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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. 458

Adopted 3 July 2007

**Procedures for Licensing and Supervision of Merchants – Providers of Work Placement Services**

*Issued in accordance with*

*Section 4, Paragraphs six and fourteen of the Support for Unemployed Persons and Persons Seeking Employment Law*

[*17 December 2020*]

**I. General Provisions**

1. The Regulation prescribes:

1.1. the procedures by which the State Employment Agency (hereinafter – the Agency) shall license and supervise the merchants who provide work placement services;

1.2. the procedures for suspending the operation of the licence for the provision of work placement services (hereinafter – the licence) issued by the Agency and for cancelling the licence;

1.3. the obligations and rights of a licence recipient;

1.4. the amount of the State fee to be paid for receipt of the licence and the procedures for the payment thereof;

1.5. the procedures for granting, refusing to grant, suspending, cancelling, and monitoring the status of the member of the European network of employment services (EURES) (hereinafter – EURES), and also responsibilities of the member in accordance with the requirements of Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers’ access to mobility services and the further integration of labour market, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (hereinafter – Regulation No 2016/589).

[*17 December 2020*]

2. A merchant is entitled to provide work placement services if such merchant has received a licence issued by the Agency. The country or countries where the persons seeking employment are employed and the type or types of work placement services in which the merchant is entitled to provide work placement services shall be indicated in the licence. The licence shall be issued for an unspecified period of time.

[*2 July 2013; 17 December 2020*]

3. A commission consisting of three officials of the Agency and formed by the Director of the Agency shall take the decision to issue the licence, to refuse to issue the licence, to suspend the operation of the licence, or to cancel the licence.

[*3 March 2009; 29 May 2018*]

4. [3 March 2009]

5. [3 March 2009]

6. [3 March 2009]

7. [3 March 2009]

8. Merchants shall pay the State fee for a licence in the amount of EUR 142.29. When obtaining a licence repeatedly or a licence duplicate, the licence recipient shall pay the State fee in the amount of EUR 14.23. The State fee shall be transferred into the revenue account of the State basic budget in the Treasury.

[*24 September 2013*]

**II. Requirements for an Applicant for a Licence and Procedures for Issuing a Licence**

9. A licence shall be issued to the merchant who complies with the following requirements:

9.1. it has been registered in accordance with the laws and regulations governing commercial activities;

9.2. [29 May 2018];

9.3. the merchant, in accordance with the information available in the database of tax (duty) debtors administered by the State Revenue Service, has no tax (duty) debts which in total exceed EUR 150;

9.4. administrative offences in the field of labour law, labour protection, consumer rights protection and unfair commercial practice have not been determined in activities of the merchant during the last year (except for the offences for which an administrative penalty – a warning – has been applied);

9.5. no insolvency proceedings of the legal person have been declared, the economic activity of the merchant has not been suspended or terminated, and the merchant is not under liquidation proceedings;

9.6. the members of administrative bodies of the merchant are not sentenced for committing an intentional criminal offence against the life, health, fundamental rights and freedoms, liberty, honour and dignity, morality and sexual inviolability, property of a person and criminal offences of an economic nature or in State authority services, or a criminal record has been set aside or extinguished for the abovementioned criminal offences;

9.7. the members of administrative bodies of the merchant have not been the members of administrative bodies of such merchant whose licence has been previously cancelled on the basis of Sub-paragraphs 38.2, 38.3, 38.4, 38.5 of this Regulation, or a year has passed since the cancellation of the licence on the basis of Sub-paragraphs 38.2, 38.3, 38.4, 38.5 of this Regulation;

9.8. the licence of the merchant has not been previously cancelled on the basis of Sub-paragraphs 38.2, 38.3, 38.4, 38.5 of this Regulation, or a year has passed since the cancellation of the licence on the basis of Sub-paragraphs 38.2, 38.3, 38.4, 38.5 of this Regulation.

[*3 March 2009; 9 August 2011; 2 July 2013; 4 October 2016; 17 December 2020*]

10. A merchant who wishes to receive a licence (hereinafter – the applicant) shall submit a submission to the Agency for receipt of a licence. The submission shall indicate:

10.1. the firm name of the applicant, registration number, legal address and address of the place of operation, telephone number, the type of receipt of the licence, and also the website address or e-mail address if a website or e-mail address has been established for the applicant;

10.2. [29 May 2018];

10.3. the given name, surname and personal identity number, and also the position of the members of the administrative bodies of the applicant;

10.4. the country or countries where it is intended to fix up for a job or employ the persons seeking employment;

10.5. the type or types of the work placement service to be provided individually in each of the countries indicated;

10.6. the firm name, legal address and address of the place of operation, telephone number, website address or e-mail address of the foreign work placement institution or equivalent institution (hereinafter – the foreign partner) if the provision of work placement services is intended in cooperation with the foreign partner;

10.7. [9 August 2011];

10.8. [9 August 2011];

10.9. information confirmed by a signature that the applicant complies with the requirements referred to in Paragraph 9 of this Regulation.

[*9 August 2011; 2 July 2013; 17 December 2013*]

11. The following documents shall be appended to the submission:

11.1. a sample contract entered into between the applicant and a person seeking employment regarding the provision of the work placement service if the merchant provides any work placement intermediation service. The contract shall lay down:

11.1.1. the subject-matter of the contract;

11.1.2. the obligations and rights of the parties;

11.1.3. the duration of the contract;

11.1.4. procedures for the provision and receipt of work placement services;

11.1.5. the liability of the parties if the contract obligations are not being fulfilled;

11.2. the procedures for providing and receiving work placement services developed by the applicant, providing information on the rights and obligations of the parties and also a description of the work placement process if the merchant provides services to employers for selecting the potential employees and persons seeking employment are not imposed the fee provided for in Paragraph 26 of this Regulation for the necessary expenses for the receipt of work placement services;

11.3. a sample contract entered into between the applicant and an employer regarding cooperation in the provision of work placement services if the work placement service is connected with direct work placement of persons seeking employment at the employer or the provision of labour force provision services;

11.4. draft employment contract if the merchant provides labour force provision services;

11.5. a copy of a cooperation contract with the foreign partner or the provider of work placement services of Latvia (hereinafter all together – the cooperation partner) or draft of such contract;

11.6. a sample contract entered into between the applicant and an employer if the merchant provides labour force provision services.

[*9 August 2011; 2 July 2013; 4 October 2016; 17 December 2020*]

11.1 The applicant shall pay the State fee before he or she has submitted the submission to the Agency for receipt of a licence. Payment of the State fee shall be made with the intermediation of a credit institution or such institution which has the right to provide payment services within the meaning of the Law on Payment Services and Electronic Money.

[*24 September 2013*]

11.2 If the contract on the provision of work placement services or the employment contract is entered into with a national of a third country who has not been issued a permanent residence permit or a residence permit of a long-term resident of the European Union in the Republic of Latvia, the contract shall also include:

11.2 1. the preferred language for receipt of information;

11.2 2. information on how the person seeking employment will be ensured a place of residence and access to healthcare;

11.2 3. information on the documents required to prove qualification;

11.2 4. contact details of the competent authorities which the person seeking employment can consult with on questions related to the employment relationship, occupational protection, or work placement services.

[*17 December 2020*]

12. If it is intended to provide work placement services in cooperation with the foreign partner, the applicant shall, in addition to the documents referred to in Paragraphs 10 and 11 of this Regulation, submit to the Agency a copy of the document of a foreign competent authority attesting that the foreign partner is entitled to provide work placement services in the relevant country. If the legal acts of countries of the European Union, the European Economic Area or the Swiss Confederation do not provide for special procedures or obtaining of a licence for provision of work placement services, the Agency shall not request a copy of the document of a foreign competent authority attesting that the foreign partner is entitled to provide work placement services in a country of the European Union, the European Economic Area or the Swiss Confederation.

[*9 August 2011; 2 July 2013*]

12.1 A merchant shall prepare and certify documents and their copies in accordance with the procedures laid down in the laws and regulations regarding preparation and drawing up of documents. Documents in a foreign language, their copies and translations must be legalised if it is provided for in the Document Legalisation Law.

[*9 August 2011*]

13. [3 March 2009]

14. A merchant has the right to submit the submission and documents attached thereto to the Agency in electronic form if the documents comply with the requirements laid down in the laws and regulations regarding electronic documents.

15. Upon receipt of the submission from the applicant, the Agency shall check the data indicated in the documents submitted as well as the compliance of the applicant with the requirements laid down in this Regulation.

[*3 March 2009*]

16. If the data obtained is incomplete, the Agency shall require the responsible State authorities to provide additional data or, if such data are not at the disposal of the State authorities, ask the applicant to submit the relevant documents or data.

[*3 March 2009*]

17. The Agency shall, in accordance with the Administrative Procedure Law, take the decision to issue the license or to refuse to issue the licence within one month after receipt of the submission of the applicant if the requirements laid down in this Regulation have not been complied with.

[*3 March 2009*]

18. [3 March 2009]

19. The decision to refuse to issue the licence shall be taken in the following cases:

19.1. the applicant fails to comply with the requirements laid down in this Regulation;

19.2. the applicant has provided false or misleading information;

19.3. the applicant has not repeatedly submitted the documents or information complying with the requirements of this Regulation upon request of the Agency referred to in Paragraph 16 of this Regulation.

[*3 March 2009*]

20. Within three working days after taking of the relevant decision, the Agency shall notify the applicant in writing thereof. The reason for refusal shall be indicated in the decision to refuse to issue the licence if the requirements laid down in this Regulation are not observed, and also it shall be indicated that the applicant has the right to submit repeatedly the documents for the receipt of a licence after elimination of the reasons for the refusal in accordance with general procedures.

20.1 If, within a month from the day of receipt of the submission of the applicant, the Agency does not request additional information and documents, does not take and does not notify the decision to issue the licence or to refuse to issue the licence, it shall be deemed that the merchant has been granted the licence for the provision of work placement services.

[*2 July 2013*]

21. On the basis of the decision to issue a license, the Agency shall issue the licence to the applicant in accordance with the sample laid down in Annex to this Regulation, complying with the type of receipt of the licence indicated in the submission.

[*2 July 2013*]

22. [2 July 2013]

23. The Agency shall, on the basis of a submission of the licence recipient, issue the licence repeatedly if the firm name, legal address of the licence recipient has changed or if it is necessary to supplement or delete the list of countries or types of work placement services included in the licence. If the licence has been lost or damaged, the Agency shall issue a licence duplicate. Upon receipt of a repeat licence or a duplicate thereof, the licence recipient shall hand over to the Agency the previously issued licence at his or her disposal.

[*9 August 2011; 2 July 2013; 4 October 2016; 17 December 2020*]

**III. Obligations and Rights of the Licence Recipient**

24. The licence recipient has the following obligations:

24.1. to enter into written contracts with an employer, other cooperation partner and a person seeking employment regarding the provision of work placement services or, if it is not intended to enter into a contract regarding the provision of work placement services with a person seeking employment, to acquaint a person seeking employment with the procedures for the provision and receipt of work placement services and ensure that such contracts and provision of a service comply with the requirements of the laws and regulations of Latvia and the relevant foreign country;

24.2. in providing work placement services, to comply with the requirements laid down in the Labour Law in respect to the compliance with the prohibition of differential treatment and the equal right principle, and also the regulations governing the establishment of employment relationship;

24.3. to acquaint in writing persons seeking employment with the provisions specified in the contracts entered into with employers and other cooperation partners and to provide work placement services in accordance with such contracts;

24.4. to inform in writing a person seeking employment about the documents that are necessary for commencing employment relationship in the relevant country and the procedures by which such employment relationship is established, to acquaint in writing a person seeking employment with the employment contract or another contract in accordance with which it is intended to employ the person, and also with the basic provisions and compliance thereof with the requirements laid down in laws and regulations of Latvia or the relevant foreign country;

24.5. to inform in writing a person seeking employment, prior to sending the person seeking employment to an employer, about a particular job offer, indicating the name of the employer, legal address and address of the place of operation, telephone number, the time for commencement of the work, occupation of the employee (trade, speciality) and general characterisation of the job, the amount of remuneration for work before and after taxes, place of work, working time, and conditions for termination of the contract;

24.6. to ensure establishment of an employment relationship for a person seeking employment in respect to the job to be performed and remuneration for work in accordance with the conditions which are not worse than indicated in the job offer. If work placement services are intended to be provided in a foreign country, to ensure, upon establishing an employment relationship with the person seeking employment, that the monthly remuneration of the person is not less than the minimum monthly wage stipulated in the legal acts of the relevant country or collective labour contracts for normal working hours;

24.7. upon request of the person seeking employment, to ensure that the documents referred to in this Paragraph are available in the Latvian language or in a language that the person seeking employment understands if the person seeking employment is a national of a third country who has not been issued a permanent residence permit or a residence permit of a long-term resident of the European Union in the Republic of Latvia;

24.8. [29 May 2018];

24.9. to register and examine complaints regarding provision of work placement services and to reply to them;

24.10. each year by 25 January, to submit to the Agency a report on the provision of work placement services for the previous year;

24.11. within 10 working days, to inform the Agency in writing of any changes in the submission or in the information provided in the documents attached thereto and of every new contract entered into with the cooperation partner, or changes in the existing cooperation contracts, and submit to the Agency the documents supporting the changes (copies of documents), and copies of the cooperation contracts entered into or of their amendments, except if a cooperation contract with the direct employer or the recipient of the labour force provision services is intended to be entered into in accordance with the sample contract referred to in Sub-paragraph 11.3 or 11.6 of this Regulation and submitted to the Agency earlier;

24.12. to inform the Agency in writing within three working days if the licence has been lost or damaged;

24.13. to indicate the firm name, registration number, address of the place of operation, the registration number and date of the licence in the advertisement of work placement services, and also the institution which has issued the licence;

24.14. to provide the information regarding the provision of the work placement services within 10 working days after receipt of a request of the Agency;

24.15. to participate in the checks performed by the Agency and to present the location of providing work placement services of the licence recipient, and be accessible at the indicated place of operation to provide explanations and other necessary information.

[*3 March 2009; 9 August 2011; 2 July 2013; 4 October 2016; 4 January 2018; 17 December 2020*]

24.1 The licence recipient has the right to make changes in contracts with a person seeking employment, an employer and other cooperation partner without coordinating them with the Agency if such changes are beneficial for a person seeking employment.

[*9 August 2011; 4 October 2016*]

25. [9 August 2011]

26. The licence recipient is entitled to determine a fee for a person seeking employment only regarding the expenses necessary for the receipt of work placement services (preparation of documents necessary for work placement and documentation thereof (not more than in the amount of EUR 50), transport expenses, health insurance expenses). The amount, utilisation and payment procedures of the necessary expenses shall be determined in the contract entered into with the person seeking employment. Before the person seeking employment has begun to work, the licence recipient is entitled to request not more than 50 % of the fee for the necessary expenses in advance. The licence recipient who is intended to receive a payment from an employer or another cooperation partner, and also the provider of labour force provision service is not entitled to determine and receive any fee from a person seeking employment.

[*17 December 2020*]

27. The licence recipient is entitled to specify the fee for a person seeking employment regarding the work placement services provided within the framework of international youth culture, education, employment and exchange of experience programmes if the fee for the participation in such programmes is specified in accordance with the legal acts of the relevant foreign country. In such case the licence recipient has the obligation to ensure accessibility to documents in which the justification of the relevant fee is provided.

28. The licence recipient shall indicate the following in the report on the provision of work placement services:

28.1. the number of contracts entered into on the provision of work placement services with persons seeking employment, specifying separately any third country nationals who have not been issued a permanent residence permit or a residence permit of a long-term resident of the European Union in the Republic of Latvia, with employers and other cooperation partners, and the information on the performance of the contracts;

28.2. the types of work placement services indicated in the licence;

28.3. the number of registered persons seeking employment;

28.4. the number of vacant work places announced by the employers;

28.5. the number of persons seeking employment employed in Latvia and in foreign countries according to their occupations and sectors;

28.6. the occupations with the largest number of persons seeking employment who have been provided with work placement.

[*4 October 2016; 17 December 2020*]

**III.1 Status of the Member of EURES**

[*29 May 2018*]

28.1 The licence recipient is entitled to provide services in accordance with Regulation No 2016/589 if the Agency has granted the status of the member of EURES to the licence recipient and it is included in the register published on the website of the Agency.

[*29 May 2018; 17 December 2020*]

28.2 A commission consisting of three officials of the Agency and formed by the Director of the Agency shall take the decision to grant the status of the member of EURES, to refuse to grant the status of the member of EURES, to suspend or cancel the status of the member of EURES.

[*29 May 2018*]

28.3 The status of the member of EURES shall be granted if the merchant:

28.31. conforms to the requirements set out for the licence recipient;

28.32. does not apply the exception referred to in Paragraph 26 of this Regulation to the provision of work placement services and does not impose a fee for the necessary expenses on the person seeking employment for the receipt of the work placement services;

28.3 3. conforms to the minimum conformity criteria specified in Article 11(3) of and Annex I to Regulation No 2016/589.

[*29 May 2018*]

28.4 The licence recipient who wishes to obtain the status of the member of EURES shall submit to the Agency the submission for granting the status of the member of EURES. The submission shall include:

28.4 1. the firm name, registration number, legal address and address of the place of operation, telephone number, website address, and electronic mail address of the merchant;

28.42. the contact points referred to in Article 12(4) of Regulation No 2016/589;

28.4 3. the available self-service website where persons seeking employment and employers can receive information on the services referred to in Article 12(2) of Regulation No 2016/589;

28.4 4. acknowledgement of the ability and commitment to fulfil the minimum conformity criteria specified in Annex I to Regulation No 2016/589;

28.4 5. acknowledgement of the commitment to fulfil all obligations stipulated for the members of EURES in accordance with Regulation No 2016/589.

[*29 May 2018*]

28.5 A draft document shall be appended to the submission for granting the status of the member of EURES whereby the person seeking employment, having signed or confirmed this document online, agrees to submit to the merchant as the member of EURES his or her curriculum vitae (CV) and cover letter and also will be informed how the person seeking employment can update or withdraw his or her data.

[*29 May 2018*]

28.6 The Agency shall, in accordance with the Administrative Procedure Law, take the decision to grant the status of the member of EURES or to refuse to grant the status of the member of EURES within one month after receipt of the submission of the applicant if the requirements laid down in this Regulation have not been complied with.

[*29 May 2018*]

28.7 The Agency shall, within three working days after taking the decision to grant the status of the member of EURES, publish on its website the information on granting the status of the member of EURES and notify the EURES European Coordination Office of the decision.

[*29 May 2018*]

28.8 The decision to refuse to grant the status of the member of EURES shall be taken if the licence recipient:

28.81. has failed to conform to the requirements for the member of EURES laid down in this Regulation;

28.82. has provided false or misleading information;

28.83. has not repeatedly submitted the documents or information which complies with the requirements of this Regulation upon request of the Agency.

[*29 May 2018*]

28.9 The decision to refuse to grant the status of the member of EURES, if the requirements of this Regulation are not complied with, shall specify the reason for refusal and that the licence recipient has the right to submit the documents for granting the status of the member of EURES repeatedly after elimination of the reasons for refusal. The Agency shall, within three working days after taking the relevant decision, notify the merchant in writing thereof.

[*29 May 2018*]

28.10 If, within a month from the day of receipt of the submission of the licence recipient, the Agency does not request additional information and documents, does not take and does not notify the decision to issue the licence or to refuse to issue the licence, it shall be deemed that the status of the member of EURES has been granted.

[*29 May 2018*]

28.11 Upon providing services in the status of the member of EURES, the licence recipient:

28.111. has the obligations specified in Sub-paragraphs 24.1, 24.2, 24.3, 24.4, 24.5, 24.7, 24.8, 24.9, 24.11, 24.13, 24.14, and 24.15, and Paragraph 24.1 of this Regulation;

28.112. has the obligations specified in Article 12(2), (3), and (6), Articles 13 and 15, Article 18(1) and (3), Article 20(1) and (2), Article 21(3) and (5), Article 22(1), Article 23, 24, and 26, and also Article 27(1) and (2) of Regulation No 2016/589;

28.11 3. shall, by the twenty-fifth date of the first month of the subsequent six-month period, submit to the Agency the information referred to in Article 32(1) of Regulation No 2016/589, filling in the report form published on the website of the Agency regarding the provision of EURES services;

28.11 4. shall ensure the participation of the staff in the modules of the training programme referred to in Article 8(1)(a)(iii) of Regulation No 2016/589.

[*29 May 2018*]

28.12 The member of EURES has the right to receive the support referred to in Article 8(1)(a)(iv) and Article 9(6) of Regulation No 2016/589.

[*29 May 2018*]

**IV. Supervision of Operation of the Licence Recipient**

29. The Agency shall supervise the procedures according to which the work placement services are provided by performing checks at the place of operation of the licence recipient at least once every two years after the licence has been issued and if non-compliances have been found during the previous check.

[*17 December 2020*]

30. The Agency has the right to commence the check of the operation of the licence recipient upon its own initiative or on the basis of information provided by other State, local government or foreign competent authorities, and also by a private individual regarding the possible violations of laws and regulations in the operation of the licence recipient.

31. The Agency has the following rights and obligations in implementing the supervision of the licence recipient:

31.1. to check the place for provision of work placement services of the licence recipient, invite a representative of the licence recipient to participate in the check, and also to request to provide explanations, present documents and ensure other information;

31.2. to request and receive free of charge from the State information systems, public registers and other State administration institutions and authorities the information regarding the applicant or the licence recipient;

31.3. to examine the submissions of licence recipients and other persons regarding the provision of work placement services and to provide a reply to the submitter within a month after registration of the submission;

31.4. to request the licence recipient to provide explanations if a complaint regarding possible violations of laws and regulations by the licence recipient in relation to the provision of work placement services has been received;

31.5. to inform the responsible State institutions if information regarding the provision of work placement services without a licence has been received;

31.6. on the second working day after sending of the decision and licence in the form of an electronic document, which have been drawn up in accordance with the requirements laid down in the laws and regulations regarding electronic documents, or on the following working day after issuing the licence in person, to publish information in the licence register on the website of the Agency on the merchants who have the right to provide work placement services, indicating the name of the provider of work placements services, the number of the registration certificate, legal address and address of the place of operation, contact information, the licence number, term of validity, the country or countries of provision of work placement services and the codes of the type or types of work placement services. The agency shall publish information on the website of the Agency regarding merchants to whom the licence operation has been suspended or a licence has been cancelled on the day of entering into effect of the decision.

[*2 July 2013*]

31.1 Upon implementing the supervision of the licence recipient who is providing services in the status of the member of EURES, the Agency shall additionally check the conformity of its operations with the requirements referred to in Paragraphs 28.3 and 28.11 of this Regulation.

[*29 May 2018*]

32. The check at the place of operation of a licence recipient shall be performed by the supervision commission established by the Director of the Agency.

33. The supervision commission shall draw up a check report on the results of the check performed at the place of operation of the licence recipient in which the compliance of the operation of the licence recipient with the requirements laid down in this Regulation shall be evaluated. One copy of the report shall be handed over to the licence recipient at the place of the check. The Agency shall send the check report also to other interested persons.

34. [3 March 2009]

35. The licence recipient shall eliminate the violations indicated immediately after receipt of the check results.

36. After elimination of violations, the licence recipient has the obligation to inform the Agency thereof immediately in writing attaching the supporting documents. The Agency has the right to ascertain whether the violations determined during the check have been eliminated.

**V. Suspension of Licence Operation and Cancellation of a License**

37. The Agency is entitled to take the decision to suspend the licence issued to the merchant for a period of time up to six months or, on the basis of the documents submitted by law enforcement authorities or foreign competent authorities regarding potential criminal offences, for a time period until full clarification of the situation if the licence recipient fails to perform the obligations of the licence recipient referred to in Paragraph 24 of this Regulation and does not cause any significant risk or damage to the lawful interests of a person seeking employment. For as long as the licence is suspended, the licence recipient has no right to advertise, offer or provide work placement services and may only perform the activities which are required for the elimination of violations. The Agency shall decide on the renewal of the licence operation after elimination of the violation.

[*4 October 2016; 4 January 2018; 29 May 2018*]

37.1 The status of the member of EURES shall be suspended if the licence recipient has had his or her licence suspended in the cases referred to in Paragraph 37 of this Regulation. The Agency has the right to take the decision to suspend the status of the member of EURES if the licence recipient, when providing the services in the status of the member of EURES, is not fulfilling the obligations of the member of EURES referred to in Paragraph 28.11 of this Regulation or does not conform to the requirements referred to in Sub-paragraph 28.33 of this Regulation and does not cause any significant risk or damage to the lawful interests of a person seeking employment. During suspension of the status of the member of EURES, the member of EURES is entitled to perform only those activities which are necessary for the elimination of the violation. The Agency shall decide on the renewal of the status of the member of EURES after elimination of the violation.

[*29 May 2018*]

38. The Agency shall take the decision to cancel the licence if:

38.1. the licence recipient fails to comply with the requirements laid down in Paragraph 9 of this Regulation;

38.2. the licence recipient has provided false or misleading information in order to receive the licence or the status of the member of EURES;

38.3. the licence recipient is not fulfilling the obligations of the licence recipient referred to in Paragraphs 24 and 24.1 of this Regulation or the obligations of the member of EURES referred to in Paragraph 28.11 of this Regulation if the licence recipient is providing services in the status of the member of EURES and causes significant risk or damage to the lawful interests of a person seeking employment;

38.4. the licence recipient repeatedly fails to participate in the check referred to in Paragraph 29 of this Regulation;

38.5. the licence recipient has not eliminated the established violations within the time period determined in the Agency decision to suspend the licence operation;

38.6. the licence recipient has terminated the provision of work placement services for a time period longer than a year;

38.7. it can be concluded from the reports on the provision of work placement services and, if the licence recipient has been granted the status of the member of EURES, from the reports on the provision of EURES services that the work placement services have not been provided for at least one year;

38.8. the licence recipient has submitted a request to cancel the licence;

38.9. the Agency establishes that the licence recipient has terminated the provision of work placement services;

38.10. the licence recipient is advertising, offering or providing work placement services while his or her licence is suspended.

[*4 October 2016; 4 January 2018; 29 May 2018*]

38.1 The Agency shall take the decision to cancel the status of the member of EURES if:

38.11. the licence of the licence recipient has been cancelled in accordance with Paragraph 38 of this Regulation;

38.12. the licence recipient fails to comply with the requirements referred to in Sub-paragraph 28.32 of this Regulation;

38.13. the licence recipient has not eliminated the established violations within the time period determined in the Agency decision to suspend the licence operation;

38.14. the Agency establishes that the provision of EURES services has been discontinued for longer than a year or terminated;

38.15. it can be concluded from the reports on the provision of EURES services that the EURES services have not been provided for at least one year;

38.16. the licence recipient has submitted a request to cancel the status of the member of EURES.

[*29 May 2018*]

39. [3 March 2009]

40. The Agency shall, within three working days after taking of the relevant decision, notify the licence recipient in writing of the decision to suspend the licence, the decision to suspend the status of the member of EURES, the decision to cancel the licence, or the decision to cancel the status of the member of EURES.

[*29 May 2018*]

41. The licence recipient shall, within three working days after receipt of the decision to suspend or cancel the licence, return the licence to the Agency, delete the licence and copies thereof received in the form of an electronic document from any data storage devices and inform the Agency thereof, and recall the distribution of advertisements. The suspending or cancellation of the licence and the status of the member of EURES shall not release the recipient of the licence and the status of the member of EURES from the obligation to eliminate the violations or to compensate for the losses caused.

[*3 March 2009; 9 August 2011; 4 January 2018; 29 May 2018*]

42. If the licence operation has been suspended and the licence recipient does not hand over the licence to the Agency within the time period referred to in Paragraph 41 of this Regulation, the Agency shall withdraw the licence at the disposal of the licence recipient and the Agency shall consider the cancellation of the licence.

[*9 August 2011; 29 May 2018*]

42.1 If the licence has been cancelled and the licence recipient does not hand it over to the Agency within the time period referred to in Paragraph 41 of this Regulation, the Agency shall withdraw the licence at the disposal of the licence recipient.

[*9 August 2011*]

43. If the licence has been cancelled in accordance with Sub-paragraphs 38.2, 38.3, 38.4, 38.5, or Paragraph 42 of this Regulation, the decision to issue the licence shall be taken in accordance with the general procedures not earlier than after a year since the day when the decision to cancel the licence was taken. If the licence has been cancelled in accordance with Sub-paragraphs 38.1, 38.6, 38.7, 38.8, and 38.9 of this Regulation, the decision to issue the licence shall be taken in accordance with the general procedures after the reasons specified in the decision to cancel the licence have been rectified.

[*4 October 2016*]

44. If the provision of work placement services has been terminated, the licence recipient shall hand over the licence to the Agency within three working days.

**VI. Contestation and Appeal of a Decision**

[*3 March 2009*]

45. The decision to issue the licence, to grant the status of the member of EURES, to refuse to issue the licence, to refuse to grant the status of the member of EURES, to suspend the operation of the licence, to suspend the status of the member of EURES, to cancel the licence, or to cancel the status of the member of EURES may be contested by submitting a corresponding application to the Director of the Agency. The decision of the Director of the Agency may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law.

[*29 May 2018*]

**VII. Closing Provisions**

46. Cabinet Regulation No. 491 of 5 July 2005, Procedures for Licensing and Supervision of Merchants – Providers of Work Placement Services (*Latvijas Vēstnesis*, 2005, No. 106; 2006, No. 138), is repealed.

47. Licences for the provision of work placement services issued until the day of coming into force of this Regulation shall be valid until the end of the term of validity indicated therein.

48. [24 September 2013]

49. A merchant shall, by 31 December 2013, submit a submission to the Agency for the supplementation of the licence with the codes of the type or types of work placement services and the Agency shall update the information to be indicated in the licence within a month from the day of receipt of the submission. In such case, the merchant is exempted from payment of the State fee laid down in this Regulation.

[*2 July 2013*]

**Informative Reference to European Union Directives**

[*2 July 2013*]

The Regulation contains legal norms arising from Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Prime Minister A. Kalvītis

Minister for Welfare D. Staķe

**Annex**

Cabinet Regulation No. 458

3 July 2007

[*2 July 2013; 29 May 2018; 17 December 2020*]

(Supplemented lesser State coat of arms)

Ministry of Welfare

State Employment Agency

**Licence for the Provision of Work Placement Services**

**No. xxxx**

|  |
| --- |
|  |
| (country, code of the type of the work placement service, date) |

|  |  |
| --- | --- |
| Issued to |  |
| (firm name) | |
|  | |
| (registration number in the Enterprise Register) | |
|  | |
| (legal address) | |
|  | |
|  | |

|  |  |
| --- | --- |
| Licence issued on |  |
|  | (date) |

State Employment Agency

|  |
| --- |
|  |
| (position, given name, surname, signature) |

Note. \* The detail of the document “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Codes of Types of Work Placement Services**

**1.a** – provision of services which is related to establishing employment or civil service relationship, and also working for remuneration in international youth, culture, education, employment and exchange of experience programmes (international *au pair* exchange programmes, education and work programmes, work and travel programmes, work holiday programmes and other programmes).

**1.b** – provision of services which is related to seeking of employment, meaning consulting on work placement issues, informing regarding vacancies and other equivalent services which are intended to offer or facilitate establishment of employment relationship to a person.

**1.c** – provision of services which is related to selecting the potential employees for employers, except for the services which are related to placing of work ads and advertisement, unless the purpose of such advertisement is the provision of work placement services.

**2** – labour force provision services within the scope of which the work placement service provider as an employer sends an employee for a specific period of time to a person for whom and under whose management the work will be performed.