporary absence thereof. According to the instructions of the Prosecutor General, the chief prosecutor during the temporary absence thereof shall be substituted by another prosecutor.

(3) [1 November 2018]

[*2 April 1998; 22 November 2012; 1 November 2018*]

**Section 5. Basic Principles of the Activities of a Prosecutor**

(1) A prosecutor shall take his or her decisions independently and individually on the basis of his or her convictions and laws, in compliance with the equality of individuals before law and the courts, the presumption of innocence, truth, and lawfulness.

(2) A prosecutor shall comply with the provisions of the Code of Ethics of Prosecutors of Latvia (hereinafter – the Code of Ethics of Prosecutors).

(3) A prosecutor has an obligation to regularly add to his or her knowledge and to improve the professional skills and abilities necessary for the fulfilment of his or her duties of office.

[*22 November 2012*]

**Section 6. Independence of a Prosecutor**

(1) In his or her activities a prosecutor shall be independent of the influence of other authorities or officials exercising State authority and administration and shall observe only the rule of law.

(2) The *Saeima*, the Cabinet, State and local government authorities, State and local government civil servants, all types of undertakings and organisations, and also persons are prohibited from interfering in the work of the Office of the Prosecutor during the investigation of cases or during the performance of other functions of the Office of the Prosecutor.

(3) The action or decision of a prosecutor may be appealed in the cases and in accordance with the procedures laid down in this Law and procedural laws. Complaints regarding issues which are only within the competence of the Office of the Prosecutor shall be submitted to a chief prosecutor of a unit of the Office of the Prosecutor which is one-level higher, but regarding the action or decision of a prosecutor of the Office of the Prosecutor General – to the Prosecutor General. The decisions taken by such officials are not subject to appeal.

(4) A higher-ranking prosecutor is entitled to give instructions or take over into his or her proceedings any case, but is not entitled to give instructions or to assign a prosecutor to carry out actions against his or her convictions. Upon request of a prosecutor or at the discretion of a higher-ranking prosecutor, the instructions shall be drawn up in writing.

(5) A prosecutor has the right not to provide information on the examination or investigation materials which are found in the files of the Office of the Prosecutor.

(6) Rallies, pickets, and other demonstrations in the premises of the Office of the Prosecutor institutions are prohibited.

(7) A person shall be held liable in accordance with law for attempting to illegally influence a prosecutor or interfere in the activities of the Office of the Prosecutor.

[*22 November 2012*]

**Section 7. Immunity of a Prosecutor**

(1) Initiation of a criminal prosecution against a prosecutor, and also his or her detention, arrest, conveyance by force and subjection to a search shall be carried out in accordance with the procedures laid down in law, immediately notifying the Prosecutor General thereof.

(2) [17 June 2020]

(3) The control of the service space of the Office of the Prosecutor, and also of the information systems and means of communication, also electronic means, used in the activities of the Office of the Prosecutor, the retrieval of information from such and interference with their operation shall be allowed only with the consent of the Prosecutor General.

(4) A prosecutor shall not be financially liable for the damages which have arisen for a person due to an unlawful or unfounded action or decision of the prosecutor. In the cases provided for by the Law, damages shall be compensated by the State.

(5) A person who considers that an action or decision of a prosecutor is unlawful or unfounded may appeal it in accordance with the procedures laid down in the Law but cannot bring an action before a court against the prosecutor who has acted in such a way or has taken such a decision.

[*22 November 2012; 17 June 2020*]

**Section 8. Recusal of a Prosecutor**

(1) A prosecutor may not take part in the examination of a case in a court or conduct the examination of a submission if a judge or a defence counsel in the case to be examined, but in case of examination of the submission – the person whose activities are being investigated, is the spouse of the prosecutor, his or her own relative or a relative of his or her spouse in a direct line without restriction as to the degree of kinship, but in a collateral line – to the first three degrees of kinship or two degrees of affinity, and also in the cases provided for in the law On Prevention of Conflict of Interest in Activities of Public Officials. In such cases the prosecutor shall recuse himself or herself.

(2) If a prosecutor has not recused himself or herself, the persons whose rights or lawful interests may be affected may submit an application to a higher-ranking prosecutor or to a court for the recusal of the prosecutor.

(3) Recusal of a prosecutor shall be examined in accordance with the procedures laid down in law.

[*23 May 1996; 10 October 2002*]

**Section 9. Mandatory Nature of the Requests of a Prosecutor**

(1) The lawful requests of a prosecutor shall be mandatory for all persons in the territory of the Republic of Latvia.

(2) Persons shall be subject to liability as specified by law for the failure to comply with the lawful requests of a prosecutor.

**Section 10. Political Neutrality of Prosecutors**

Holding office as a prosecutor may not be combined with membership in a party or other political organisation.

**Section 11. Restrictions on the Work of a Prosecutor**

[23 May 1996]

**Chapter Two**

**Powers of a Prosecutor**

**Section 12. Supervision of Pre-trial Investigation and Operational Activities, Intelligence and Counterintelligence Processes**

A prosecutor shall supervise the conformity of pre-trial investigation and operational activities, the intelligence and counterintelligence processes of national security institutions, and the system for the protection of official secret with laws.

[*21 May 2009*]

**Section 13. Powers of a Prosecutor as the Person Directing the Proceedings in Pre-trial Criminal Proceedings**

A prosecutor shall initiate and conduct criminal prosecution, apply a criminal punishment or release a person from criminal liability, and also implement other powers of a prosecutor provided for in the Criminal Procedure Law or Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’) (hereinafter – Regulation (EU) 2017/1939).

[*22 November 2012; 5 December 2019*]

**Section 14. Maintaining State Prosecution**

(1) A prosecutor shall, in accordance with the procedures laid down in the Criminal Procedure Law, maintain the State prosecution in criminal cases in all courts of the Republic of Latvia.

(2) A prosecutor has an obligation to submit a protest regarding an unlawful or unfounded court ruling in a criminal case.

**Section 15. Supervision of the Execution of a Sentence of Deprivation of Liberty**

(1) A prosecutor shall carry out supervision directed towards detection and prevention of criminal offences in places where arrested persons, detained persons, and persons kept in custody, and also persons serving a punishment related to deprivation of liberty are held and, in the cases specified in law, shall participate in the examination of issues related to the execution of criminal punishments.

(2) A prosecutor has the right and obligation to, without delay, take the decision and release persons from places of deprivation or restriction of liberty if the persons are held there illegally.

(3) [14 July 2011]

[*14 July 2011*]

**Section 16. Protection of Rights and Lawful Interests of Persons and the State**

(1) Having received information on a violation of law, a prosecutor shall, in accordance with the procedures laid down in law, carry out an examination if:

1) the information contains facts regarding a crime;

2) the rights and lawful interests of persons with restricted capacity to act, of disabled persons, minors, imprisoned persons or other such persons who have limited capability to protect their rights have been violated.

(2) A prosecutor has an obligation to take measures required for the protection of rights and lawful interests of persons and the State if:

1) the Prosecutor General or a chief prosecutor recognises the necessity for such examination;

2) the examination of the facts regarding the violation of law is assigned by the President, the *Saeima* or the Cabinet;

3) if such are specified in other laws.

(3) A prosecutor shall also carry out an examination if a submission from a person regarding the violation of his or her rights or lawful interests is received, moreover, such submission has been reviewed by a competent State authority and its refusal to rectify the violation of law referred to in the submission has been received or no reply at all has been provided within the term specified in law. Such submission shall be submitted to the Office of the Prosecutor in writing, and the following shall be indicated therein:

1) for a natural person – the given name, surname, and place of residence of the submitter but for a legal person – its name and location;

2) information on the results of the previous review of the submission;

3) information on the nature of the violation;

4) the date of submission.

(4) The submission must bear the signature of the submitter and the submission shall be accompanied by responses provided by other authorities or other documents relating to its content, or their copies.

[*5 September 2013*]

**Section 17. Powers of a Prosecutor when Carrying out Examination of a Submission**

(1) When carrying out an examination of a submission in accordance with the procedures laid down in law, a prosecutor has the right to:

1) request and receive legal acts, documents and other information from State administration authorities, banks, the State Audit Office, local governments, undertakings, authorities and organisations, and also to enter the premises of such authorities without hindrance;

2) assign heads and other officials of undertakings, institutions, and organisations to carry out examinations, audits, and expert-examinations and to submit opinions, and also to provide the assistance of specialists in the examinations carried out by the prosecutor;

3) invite a person and receive his or her explanation regarding the violation of law. If the person evades attending according to the invitation of the prosecutor in bad faith, the prosecutor may take the decision on the conveyance by force of such person which shall be carried out by the police.

(2) Upon detecting a violation of law, a prosecutor has, in conformity with its nature, an obligation to:

1) warn about the impermissibility of the violation of law;

2) submit a protest or a submission regarding the necessity to prevent the violation of law;

3) bring an action to court;

4) initiate criminal proceedings;

5) propose the examination of the question regarding subjecting to administrative or disciplinary liability.

[*21 May 2009*]

**Section 18. Warning of a Prosecutor**

If the elements of a violation of law or the elements which attest to the possibility of unlawful activities with respect to actions of a person have been determined, a prosecutor shall warn such person in writing of the impermissibility of the violation of law.

**Section 19. Protest of a Prosecutor**

(1) A protest shall be submitted concerning legal acts adopted by the Cabinet, ministries, departments and other State administration authorities, banks, the State Audit Office, local government institutions, inspections and State services, undertakings, institutions, organisations and officials which do not comply with law. The protest shall be submitted to the same institution or official who has adopted such act or to a higher institution or official.

(2) A protest shall be reviewed and the prosecutor shall be informed of its result within ten days from the date of its receipt. If the protest has been submitted to a collegial institution, the prosecutor may determine a longer period for its review.

(3) If a protest is denied without basis or no reply to it is provided, a prosecutor is entitled, within one month from the expiration of the term for review of the protest, to submit an application to a court for the revocation of the illegal act or for holding the responsible person liable as specified in law. The application by the prosecutor to the court shall suspend the operation of the protested act.

**Section 20. Submission of a Prosecutor**

(1) If it is necessary to discontinue an illegal activity, rectify the consequences of such activity or to prevent a violation, a prosecutor shall submit a submission in writing to the relevant undertaking, institution, organisation, official, or person.

(2) The term for the compliance with the requirements expressed in a submission and for the submission of a reply shall be determined by the prosecutor in compliance with the nature of the violation and the time required for its rectification.

(3) If the requirements expressed in a submission are not complied with or no reply to it is provided, the prosecutor is entitled to submit an application to a court or any other competent authority for holding a person liable as specified in law.

**Section 21. Other Powers of a Prosecutor**

If a prosecutor has detected a violation of law which does not have elements of a criminal offence, but the restoring of lawfulness through a warning, protest, or submission has not been successful or is not possible, the prosecutor shall turn to a court. In such case the prosecutor shall be exempt from payment of the State fee.

[*22 November 2012*]

**Chapter Three**

**Structural Organisation of the Office of the Prosecutor**

**Section 22. Structure of the Office of the Prosecutor**

The Office of the Prosecutor shall consist of the Office of the Prosecutor General, Offices of Prosecutors of court districts, Offices of Prosecutors of districts (cities), and specialised Offices of the Prosecutor, and also the Administrative Director Service.

[*22 November 2012*]

**Section 23. Prosecutor General**

(1) The Prosecutor General shall manage and control the activities of the Office of the Prosecutor, determine its internal structure and staff positions according to the allocated funds from the State budget, approve the regulatory enactments adopted by the Council of the Prosecutor General, and also directly manage the work of the prosecutors of the Office of the Prosecutor General.

(2) The Prosecutor General shall, in accordance with the procedures laid down in law, appoint prosecutors to the office and remove or dismiss from the office, and also employees with whom the establishment of employment relationship in accordance with this Law is within the competence of the Prosecutor General. The instructions, commands, and orders of the Prosecutor General shall be mandatory for all prosecutors and employees.

(3) The Prosecutor General has the right to:

1) revoke unfounded or unlawful decisions of prosecutors;

2) propose that the Plenary Session of the Supreme Court provides an opinion on issues related to interpretation of current legal norms;

3) take part in the Plenary Session of the Supreme Court and to express his or her views concerning the issues to be considered;

4) perform the functions of a prosecutor in all courts of the Republic of Latvia;

5) take part in sittings of the Cabinet and express his or her views concerning the issues to be considered;

6) [22 November 2012];

7) in the cases and in accordance with the procedures laid down in the Constitutional Court Law, to submit an application for the initiation of a case to the Constitutional Court;

8) [22 November 2012];

9) [1 November 2018];

10 to appoint prosecutors for participation in international missions;

11) to exercise other rights specified in this Law and other laws and regulations.

(4) The Prosecutor General shall notify the President, the *Saeima*, and the Cabinet of significant violations of law which have been discovered that are of national importance.

(5) The Prosecutor General shall, by 1 March of each year, submit a report to the *Saeima* on that carried out in the previous year and on the priorities for activities of the following year.

[*2 April 1998; 22 November 2012; 1 November 2018; 27 February 2020*]

**Section 24. Office of the Prosecutor General**

(1) The Office of the Prosecutor General shall consist of departments and divisions.

(2) Departments and divisions of the Office of the Prosecutor General shall be managed by chief prosecutors of departments and divisions.

(3) Prosecutors of the Office of the Prosecutor General have the right to perform the functions of a prosecutor at sittings of departments of the Supreme Court, in regional courts and district (city) courts.

[*22 November 2012; 5 September 2013 /* *The new wording of Paragraph three shall come into force on 1 January 2014.* *See Paragraphs 23 and 24 of Transitional Provisions*]

**Section 25. Departments of the Office of the Prosecutor General**

(1) Chief prosecutor of each department of the Office of the Prosecutor General shall manage the work of prosecutors of the department and control the direction of specific activities in all units of the Office of the Prosecutor.

(2) Chief prosecutors of departments have the right to take part in sittings of the Cabinet and express their views there regarding the conformity of the laws and regulations being reviewed with the Constitution and laws.

[*22 November 2012*]

**Section 26. Offices of Prosecutors of Court Districts**

(1) Offices of Prosecutors of court districts shall be established by the Prosecutor General in conformity with the territorial division of the operation of courts specified in the law On Judicial Power and they shall perform all the functions of the Office of the Prosecutor in the territories of the court districts.

(2) A chief prosecutor of an Office of the Prosecutor of a court district shall manage the work of regional prosecutors and control the operations of Offices of the Prosecutor of districts (cities) located in the territory of the region. There may be deputy chief prosecutors in the Offices of the Prosecutor of court districts whose rights and obligations are determined by the chief prosecutor of the relevant Office of the Prosecutor.

(3) Prosecutors of the Office of the Prosecutor of a court district have the right to perform the functions of a prosecutor in a regional court, and also in district (city) courts of the relevant court district.

(4) [22 November 2012]

[*10 October 2002; 22 November 2012*]

**Section 27. Offices of the Prosecutor of Districts (Cities)**

(1) Offices of the Prosecutor of districts (cities) shall be established and the territories of their operations shall be determined by the Prosecutor General. Prosecutors of an Office of the Prosecutor of a district (city) have the right to perform the functions of a prosecutor in cases under jurisdiction of a district (city) court and a regional court.

(2) The work of prosecutors of a district (city) shall be managed by the chief prosecutor of the district (city). There may be deputy chief prosecutors in the district (city) Offices of the Prosecutor whose rights and obligations are determined by the chief prosecutor of the relevant Office of the Prosecutor.

(3) [22 November 2012]

[*11 January 1996; 10 October 2002; 17 July 2008; 22 November 2012; 5 March 2015*]

**Section 28. Specialised Offices of the Prosecutor**

If necessary, the Prosecutor General may establish an Office of the Prosecutor for a specialised field. Offices of the Prosecutor for specialised fields may have the status of an Office of the Prosecutor of a district or an Office of the Prosecutor of a court district.

**Section 29. Council of the Prosecutor General**

(1) The Prosecutor General shall establish a council the composition of which includes chief prosecutors of departments and court districts of the Office of the Prosecutor General and the administrative director of the Office of the Prosecutor. Other prosecutors may be included in the composition of the council.

(2) The Council of the Prosecutor General is a collegial advisory body which reviews the main issues related to the organisation and activities of the Office of the Prosecutor, and also perform other functions specified in this Law.

(3) The Council of the Prosecutor General shall develop and adopt:

1) [1 November 2018];

2) by-laws for the prosecutors attestation and qualification commissions;

3) the Code of Ethics of Prosecutors;

4) the By-laws Regarding Wearing of Prosecutor’s Robe and Insignia and their Standards;

5) by-laws for selection, apprenticeship and qualification examination of candidates for the office of a prosecutor;

6) the By-laws for Evaluation of the Professional Activity of Prosecutors;

7) the By-laws for the Use of the Coat of Arms of the Office of the Prosecutor;

8) the By-laws for Awarding;

9) the By-laws Regarding Assistant to a Prosecutor.

[*2 April 1998; 22 October 1998; 10 October 2002; 22 November 2012; 1 November 2018*]

**Section 29.1 Prosecutors Attestation Commission**

(1) The Prosecutors Attestation Commission (hereinafter – the Attestation Commission) shall be established by the Council of the Prosecutor General for a year, determining the number of members and composition thereof.

(2) Prior to the appointment or promotion of a prosecutor in the office, the Attestation Commission shall provide an opinion on his or her eligibility for this office, express a proposal to the Prosecutor General regarding the application of a disciplinary punishment to the prosecutor if the law provides for the necessity of such opinion, and also perform other functions specified in this Law and provided for in the By-laws of the Prosecutors Attestation Commission.

(3) Decisions and opinions of the Attestation Commission shall be of recommendatory nature.

(4) A prosecutor or a candidate for the office of a prosecutor may express objections regarding the opinion given in Paragraph two of this Section to the Prosecutor General.

(5) The Attestation Commission shall, not less than once a year, provide an activity report to the Council of the Prosecutor General.

[*22 November 2012; 5 December 2019*]

**Section 29.2 Prosecutors Qualification Commission**

(1) The Prosecutors Qualification Commission (hereinafter – the Qualification Commission) shall be established by the Council of the Prosecutor General for a year, determining the number of members and composition thereof.

(2) The Qualification Commission shall assess and give an opinion on execution of the apprenticeship programme of a candidate for the office of a prosecutor, on the conformity of the knowledge and professional skills of a candidate for the office of a prosecutor and a prosecutor for the office of a prosecutor, and also perform other functions specified in this Law and provided for in the By-laws of the Prosecutors Qualification Commission.

(3) A prosecutor or a candidate for the office of a prosecutor may express objections regarding the opinion given in Paragraph two of this Section to the Prosecutor General.

(4) The Qualification Commission shall, not less than once a year, provide an activity report to the Council of the Prosecutor General.

[*22 November 2012*]

**Chapter Four**

**Prosecutors**

**Section 30. Offices of Prosecutors**

There shall be the following offices of a prosecutor in an Office of the Prosecutor: Prosecutor General, chief prosecutor, deputy chief prosecutor, and prosecutor.

[*22 November 2012*]

**Section 31. Grades of the Office of a Prosecutor**

[5 December 2019]

**Section 32. Procedures for Granting Grades of the Office of a Prosecutor**

[5 December 2019]

**Section 33. Candidate for the Office of a Prosecutor**

(1) The following persons may be appointed as a prosecutor:

1) who are citizens of Latvia;

2) who have knowledge of the official language at the highest level;

3) who have attained 25 years of age;

4) who have acquired a higher vocational or academic education (except for the first level vocational education) and a lawyer qualification, and also a master’s or doctoral degree;

5) who have an impeccable reputation;

6) who have undergone apprenticeship at an Office of the Prosecutor, have completed the apprenticeship programme, have passed the qualification examination and received an opinion of the Attestation Commission on eligibility for the office of a prosecutor.

(2) The Prosecutor General may exempt such person from taking of the qualification examination who conforms to the requirements laid down in Sections 34 and 35 of this Law for a judge, academic staff of judicial speciality of a higher education institution, or sworn advocate for applying as a candidate for the office of a prosecutor.

[*22 November 2012* / *See Paragraph 17 of Transitional Provisions*]

**Section 33.1 Selection of Candidates for the Office of a Prosecutor**

(1) No discrimination based on origin, social and financial status, race or nationality, sex, attitude towards religion, type and nature of occupation, or political or other views is permitted in selection of candidates for the office of a prosecutor.

(2) The Prosecutor General or his or her authorised official may request information and documents from a person who wishes to apply for the office of a prosecutor on his or her conformity with the requirements laid down in the law for applying for such office, and also information from other authorities or persons on the person who wishes to apply for the office of a prosecutor. The Prosecutor General or his or her authorised official may examine the information and documents received.

(3) [9 June 2016]

(4) The procedures for performing the selection of candidates for the office of a prosecutor shall be determined in the By-laws of a Candidate for the Office of a Prosecutor.

[*22 November 2012; 9 June 2016*]

**Section 33.2 Apprenticeship and Qualification Examination of a Candidate for the Office of a Prosecutor**

(1) A candidate for the office of a prosecutor shall undergo apprenticeship in the vacant position of a district (city) prosecutor according to the procedures, time period, and other conditions specified in the apprenticeship contract.

(2) The apprenticeship contract with the candidate for the office of a prosecutor shall be concluded by the Prosecutor General. The apprenticeship programme shall be an integral part of the contract.

(3) The candidate for the office of a prosecutor shall not have the procedural rights of a prosecutor during apprenticeship.

(4) The monthly wage of the candidate for the office of a prosecutor during apprenticeship shall be determined by the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

(5) Other issues which are related to apprenticeship of the candidate for the office of a prosecutor at an Office of the Prosecutor and qualification examination shall be governed by the By-laws of Apprenticeship and Qualification Examination of Candidates for the Office of a Prosecutor.

[*22 November 2012; 9 June 2016*]

**Section 34. Candidate for the Office of a Chief Prosecutor of a District (City) Office of the Prosecutor, a Prosecutor of the Office of the Prosecutor of a Court District, and a Prosecutor of the Office of the Prosecutor General**

(1) A person whose length of service in the office of a prosecutor or judge is not less than five years may be appointed as the chief prosecutor of a district (city) Office of the Prosecutor.

(2) A person whose length of service in the office of a prosecutor or judge is not less than five years or length of service in the office of academic staff of judicial speciality of a higher education institution or sworn advocate is not less than 10 years may be appointed as a prosecutor of the Office of the Prosecutor of a court district and a prosecutor of the Office of the Prosecutor General.

(3) Information on vacancies of the office of chief prosecutors of a district (city) Office of the Prosecutor, prosecutors of the Office of the Prosecutor of a court district, and prosecutors of the Office of the Prosecutor General shall be published, not later than one month before the filling thereof, on the website of the Office of the Prosecutor, indicating the time period for application which is not less than one week.

[*22 November 2012*]

**Section 35. Candidate for the Office of a Chief Prosecutor of the Department, a Chief Prosecutor of the Division of the Office of the Prosecutor General, and the Chief Prosecutor of the Office of the Prosecutor of a Court District**

A person whose length of service in the office of a prosecutor is not less than 10 years or length of service in the office of a judge of the Supreme Court is not less than five years may be appointed as a chief prosecutor and deputy chief prosecutor of the department, division of the Office of the Prosecutor General or the Office of the Prosecutor of a court district.

[*22 November 2012*]

**Section 35.1 Apprenticeship of a Prosecutor in Another Unit of the Office of the Prosecutor**

Prior to the promotion of a prosecutor in the office, and also for the purpose of raising the qualification of a prosecutor, the Prosecutor General may assign the prosecutor to undergo apprenticeship in another unit of the Office of the Prosecutor in the office of a prosecutor for a period not exceeding six months.

[*22 November 2012*]

**Section 36. Candidate for the Office of the Prosecutor General**

A person who has attained 40 years of age, who conforms to the requirements of Section 33, Paragraph one, Clauses 1, 2, 4, and 5 of this Law and who has worked for not less than five years in the office of a judge of the Constitutional Court, a judge of the Supreme Court, a judge of an international court, or a judge of a supranational court, has worked for not less than 10 years in the office of a judge of a regional court, a chief prosecutor, a prosecutor of the Office of the Prosecutor of a court district or the Office of the Prosecutor General or whose total length of service in the office of a judge or prosecutor is 15 years may be appointed as the Prosecutor General.

[*27 February 2020*]

**Section 37. Persons who may not Be Prosecutors and Candidates for the Office of a Prosecutor**

(1) The following persons may not be prosecutors and candidates for the office of a prosecutor:

1) who do not conform to the requirements of Section 33 of this Law, except for Section 33, Paragraph one, Clause 3, if the person is a candidate for the office of a prosecutor;

2) who have restricted capacity to act;

3) who have been dismissed from the office of a prosecutor, removed from the office of a judge, sworn bailiff, assistant to a sworn bailiff, sworn notary, assistant to a sworn notary, or excluded from the number of sworn advocates or assistants to sworn advocates on the basis of a decision in a disciplinary case and at least five years have not passed from entering into effect of the decision taken in a disciplinary case;

4) who have been punished for committing a criminal offence (irrespective of whether the conviction has been extinguished or set aside);

5) who have committed a criminal offence but have been released from serving the sentence because of the expiration of the limitation period, amnesty, or clemency;

6) who have been held criminally liable but the criminal proceedings against whom have been terminated for reasons other than exoneration;

7) who are or have been staff employees or non-staff employees of the Ministry of Defence of the USSR, the State Security Committee, intelligence or counterintelligence service of the USSR or Latvian SSR or countries other than the Member States of the European Union or the North Atlantic Treaty Organisation, or an agent, resident, or safe-house keeper;

8) who are or have been participants of an organisation banned by law or court ruling after banning of such organisation.

(2) The person referred to in Section 60, Paragraph one of the Criminal Procedure Law who is implementing his or her procedural defence in criminal proceedings may not be a candidate for the office of a prosecutor.

[*10 October 2002; 22 November 2012; 9 June 2016*]

**Section 38. Procedures for the Appointing and Term of Office of Prosecutors**

(1) Upon proposal of the Judicial Council, the Prosecutor General shall be appointed to the office by the *Saeima* for five years. The same person may be the Prosecutor General for not more than two consecutive terms.

(2) Selection of the candidates for the office of the Prosecutor General shall take place in an open competition. A person who conforms to the criteria referred to in Section 36 of this Law may apply himself or herself as a candidate for the office of the Prosecutor General. The by-laws of the competition shall be approved by the Judicial Council.

(3) After the Judicial Council has ascertained the conformity of candidates with the requirements of Section 36 of this Law, it shall, without delay, request the competent State security institution to provide an opinion on the conformity of the candidates with the requirements laid down in the law On Official Secret for the receipt of a facility security clearance.

(4) The procedures and criteria for the evaluation of the candidates for the office of the Prosecutor General shall be determined by the Judicial Council.

(5) The Judicial Council shall assess the candidates for the office of the Prosecutor General and select one – the most suitable one – from amongst them.

(6) The Judicial Council shall advance only such candidate for appointing to the office of the Prosecutor General on whom a positive opinion of the competent State security institution on his or her conformity with the requirements laid down in the law On Official Secret for the receipt of a facility security clearance has been received.

(7) The Judicial Council shall submit the proposal for the appointing of the Prosecutor General to the office to the *Saeima* not later than one month before the end of the term of office of the Prosecutor General. If the *Saeima* rejects the proposal of the Judicial Council, a new proposal for appointing of the Prosecutor General to the office shall be submitted not later than two months after the day when the previous proposal was rejected.

(8) A chief prosecutor and a deputy chief prosecutor shall be appointed to office by the Prosecutor General for five years, taking into account the opinion of the Attestation Commission. A person may be a chief prosecutor in the same unit of the Office of the Prosecutor for not more than two consecutive terms.

(9) Other prosecutors shall be appointed to office by the Prosecutor General for an unlimited term of office. Prior to the appointment or promotion of a prosecutor, the Attestation Commission shall provide an opinion on his or her eligibility for such office.

(10) A notification regarding appointing of the Prosecutor General, chief prosecutor, and deputy chief prosecutor to the office shall be made in the official gazette *Latvijas Vēstnesis* and information shall be inserted on the website of the Office of the Prosecutor.

[*27 February 2020* / *The second sentence of Paragraph eight shall come into force on 1 January 2021.* *See Paragraph 28 of Transitional Provisions*]

**Section 38.1 Maximum Age for the Performance of Duties of Office of a Prosecutor**

(1) The maximum age for the performance of duties of office of a prosecutor shall be 65 years.

(2) Upon having assessed the opinion of the Attestation Commission, the Prosecutor General may continue the office relationship with a prosecutor who has attained the maximum age for the performance of duties of office and with a chief prosecutor or deputy chief prosecutor whose term of office will expire after attaining the maximum age for the performance of duties of office, depending on the office held for a period of up to two years.

[*22 November 2012; 5 September 2013*]

**Section 38.2 Evaluation of the Professional Activity of a Prosecutor**

(1) The objective for the evaluation of the professional activity of a prosecutor shall be to promote continuous professional growth of the prosecutor during the performance of duties of office.

(2) Evaluation of the professional activity of a prosecutor, with the participation of the prosecutor, shall be performed by the Attestation Commission not less than once in five years.

(3) Upon evaluating the professional activity of a prosecutor, the Attestation Commission shall analyse the quality of performing of the functions of a prosecutor, organisation of individual work, participation in measures for raising qualification, statistical indicators of work, and also other criteria provided for in the By-laws for Evaluation of the Professional Activity of Prosecutors.

(4) If a prosecutor repeatedly fails to appear at the meeting of the Attestation Commission without a justified reason, the professional activity of this prosecutor may be evaluated in his or her absence.

(5) If the Attestation Commission does not have sufficient information at its disposal for the evaluation of the professional activity of a prosecutor, it may assign examination of the conformity of the knowledge and professional skills of a prosecutor with the office held to the Qualification Commission or also to assign a separate examination of the professional activity of a prosecutor to a higher-ranking prosecutor.

(6) The Attestation Commission shall provide an opinion on the professional activity of a prosecutor.

(7) If a prosecutor has received a negative opinion in the evaluation of the professional activity of a prosecutor, re-evaluation of the professional activity of a prosecutor shall be performed within the time period stipulated by the Prosecutor General, but not later than within a year from the day when the previous opinion was provided.

(8) If a prosecutor has received a repeat negative evaluation in the evaluation of the professional activity of a prosecutor, he or she shall be dismissed from the office.

(9) The procedures for performing the evaluation of the professional activity of prosecutors shall be determined in the By-laws for Evaluation of the Professional Activity of Prosecutors.

(10) A prosecutor may appeal the decision of the Prosecutor General on dismissal of a prosecutor from the office due to repeat negative evaluation of professional activity to the Disciplinary Court which shall examine the case in accordance with the procedures laid down in the law On Judicial Power and the Judicial Disciplinary Liability Law.

[*22 November 2012* / *See Paragraph 19 of Transitional Provisions*]

**Section 39. Removal of a Prosecutor from the Office**

Prosecutors shall be removed from the office:

1) upon his or her own wish;

2) in connection with election or appointment to another office;

3) due to their state of health if it does not allow them to continue to work as a prosecutor;

4) upon termination of the time period for the performance of duties of office if the prosecutor does not agree to appointment to another office of a prosecutor;

5) due to liquidation of a unit of the Office of the Prosecutor or the office of a prosecutor, or reduction in the number of prosecutors, if it is not possible to appoint the prosecutor to another unit or another office of a prosecutor, or if the prosecutor does not agree to such appointment;

6) due to the attainment of the maximum age specified in the law for the performance of duties of office.

[*21 May 2009; 22 November 2012*]

**Section 40. Basis for Dismissal of Prosecutors**

(1) A prosecutor shall be dismissed from the office:

1) if the Prosecutor General has detected that any of the conditions referred to in Section 37, Paragraph one of this Law has not been conformed to;

2) [22 November 2012];

3) if the prosecutor refuses to discontinue his or her membership in a party or political organisation;

4) if the guilt of the prosecutor in committing of a criminal offence has been detected in accordance with the procedures laid down in the Criminal Procedure Law;

5) if the prosecutor has repeatedly received a negative evaluation in the evaluation of the professional activity.

(2) A prosecutor may be dismissed from the office:

1) for intentional violation of the law or negligence related to his or her professional activity and causing significant consequences;

2) for a shameful act which is incompatible with the office of a prosecutor;

3) [22 November 2012];

4) if the Attestation Commission detects that his or her professional skills are not sufficient;

5) for intentional failure to perform duties of office;

6) for gross violation of the provisions of the Code of Ethics of Prosecutors;

7) if the Prosecutor General has detected that any of the restrictions and prohibitions specified in the law On Prevention of Conflict of Interest in Activities of Public Officials has not been conformed to.

[*23 May 1996; 22 October 1998; 8 June 2000; 10 October 2002; 22 November 2012*]

**Section 41. Procedures for the Removal or Dismissal of Prosecutors**

Prosecutors and chief prosecutors shall be removed or dismissed from the office by the Prosecutor General in the cases and in accordance with the procedures laid down in this Law.

[*22 October 1998*]

**Section 41.1 Basis for Dismissal of the Prosecutor General**

The Prosecutor General may be dismissed from the office if, in accordance with the procedures laid down in this Law, it is detected that he or she:

1) does not conform to the requirements laid down in Section 37 of this Law;

2) is a member of a party or a political organisation;

3) has not complied with any of the restrictions and prohibitions specified in the law On Prevention of Conflict of Interest in Activities of Public Officials;

4) during the performance of duties of service has allowed intentional violation of law or negligence resulting in significant consequences;

5) has allowed a shameful act which is incompatible with his or her office.

[*22 October 1998; 10 October 2002*]

**Section 41.2 Termination of Powers of the Prosecutor General**

(1) The powers of the Prosecutor General shall terminate without a special decision:

1) if the *Saeima* has elected, appointed, or confirmed him or her into another office, simultaneously removing him or her from the previous office;

2) if the term of office specified in the law has expired;

3) if a judgment of conviction has entered into effect;

4) upon death;

5) after three months from the day when he or she has submitted a submission to the Judicial Council and the Chairperson of the *Saeima* regarding resignation from office.

(2) The powers of the Prosecutor General shall terminate if the *Saeima* removes the Prosecutor General from the office due to his or her state of health which precludes him or her from further performance of duties.

(3) The powers of the Prosecutor General shall terminate if the *Saeima*, in accordance with the procedures laid down in this Law, dismisses him or her from the office.

(4) In all the cases of termination of the powers of the Prosecutor General provided for in this Section, the Judicial Council shall determine which of the chief prosecutors of departments of the Office of the Prosecutor General shall perform the duties of the Prosecutor General until appointment of a new Prosecutor General.

(5) If such person has been appointed as the Prosecutor General who, in accordance with the law On Judicial Power, has been confirmed as a judge without restriction on the term of office, he or she has the right to return to the previous judicial position in the cases referred to in Paragraph one, Clauses 2 and 5 of this Section, if he or she has not attained the maximum age specified for the performance of the office of a judge.

[*22 October 1998; 27 February 2020*]

**Section 41.3 Procedures for the Dismissal of the Prosecutor General**

(1) The *Saeima* may dismiss the Prosecutor General from office, if a judge of the Supreme Court specially authorised by the President of the Supreme Court, in carrying out an investigation, has determined any of the bases for removal referred to in Section 41.1 of this Law and an opinion regarding this has been provided by a Plenary Session of the Supreme Court.

(2) An investigation shall be proposed by the President of the Supreme Court upon his or her own initiative, upon request of one third of the members of the *Saeima* or the Judicial Council.

(3) The proposal shall indicate:

1) a particular fact of a violation specified in Section 41.1 of this Law;

2) if the investigation has been proposed upon request of members of the *Saeima* – the given name, surname of the members who submitted the proposal and the date of signing the proposal.

(4) If the President of the Supreme Court, upon proposing an investigation, considers that the holding of office by the Prosecutor General may interfere with an objective examination of the issues, he or she shall suspend the Prosecutor General from office until taking of the final decision, and shall determine which of the chief prosecutors of departments of the Office of the Prosecutor General shall perform the duties of the Prosecutor General during this time.

(5) If the basis for dismissal provided for in Section 41.1 of this Law has been detected, the President of the Supreme Court shall forward the materials of investigation together with his or her and a Plenary Session’s opinion to the *Saeima* for further examination.

(6) If the basis for dismissal provided for in the law has not been detected, the President of the Supreme Court shall inform the Prosecutor General and the members who submitted the proposal thereof.

[*22 October 1998; 27 February 2020*]

**Section 42. Suspension of a Prosecutor from the Office**

(1) If a prosecutor has committed a violation for which he or she may be dismissed from the office, the Prosecutor General may suspend him or her from the office until rendering of a ruling in a disciplinary matter or – in cases related to criminal liability – until regulation of criminal legal relations.

(2) The Prosecutor General shall appoint the prosecutor suspended from the office, with his or her consent, to perform duties of an assistant to a prosecutor or shall permit the administrative director of the Office of the Prosecutor to appoint the suspended prosecutor for work in the office of the Administrative Director Service which is not the office of a public official for the period of suspension, disbursing the work remuneration specified in the relevant position. If a prosecutor does not agree to being appointed for another position, the minimum monthly wage determined in the State at the time of suspension shall be disbursed to him or her.

(3) If the basis for dismissal provided for in the law is not detected, the whole monthly wage not disbursed to him or her for the period of suspension as well as supplements shall be disbursed to the prosecutor.

[*10 October 2002; 22 November 2012; 5 September 2013 /* *See Paragraph 25 of Transitional Provisions*]

**Section 43. Disciplinary Liability of a Prosecutor**

(1) A prosecutor may be held to disciplinary liability for:

1) intentional violation of law or negligence upon performance of duties of office;

2) intentional failure to perform duties of office;

3) a shameful act which is incompatible with the office of a prosecutor;

4) [17 June 2020];

5) failure to comply with the provisions of the Code of Ethics of Prosecutors.

(2) The rendering of a judgement of acquittal, the sending of a case for elimination of violations, or the revocation of procedural decisions may not of itself be the basis for the disciplinary liability of a prosecutor, unless the prosecutor has allowed intentional violation of law or negligence resulting in significant consequences.

[*2 April 1998; 22 November 2012; 17 June 2020*]

**Section 44. Disciplinary Punishments**

(1) The following disciplinary punishments may be applied to a prosecutor for the violations provided for in Section 43 of this Law:

1) a reproof;

2) a reprimand;

3) reduction of the monthly wage of the prosecutor up to 20 per cent for a period not exceeding six months;

4) [22 November 2012];

5) demotion in the office;

6) dismissal from the office.

(2) Only one disciplinary punishment may be applied for the same violation.

[*2 April 1998; 10 October 2002; 19 June 2003; 22 November 2012*]

**Section 45. Procedures for the Application and Appeal of Disciplinary Punishments**

(1) The Prosecutor General has the right to apply any disciplinary punishment to any prosecutor.

A chief prosecutor has the right to, as a disciplinary punishment, issue a reproof or reprimand to a prosecutor of a unit under his or her management. If a violation of more serious nature has been committed, the chief prosecutor may submit to the Prosecutor General a proposal to apply another disciplinary punishment.

(2) An official who has the right to apply a disciplinary punishment shall become acquainted with the materials received and request an explanation from a prosecutor and, if necessary, – organise the investigation of the fact of a disciplinary violation according to the procedures stipulated by the Prosecutor General. Prior to reduction of the monthly wage, demotion in the office, or dismissal from the office, the materials received shall be submitted to the Attestation Commission for the provision of an opinion.

(3) A disciplinary punishment may be imposed not later than within three months from the date of discovery of the violation, excluding the period of probation and the period when a prosecutor has not been at work due to justifiable reasons, but not later than two years after the date of committing the violation.

(4) The prosecutor held to liability shall be familiarised with the order regarding the application of a disciplinary punishment, ensuring the availability of the order to all prosecutors. The order shall be appended to the personal file of the prosecutor.

(5) If within a year after application of a disciplinary punishment, except for dismissal from the office, a new disciplinary punishment has not been imposed on a prosecutor, the prosecutor shall not be regarded as disciplinarily punished, however, reinstatement in the previous office is possible only according to the attestation procedures.

(6) An official who has applied a disciplinary punishment is entitled to revoke it before one year has elapsed. The prosecutor held to liability shall be familiarised with the order regarding the revocation of a disciplinary punishment, ensuring the availability of the order to all prosecutors. The order shall be appended to the personal file of the prosecutor.

(7) A person has the right to become acquainted with the materials of investigation of the fact of a disciplinary violation.

(8) The disciplinary punishment applied by a chief prosecutor may be appealed, within a month, to the Prosecutor General, but the decision by the Prosecutor General or the disciplinary punishment imposed – to the Disciplinary Court. Appeal of the decision to impose a disciplinary punishment shall not suspend the operation thereof.

(9) A person shall appeal the decision by the Prosecutor General or the disciplinary punishment imposed and the Disciplinary Court shall examine the relevant claim in accordance with the procedures laid down in the Judicial Disciplinary Liability Law.

[*10 October 2002; 19 June 2003; 22 November 2012 /* *See Paragraph 20 of Transitional Provisions*]

**Chapter Five**

**Employees of the Office of the Prosecutor**

[*19 June 2003*]

**Section 45.1 Employees of the Office of the Prosecutor**

(1) The administrative director of the Office of the Prosecutor, employees of the Administrative Director Service, the advisory personnel, an assistant to a prosecutor, an auditor, and other employees shall be employees of the Office of the Prosecutor.

(2) The remuneration of employees of the Office of the Prosecutor shall be determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

[*19 June 2003; 1 December 2009; 22 November 2012*]

**Section 45.2 Auditor**

An auditor is an official of the Office of the Prosecutor who is appointed to the office by the Prosecutor General for ensuring the operation of internal audit of the institution.

[*22 November 2012*]

**Section 46. Administrative Director of the Office of the Prosecutor and the Administrative Director Service of the Office of the Prosecutor**

(1) Employment relationship with the administrative director of the Office of the Prosecutor shall be established and terminated by the Prosecutor General. The administrative director shall manage the Administrative Director Service of the Office of the Prosecutor.

(2) The Administrative Director Service of the Office of the Prosecutor is a unit of the Office of the Prosecutor which ensures the financial and economic activity of the Office of the Prosecutor.

(3) Employment relationship with employees of the Administrative Director Service shall be established and terminated by the administrative director of the Office of the Prosecutor.

[*19 June 2003; 22 November 2012; 1 November 2018*]

**Section 47. Service Personnel**

[22 November 2012]

**Section 48. Assistant to a Prosecutor**

(1) A person who has commenced studies in an educational institution of higher education for acquiring the qualification of a lawyer or who has obtained the first-level vocational higher education in law (fourth-level vocational qualification) or another higher education (fifth-level vocational qualification) may be an assistant to a prosecutor.

(2) An assistant to a prosecutor shall, according to the structure stipulated by the Prosecutor General, be hired or removed or dismissed from work by the Prosecutor General according to a recommendation from the chief prosecutor of the relevant unit of the Office of the Prosecutor.

(3) An assistant to a prosecutor shall not have the powers of a prosecutor and his or her rights and obligations shall be determined by the By-laws Regarding Assistant to a Prosecutor.

[*22 November 2012*]

**Section 49. Advisory Personnel**

According to the allocated funds from the State budget and the structure stipulated by the Prosecutor General, the Prosecutor General or the administrative director of the Office of the Prosecutor may hire a specialist for an indefinite period of time or for a specific period of time for the performance of a specific task.

[*22 November 2012*]

**Chapter Five A**

**State Institutions Supervised by the Office of the Prosecutor**

[1 November 2018]

**Section 49.1 Procedures for Establishing State Institutions Supervised by the Office of the Prosecutor**

[1 November 2018]

**Section 49.2 Procedures for the Appointment, Hiring, Removal, and Dismissal of Employees of State Institutions Supervised by the Office of the Prosecutor**

[1 November 2018]

**Section 49.3 Remuneration of Employees of State Institutions Supervised by the Office of the Prosecutor**

[1 November 2018]

**Section 49.4 Procedures for the Implementation of Supervision**

[1 November 2018]

**Chapter Six**

**Ensuring the Activities of the Office of the Prosecutor**

**Section 50. Financing of the Office of the Prosecutor**

The Office of the Prosecutor shall be financed from the State budget.

[*1 November 2018*]

**Section 51. Material and Technical Base of the Office of the Prosecutor**

The State shall provide the Office of the Prosecutor with service premises, means of communication, and an appropriate material and technical base.

[*5 September 2013*]

**Section 51.1 Information System of the Office of the Prosecutor**

(1) The information system of the Office of the Prosecutor and its software shall be the State information system the maintenance and development of which is financed from the State basic budget.

(2) The Office of the Prosecutor shall be the administrator and holder of the information system of the Office of the Prosecutor.

(3) The Cabinet shall determine the procedures for the maintenance and use of the information system of the Office of the Prosecutor, and also the amount of information to be included in the information system of the Office of the Prosecutor, taking into account the restrictions specified in laws and regulations.

(4) The information included in the information system of the Office of the Prosecutor shall be restricted access information, unless laid down otherwise in law.

[*5 December 2019*]

**Chapter Seven**

**Remuneration and Guarantees of a Prosecutor**

[*16 December 2010*]

**Section 52. Work Remuneration of a Prosecutor**

(1) The remuneration of a prosecutor shall be determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

(2) [16 December 2010]

(3) [16 December 2010]

(4) [16 December 2010]

[*19 June 2003; 16 December 2010*]

**Section 53. Incentives for the Work of Prosecutors**

[5 March 2015]

**Section 54. Leaves of Prosecutors**

[16 December 2010]

**Section 55. Service Pensions of Prosecutors**

The grounds for granting a service pension to a prosecutor, and also the procedures for the granting, calculation, and disbursement of service pensions shall be determined by a special law.

[*16 December 2010*]

**Section 56. Security Guarantees for a Prosecutor**

(1) A prosecutor has the right to the protection of himself or herself and the members of his or her family, and also the property of the members of his or her family.

(2) [21 May 2009]

[*10 October 2002; 21 May 2009*]

**Section 57. Provision of a Telephone for the Dwellings of Prosecutors**

[21 May 2009]

**Section 57.1 Allowance in Case of Injury of a Prosecutor and in Case of Death of a Prosecutor or His or Her Family Member**

[16 December 2010]

**Section 57.2 Allowance in the Case of Birth of a Child**

[16 December 2010]

**Section 57.3 Allowance in Connection with Removal from the Office**

[16 December 2010]

**Section 57.4 Supplement for the Performance of Duties of Office under Circumstances of Increased Work Intensity**

[16 December 2010]

**Section 57.5 Leave Allowance**

[16 December 2010]

**Section 57.6 Reimbursement of Resettlement Expenditures**

[16 December 2010]

**Section 57.7 Supplement for Proficiency in Foreign Languages**

[16 December 2010]

**Section 57.8 Other Allowances, Supplements, and Bonuses**

[16 December 2010]

**Section 58. Other Guarantees**

[16 December 2010]

**Chapter Seven A**

**Representation of the Republic of Latvia in Eurojust, Approval and Appointment of the Relevant Officials**

[*2 June 2005; 5 December 2019*]

**Section 58.1 Representation of the Republic of Latvia in Eurojust**

(1) Representation of the Republic of Latvia in Eurojust shall be carried out by a representative approved by the Prosecutor General in accordance with the procedures laid down in this Law (hereinafter – the Eurojust representative). The Eurojust representative shall operate in accordance with the laws and regulations of the Republic of Latvia governing the activities of a prosecutor and Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (hereinafter – Regulation (EU) 2018/1727).

(2) [5 December 2019]

(3) The Eurojust representative may have correspondents – State correspondents for representation in Eurojust (hereinafter – the Eurojust correspondent) who ensure performing of the functions of the Eurojust representative and who are appointed by the Prosecutor General in accordance with the procedures laid down in this Law.

[*8 July 2011; 5 December 2019*]

**Section 58.2 Requirements for a Candidate for the Office of the Eurojust Representative, his or her Deputy, Assistant, and also the Eurojust Correspondent**

(1) A prosecutor whose length of service in the office of a prosecutor is at least five years may be the Eurojust representative, the deputy Eurojust representative, and the assistant to the Eurojust representative.

(2) A prosecutor whose length of service in the office of a prosecutor is at least five years and who is performing the functions of the contact person of the European Judicial Network may be the Eurojust correspondent.

[*8 July 2011; 5 December 2019*]

**Section 58.3 Approval of the Eurojust Representative, Appointment of his or her Deputy, Assistant, and also Eurojust Correspondents**

(1) The Prosecutor General shall approve the Eurojust representative and the deputy Eurojust representative for the time period specified in Regulation (EU) 2018/1727 in compliance with the opinion of the competition commission established thereby.

(2) [22 November 2012]

(3) The Prosecutor General shall appoint the deputy Eurojust representative and Eurojust correspondents upon recommendation of the Eurojust representative without a limitation of the term of office.

(4) [22 November 2012]

(5) The office of the Eurojust representative shall conform to the office of a chief prosecutor of a department of the Office of the Prosecutor General, but the office of the deputy Eurojust representative – to the office of a chief prosecutor of a division of the Office of the Prosecutor General.

[*8 July 2011; 22 November 2012; 5 December 2019*]

**Section 58.4 Allowances and Compensations for the Eurojust Representative and his or her Deputy**

[16 December 2010]

**Section 58.5 Eurojust National Coordination System**

(1) The Eurojust national coordination system shall operate to organise work and to promote the carrying out of the tasks of Eurojust in the Member State.

(2) The functions, agenda, and composition of the Eurojust national coordination system shall be determined by the Cabinet.

[*22 November 2012*]

**Chapter Seven B**

**European Prosecutor and European Delegated Prosecutor**

[*5 December 2019*]

**Section 58.6 Status of the European Public Prosecutor’s Office and its Officials**

(1) The functions of the Office of the Prosecutor in Latvia according to the status and competence specified in Regulation (EU) 2017/1939 shall also be implemented by the European Public Prosecutor’s Office. The European Public Prosecutor’s Office shall be considered the Office of the Prosecutor within the meaning of the legal norms of Latvia.

(2) The office of the European prosecutor and the European delegated prosecutor shall be considered the office of a prosecutor within the meaning of the legal norms of Latvia. The European prosecutor and the European delegated prosecutor have the same rights, obligations, restrictions, and guarantees as a prosecutor of the Office of the Prosecutor of the Republic of Latvia, insofar as it has not been laid down otherwise in Regulation (EU) 2017/1939.

[*5 December 2019*]

**Section 58.7 Consequences of the Appointment to the Office and the Termination of the Term of Office of a European Prosecutor**

(1) Due to the appointment to the office of a European prosecutor, a prosecutor is removed from the office in the Office of the Prosecutor of the Republic of Latvia in accordance with Section 39, Clause 2 of this Law.

(2) A person appointed to the office of a European prosecutor shall, after termination of the term of office of the relevant office, on the basis of a submission of such person be appointed to the office of a prosecutor, except for the office of a chief prosecutor or deputy chief prosecutor, in such unit of the Office of the Prosecutor in which he or she was holding an office until removal from it in the case specified in Paragraph one of this Section, but if it is not possible – in a unit of the same level of the Office of the Prosecutor.

[*5 December 2019*]

**Section 58.8 Nomination of Candidates for the Office of a European Delegated Prosecutor**

(1) Candidates for the office of a European delegated prosecutor shall be nominated by the Prosecutor General in compliance with the opinion of the competition commission established by him or her.

(2) The Prosecutor General may nominate reserve candidates for the office of a European delegated prosecutor.

[*5 December 2019*]

**Section 58.9 Consequences of the Appointment to the Office of a European Delegated Prosecutor**

(1) After appointment to the office of a European delegated prosecutor, a prosecutor shall continue to hold the office in the Office of the Prosecutor of the Republic of Latvia without retaining a remuneration corresponding to the office.

(2) After appointment to the office of a European delegated prosecutor, a judge shall be appointed to the office of a prosecutor of the Office of the Prosecutor of the Republic of Latvia in a unit of such level of the Office of the Prosecutor which conforms to his or her office of a judge in a court. In such case the conditions of Section 33, Paragraph one, Clause 6 of this Law shall not be applicable.

(3) Concurrent holding of the office of a prosecutor of the Office of the Prosecutor of the Republic of Latvia and the office of a European delegated prosecutor shall not be considered a combination of offices within the meaning of the law On Prevention of Conflict of Interest in Activities of Public Officials.

[*30 September 2021*]

**Section 58.10 Remuneration and Social Guarantees of European Delegated Prosecutor**

(1) In accordance with the provisions of Regulation (EU) 2017/1939, a European delegated prosecutor shall receive remuneration from the budget of the European Public Prosecutor’s Office.

(2) In accordance with the provisions of Regulation (EU) 2017/1939, European delegated prosecutors are socially insurable under the law On State Social Insurance as employees by having regard to the provisions of this Law.

(3) The object of mandatory contributions for a European delegated prosecutor shall be the remuneration according to the office held at the Office of the Prosecutor of the Republic of Latvia.

(4) Mandatory contributions for a European delegated prosecutor shall be made by the Office of the Prosecutor of the Republic of Latvia in full amount without applying the division of the rate of mandatory contributions between the employer and employee.

(5) Social insurance services shall be granted to a European delegated prosecutor in accordance with special laws.

(6) In calculation of the average monthly wage for service pension, remuneration according to the office held in the Office of the Prosecutor of the Republic of Latvia shall be taken into account for the period while the prosecutor was appointed to the office of a European delegated prosecutor.

[*30 September 2021*]

**Chapter Eight**

**Symbols of the Office of the Prosecutor**

**Section 59. Symbols of the Office of the Prosecutor**

The symbols of the Office of the Prosecutor shall be the oath (solemn vow), robe, and insignia of office of a prosecutor.

[*22 November 2012*]

**Section 60. Oath (Solemn Vow) of a Prosecutor**

(1) Upon appointment to the office, a prosecutor shall give the following oath (solemn vow):

“I, undertaking the duties of a prosecutor, am aware of the responsibility entrusted to me, and solemnly swear (solemnly vow) to be honest and fair, to be loyal to the Republic of Latvia, to always endeavour to determine the truth, never betraying it, and to perform the duties of a prosecutor strictly in accordance with the Constitution and the laws.”

(2) The oath (solemn vow) of a prosecutor shall be accepted by the Prosecutor General.

(3) A prosecutor shall read the text of the oath (solemn vow) at a solemn ceremony and sign it.

(4) The Prosecutor General who, until appointment to the office of the Prosecutor General has not been appointed to the office of a prosecutor, shall give the oath (solemn vow) to the President of the Supreme Court.

[*22 November 2012*]

**Section 61. Robe and Insignia of Prosecutors**

(1) [22 November 2012]

(2) Upon performing duties in a court and in other cases specified in the By-laws Regarding Wearing of Prosecutor’s Robe and Insignia and their Standards, prosecutors shall wear the robe of a prosecutor and the insignia of office attached to it – the badge.

(3) The procedures for wearing the robe of a prosecutor and the insignia of office, and also standards of the robe and insignia of office of a prosecutor shall be determined in the By-laws.

(4) [10 October 2002]

[*10 October 2002; 22 November 2012* / *See Paragraph 21 of Transitional Provisions*]

**Section 62. Identification Document of a Prosecutor**

An identification document the form of which is approved by the Prosecutor General shall be issued to a prosecutor.

**Section 63. Seal of the Office of the Prosecutor**

(1) The Office of the Prosecutor General shall have a seal bearing the greater State coat of arms of the Republic of Latvia and the name of the institution.

(2) Other units of the Office of the Prosecutor, including departments and divisions of the Office of the Prosecutor General, shall have a seal bearing the supplemented lesser State coat of arms and the name of the relevant unit.

[*2 April 1998; 22 November 2012; 1 November 2018*]

**Transitional Provisions**

1. The reorganisation of the Office of the Prosecutor shall be completed within three months from the date of the coming into force of this Law.

With the coming into force of this Law, the law On the Prosecutorial Supervision in the Republic of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, 41) is repealed.

2. Persons who as a result of reorganisation of the Investigation Department of the Ministry of the Interior move to work for the Office of the Prosecutor and for whom not more than five years until receipt of the service pension of an employee of the Ministry of the Interior have remained retain the right to receive such pension.

The length of the service which gives the right to the service pension of a prosecutor shall also include the period of work in the office of an investigator in the Ministry of the Interior system. If a right concurrently arises for a prosecutor both to the service pension of a prosecutor and to the service pension of an employee of the Ministry of the Interior, he or she is entitled to receive only one service pension of his or her choice.

3. The Prosecutor General of the Republic of Latvia appointed on 26 September 1990 shall continue to perform his duties until expiration of the term of office in the grade of a chief State advisor for judicial proceedings. He shall give the oath of a prosecutor before the President of the Supreme Court. The Prosecutor General shall ensure the reorganisation of the Office of the Prosecutor and within three months from the date of coming into force of this Law shall do the following for this purpose:

1) approve the structure and personnel of the Office of the Prosecutor;

2) determine the procedures whereby grades of office are to be granted to the prosecutors to whom the grades of service had been granted in accordance with the procedures laid down in the law On the Prosecutorial Supervision in the Republic of Latvia;

3) determine the procedures whereby the length of service in the speciality of a lawyer is to be included;

4) ensure the approval of by-laws of attestation and qualification commissions and the establishing of such commissions.

During reorganisation the Prosecutor General is entitled to assign prosecutors to perform duties irrespective of the office held by them.

4. The requirements laid down in Section 33, Paragraph one of this Law shall not apply to persons currently employed by the Office of the Prosecutor, and also to persons currently employed by the Investigation Department of the Ministry of the Interior who during the process of reorganisation of the department move to work for the Office of the Prosecutor.

Students who, upon the coming into force of this Law, acquire the speciality of a lawyer and have worked for the Office of the Prosecutor or the Investigation Department of the Ministry of the Interior for more than a year may take a qualification examination and may be appointed to the office of a prosecutor, but other students may continue to serve their apprenticeship as candidates for a prosecutor of a district (republic city) until acquiring of higher education.

Persons who already work for the Office of the Prosecutor or the Investigation Department of the Ministry of the Interior and who have higher legal education but their length of service in the speciality of a lawyer is less than a year must pass a qualification examination. Other prosecutors (within the meaning of the 26 September 1990 law On Prosecutorial Supervision in the Republic of Latvia) and investigators of the Office of the Prosecutor shall continue their work at the Office of the Prosecutor without taking a qualification examination, but investigators of the Investigation Department of the Ministry of the Interior who have moved to work for the Office of the Prosecutor shall be subject to attestation without taking a qualification examination.

Employees of the Office of the Prosecutor who, in accordance with the requirements of this Law, may not thereafter hold the office of a prosecutor shall be removed from office, disbursing them compensation in the amount of three months salary.

5. [16 December 2010]

6. [16 December 2010]

7. [16 December 2010]

8. [16 December 2010]

9. [5 December 2019]

10. [16 December 2010]

11. Amendments to Section 27 of this Law providing for reorganisation of the Offices of the Prosecutor of a district (city) level according to the district (city) courts established shall come into force on 1 July 2009.

[*17 July 2008*]

12. Reorganisation of the Offices of the Prosecutor of a district (city) level according to the district (city) courts established shall be completed by 1 October 2009.

[*17 July 2008*]

13. [16 December 2010]

14. [16 December 2010]

15. Prosecutors shall be disbursed a one-off compensation. It shall be calculated as the net difference between the monthly wage to be disbursed to a prosecutor in accordance with the wording of Paragraph 20, sentence three of Transitional Provisions of the law On Judicial Power that would have been in force on 1 January 2011, in compliance with the wording of Section 52 of the Office of the Prosecutor Law that was in force on 16 December 2010, and the monthly wage stipulated for a prosecutor in Section 6.2 of the Law on Remuneration of Officials and Employees of State and Local Government Authorities. The compensation shall not be subject to taxes.

[*16 December 2010*]

16. The Attestation Commission shall perform the regular evaluation of the professional activity of prosecutors for the first time from 1 January 2014 to 1 January 2017. The Prosecutor General shall approve the list of prosecutors according to which the regular evaluation of the professional activity of prosecutors is performed.

[*22 November 2012*]

17. Persons who have acquired a higher legal education which in legal terms is commensurate with a master’s degree shall also comply with the requirements of Section 33, Paragraph one, Clause 4 of this Law.

[*22 November 2012*]

18. Deputy chief prosecutors who have been appointed to the office until the day when Section 38, Paragraph four of this Law comes into force which provides for the appointment of deputy chief prosecutors in the office for five years shall perform their duties until 1 January 2018.

[*22 November 2012*]

19. For a prosecutor whose professional activity has been evaluated by the Attestation Commission, who has received a position opinion of such Commission, and to whom a grade of office has been granted or who has been appointed to the office after coming into force of Section 38.2 of this Law, the subsequent evaluation of the professional activity shall be performed within the time period specified in Section 38.2, Paragraph two of this Law.

[*22 November 2012*]

20. Appeal of the decisions of the Prosecutor General provided for in Section 45, Paragraph eight of this Law or the applied disciplinary punishments to the Disciplinary Court shall be applicable after 1 January 2014. Until 1 January 2014 the relevant decisions shall be appealed to the Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law.

[*22 November 2012*]

21. The Prosecutor General shall determine the day when wearing of the insignia of office of a prosecutor provided for in Section 61, Paragraph two of this Law shall be commenced.

[*22 November 2012*]

22. Until approval of a new Code of Ethics of Prosecutors, the Code of Ethics of Prosecutors of Latvia approved at the Council of the Prosecutor General on 17 June 1998 shall be in effect.

[*22 November 2012*]

23. Amendment to Section 24, Paragraph three of this Law shall come into force on 1 January 2014.

[*5 September 2013*]

24. In addition to that specified in Section 24, Paragraph three of this Law, prosecutors of the Office of the Prosecutor General have the right, until 31 December 2014, to perform the functions of a prosecutor also at meetings of the Department of Criminal Cases of the Supreme Court and the Department of Civil Cases of the Supreme Court, but from 1 January 2015 to 31 December 2016 – at meetings of the Department of Civil Cases of the Supreme Court.

[*5 September 2013*]

25. Amendments to Section 42 of this Law which apply to the removal of a prosecutor from the office shall be applicable, after coming into force thereof, also to a prosecutor who has been suspended from the office prior to the coming into force of amendments to Section 42 of this Law.

[*5 September 2013*]

26. Due to change in the subordination of the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, the provision of the financial and economic activity thereof shall be continued by the Administrative Director Service of the Office of the Prosecutor, but not longer than until 30 June 2019.

[*1 November 2018*]

27. The Cabinet shall, by 1 March 2021, issue the regulations referred to in Section 51.1, Paragraph three of this Law.

[*5 December 2019*]

28. The second sentence of Section 38, Paragraph eight of this Law shall come into force on 1 January 2021, and a person who continues the performance of the duties of a chief prosecutor of a specific unit of the Office of the Prosecutor after 1 January 2021, after termination of this term of office, may be re-appointed in the office of a chief prosecutor of the same unit of the Office of the Prosecutor for at least one more term.

[*27 February 2020*]

29. The Judicial Council shall, by 1 April 2020, approve the by-laws of the competition, and also determine the procedures and criteria for the evaluation of candidates in accordance with Section 38, Paragraphs two and four of this Law.

[*27 February 2020*]

The Law shall come into force on 1 July 1994.

The Law has been adopted by the *Saeima* on 19 May 1994.

President G. ULMANIS

Rīga, 2 June 1994

**NOTES:**

Law “Amendments to the Office of the Prosecutor Law” of 4 April 2007

Transitional Provision:

Sections 1 (the new wording of Section 26, Paragraph one) and 2 (the new wording of Section 31) of this Law shall come into force concurrently with the coming into force of the Law on the Court System.

[The abovementioned amendments will be included in the wording of the Law as of the day of coming into force of the Law on the Court System]