Republic of Latvia

Cabinet

Regulation No. 265

Adopted on 27 April 2021

**Regulations Regarding the Division of the Money Acquired as a Result of the Execution of the Confiscation of Property with European Union Member States and Foreign Countries**

*Issued pursuant to*

*Section 792, Paragraph seven and Section 800, Paragraph six of the Criminal Procedure Law*

1. The Regulation prescribes the procedures by which the money acquired as a result of the execution of the confiscation of property (hereinafter – the money) shall be divided with European Union Member States and foreign countries and the procedures by which the money shall be transferred, and also the criteria for the division of money.

2. Within 14 days after receipt of the notification from a sworn bailiff or the State Revenue Service on the result of the execution of the confiscation of property, the Ministry of Justice shall, in accordance with the provisions of the Criminal Procedure Law, inform thereof the European Union Member State or foreign country from which the request for the confiscation of property has been received.

3. If an European Union Member State or foreign country has made a request for the division of money, the Ministry of Justice shall, within one month from the day of receipt of the request, convene a meeting of the money division commission (hereinafter – the commission) to decide on the division of money.

4. The commission shall be established by the Ministry of Justice. The commission shall be composed of four members of the commission and the chairperson of the commission who shall be representatives of the Ministry of Justice and the State Revenue Service and also the sworn bailiff who enforced the court ruling to impose the confiscation of property on a person. Where necessary, other specialists (experts) from the authorities involved in the money division process shall also be invited to participate in a meeting of the commission.

5. The commission shall be valid if at least three members of the commission and the chairperson of the commission are present at the meeting. Minutes shall be taken during the meetings of the commission. The minutes shall be agreed upon with all the members of the commission who were present at the meeting of the commission and signed by the chairperson of the commission.

6. The commission shall evaluate the amount in which the money is to be divided in accordance with the following:

6.1. the conditions specified in the Criminal Procedure Law for the division of money;

6.2. the satisfied creditor’s claims which have been covered from the money;

6.3. the opinion provided by the European Union Member State or foreign country on the issue of the division of money if such has been requested and provided.

7. After evaluation of the issue referred to in Paragraph 6 of this Regulation, the commission shall provide a written opinion which shall be approved with a simple majority of votes. If the number of votes of the members of the commission present is tied, the chairperson of the commission shall have the deciding vote. The opinion shall be signed by the chairperson of the commission. The opinion of the commission has a recommendatory nature.

8. The Ministry of Justice shall, based on the opinion of the commission, take the decision on the division of money. The decision shall indicate the amount of money to be transferred to the European Union Member State or foreign country, the amount of money to be transferred into the revenues account of the State budget, grounds for taking the decision, account information and bank details indicated by the European Union Member State or foreign country for making the payment.

9. The Ministry of Justice shall, within five working days from the day of taking the decision, send a true copy of the decision to the State Revenue Service.

10. The State Revenue Service shall, within five working days after receipt of the true copy of the decision, transfer the amount of money indicated in the decision to the account indicated by competent authority of the European Union Member State or foreign country. If the money is in an account of a credit institution, the State Revenue Service shall order the credit institution to transfer the money into a State budget account.

11. Issue of the allocation of additional funds from the State budget for expenditures related to the division of money with a European Union Member State or foreign country and the source of financing shall be decided by the Cabinet on a case-by-case basis. The draft Cabinet order regarding the allocation of additional funds shall be directed by the Ministry of Justice.

12. If the decision of a Latvian court on the confiscation of property to be executed in Latvia has been taken after the property has been confiscated and the money has been transferred into the State budget in accordance with a ruling of a Latvian court providing for the confiscation of property, funds for the execution of the request of a European Union Member State or foreign country shall be allocated from the State budget programme “Funds for Unforeseen Events” in the amount for which agreement on the division of money has been reached with the European Union Member State or foreign country. The draft Cabinet order regarding the allocation of funds from the State budget programme “Funds for Unforeseen Events” shall be directed by the Ministry of Justice.

13. The Cabinet Regulation No. 431 of 19 June 2012, Procedures for the Division of Money or Property Acquired as a Result of the Confiscation of Property with Foreign Countries, and the Procedures for the Transfer of Money to Foreign Countries (*Latvijas Vēstnesis*, 2012, No. 101; 2013, No. 215), is repealed.

Prime Minister A. K. Kariņš

Deputy Prime Minister, Minister for Justice J. Bordāns