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

14 May 2019 [shall come into force from 17 May 2019].

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. 769

Adopted 19 December 2017

**Procedures for the Use of the Funds of the Basic Budget Programme of the Ministry of Justice *Fund of the Proceeds of Crime from Confiscation***

*Issued pursuant to Section 45 of the Law on Execution of Confiscation of Criminally Acquired*

*Property*

1. The Regulation prescribes the procedures for the financing, distribution and use of the funds of the basic budget programme of the Ministry of Justice *Fund of the Proceeds of Crime from Confiscation* (hereinafter – the fund programme).

2. The fund programme shall be financed from the State budget revenue which have been paid into the State budget in accordance with the rulings on the disposal of the confiscated proceeds of crime (funds and other properties) or the disposal of other means in the value of the proceeds of crime which are transferred into the budget by sworn bailiffs and other authorities (hereinafter – the confiscated proceeds of crime).

3. By 20 April, 20 August of the financial year and by the last day of the financial year, the Treasury shall transfer 50 per cent of the amount of the confiscated proceeds of crime that have been paid into the State budget in the relevant period, but not exceeding the maximum amount of the sum to be allocated within a financial year laid down in Section 45 of the Law on Execution of Confiscation of Criminally Acquired Property (hereinafter – the Law), in the account of the fund programme as own revenue.

4. The funds of the fund programme (hereinafter – the funds) are intended for the measures for combating financial and economic crimes and providing support to crime victims. The funds shall be granted to the authorities referred to in Paragraph 6 of this Regulation and Ministry of Justice (hereinafter – the applicants for the funds), except for the remuneration of the applicant for the funds and beneficiary.

4.1 The funds shall not be granted for the maintenance expenses of long-term investments except when they cannot be separated from the purchase costs.

[*14 May 2019*]

5. Paragraph 4 of this Regulation shall not apply to the administration expenses of the fund programme of the Ministry of Justice which are covered from the revenue transferred into the account of the fund programme, not exceeding 0.5 per cent of the maximum amount of the sum to be allocated within a financial year laid down in Section 45 of the Law.

6. If the funds available in the account of the fund programme exceed EUR 300 000 (including the balance of the previous years), the Ministry of Justice shall send an invitation to submit an application for the use of the funds (hereinafter – the application) within the time period laid down thereby to the following authorities:

6.1. the Ministry of the Interior;

6.2. the Office of the Prosecutor;

6.3. the Corruption Prevention and Combating Bureau;

6.4. the Ministry of Finance;

6.5. the Ministry of Education and Science;

6.6. the Ministry of Welfare;

6.7. the Ministry of Health.

7. The following shall be indicated in the application in conformity with Annex 1 to this Regulation:

7.1. the name of the applicant for the funds;

7.2. the name of the beneficiary and the budget programme or sub-programme;

7.3. the name of the measure;

7.4. the objective of the measure in conformity with Section 45 of the Law;

7.5. the justification of the measure and result to be achieved. The specific problem and its solution shall be described in the justification by indicating the impact of the solution on the combating of financial and economical crimes and provision of the support to the victims of crimes;

7.6. the financial indicators, planned expenses and financial sources for covering these expenses, and also a detailed calculation of the planned expenses. The planned expenses shall be indicated in accordance with the classification of the budget expenses in conformity with economic categories;

7.7. the time schedule for the implementation of the planned activities of the measure by months from the time of receipt of the funds;

7.8. information regarding the funds granted in the previous three years for the implementation of an identical or similar measure. Such information shall be provided also for the measures for which the State budget financing has been granted as for the priority measures.

8. The time period for the implementation of the measure shall not be longer than 12 months from the day of receipt of the funds.

9. The Ministry of Justice shall compile the applications of the applicants for the funds and submit them for examination and taking of a decision to the Crime Prevention Council. The Ministry of Justice shall prepare a report on the funds used and results achieved in the previous period and append it to the compiled applications.

9.1 If the applications submitted by the applicants for the funds are partly consistent with the objective of the fund programme or their total amount exceeds the funds available in the fund programme account, the Ministry of Justice shall reach an agreement with the applicants for the funds on the measures to be supported and submitted for examination to the Crime Prevention Council.

[*14 May 2019*]

10. The Ministry of Justice shall, within two weeks after the Crime Prevention Council has taken the decision, inform the applicants for the funds and the Ministry of Finance of the decision taken.

11. In conformity with the decision of the Crime Prevention Council on the supported measures, the Ministry of Justice and the applicants for the funds shall mutually agree on the planned transfers and submit a request to the Ministry of Finance for changes in appropriations in accordance with the procedures laid down in the laws and regulations in the field of the budget planning.

12. After increase of the appropriation, the applicants for the funds shall, not later than within two weeks, inform the Ministry of Justice of the account in the Treasury for the transfer transmission.

13. The balance of the funds present in the account of the beneficiaries at the end of the financial year may be used in the next financial year in accordance with the procedures laid down in the laws and regulations in the field of the budget implementation by taking into account the time period planned for the implementation of the measure.

14. The beneficiary shall use the funds only for the objectives specified in the decision of the Crime Prevention Council.

15. Within a month after the end of the implementation of the measure, the applicant for the funds shall submit to the Ministry of Finance a report on the use of the funds for each measure individually in conformity with Annex 2 to this Regulation. The following shall be indicated in the report:

15.1. the name of the applicant for the funds;

15.2. the name of the beneficiary and budget programme or sub-programme;

15.3. the name of the measure and the year when the funds have been granted;

15.4. the amount of the funds received and used for the implementation of the measure by including also the balance of the funds as on 1 January of the current year which has occurred by not using the funds granted for another measure;

15.5. a general description of the planned measure and results achieved which are measurable (are not declaratory), and also performance indicators of the activity which correspond to that included in the application for the fund use by indicating the planned and actual value, and also an explanation on the deviation from the plan if it exceeds 15 per cent;

15.6. the funds requested and expenses made in detail for each activity which corresponds to that included in the application for granting the funds, and also the explanation if the amount of the planned expenses for any of the activities differs from the amount of the expenses made for more than 5 per cent or EUR 1000. The expenses planned and made shall be indicated in accordance with the classification of budget expenses in conformity with economic categories.

16. Before submission of the report referred to in Paragraph 15 of this Regulation, the applicant for the funds shall evaluate the conformity of the use of the funds with the intended objective and approve the expenses made by the beneficiary.

17. If in the next financial year after the implementation of the measure the financing is not granted to the applicant for the funds from the fund programme for the implementation of another measure, the applicant of the funds, when drawing up the request of the current year State budget, shall transmit the non-used transfer balance to the fund programme in accordance with the procedures laid down in the laws and regulations in the field of the budget planning.

18. The Regulation shall come into force on 1 January 2018.

Prime Minister Māris Kučinskis

Minister for Justice Dzintars Rasnačs

**Annex 1**

Cabinet Regulation No. 769

19 December 2017

**Application for the Use of the Funds of the Basic Budget Programme of the Ministry of Justice *Fund of the Proceeds of Crime from Confiscation***

**Applicant for the Funds**

|  |  |  |  |
| --- | --- | --- | --- |
| Ministry/(other central State institution) |  | Code |  |

**Beneficiary**

|  |  |
| --- | --- |
| Ministry/institution |  |
| Code/name of the budget programme/sub-programme | |
|  | |

**Name of the Measure**

|  |
| --- |
|  |

**Objective of the Measure**

|  |  |  |
| --- | --- | --- |
| combating of financial and economical crimes |  |  |
| provision of support to victims of crimes |  |  |

Mark as appropriate with “x”

**Justification of the Measure and Result to be Achieved**

|  |
| --- |
|  |

The result to be achieved during the implementation of the measures (measurable)

|  |  |  |  |
| --- | --- | --- | --- |
|  | n + 1 year | n + 2 years | n + 3 years |
| 1. Name of the activity result | | | |
| Performance indicator No. 1 | value | value | value |
| Performance indicator No. 2 | value | value | value |
| … |  |  |  |
| 2. Name of the activity result | | | |
| Performance indicator No. 1 | value | value | value |
| Performance indicator No. 2 | value | value | value |
| … |  |  |  |

**Financial Indicators**

|  |  |  |
| --- | --- | --- |
| Total planned expenses (*euro*) \_\_\_\_\_\_\_\_\_\_\_\_\_ | | Measure implementation period (months) \_\_\_\_\_\_\_\_\_ |
| incl. in distribution by financing sources: | | |
|  | funds of the fund programme |  |
|  | balance of the funds of the fund programme from the previous period |  |
|  | funds of the ministry/institution |  |

Detailed calculation of the requested funds (by dividing according to activities and specifying the source of the funds for each)

|  |  |  |
| --- | --- | --- |
| Activity No. 1  Detailed calculation | Expenses, EUR  (in conformity with the structure approved in the law on the State budget for the current year) | source of the funds |
| Activity No. 2  Detailed calculation | Expenses, EUR  (in conformity with the structure approved in the law on the State budget for the current year) | the source of the funds |
| … |  |  |
| TOTAL |  |  |

Where necessary, the calculation may be appended as Annex to the application

**Schedule for the Implementation of the Measure**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Activity/month** | **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** |
| Activity No. 1 |  |  |  |  |  |  |  |  |  |  |  |  |
| … |  |  |  |  |  |  |  |  |  |  |  |  |

Mark as appropriate with “x”

**Other Information**

|  |  |  |
| --- | --- | --- |
| If during the previous three years funds have been granted for the financing of an identical or similar measure (including as a priority measure in the State budget): | | |
| Year\_\_\_\_\_\_\_\_\_ | Allocated funds (EUR) \_\_\_\_\_\_\_\_\_\_\_\_\_ | Used funds (EUR) \_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Short description of the measure | | |
|  | | |
| Achieved result | | |
|  | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Head of the ministry/(other central State institution) |  |  |  |
|  | (position) | (given name, surname) | (signature\*) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Drawn up by |  |  |  |  |
|  | (position) |  | (given name, surname) |  |

|  |  |  |
| --- | --- | --- |
| Phone |  |  |
| E-mail |  |  |
| Date |  |  |

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

Minister for Justice Dzintars Rasnačs

**Annex 2**

Cabinet Regulation No. 769

19 December 2017

**Report on the Use of the Funds of the Basic Budget Programme of the Ministry of Justice *Fund of the Proceeds of Crime from Confiscation***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | No. |  |  |
|  | date |  |  |  |

**Applicant for the Funds**

|  |  |  |  |
| --- | --- | --- | --- |
| Ministry/(other central State institution) |  | Code |  |

**Beneficiary**

|  |  |  |  |
| --- | --- | --- | --- |
| Ministry/institution |  | Registration No. |  |
| Legal address |  | | |

|  |  |
| --- | --- |
| Code/name of the budget programme/sub-programme |  |

|  |  |
| --- | --- |
| **Name of the measure** |  |

|  |  |  |
| --- | --- | --- |
| **Year when the Funds were Granted** |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Year | | | Year +1 | | TOTAL | | |
| balance of the funds as on 1 January | received funds | used funds | balance of the funds as on 1 January | used funds | received funds\* | used funds | balance of the funds |
| 1 | 2 | 3 | 4 = 1 + 2 – 3 | 5 | 6 = 1 + 2 | 7 = 3 + 5 | 8 = 6 – 7 |
|  |  |  |  |  |  |  |  |

Note. 1. \* The funds received shall be indicated in the column “TOTAL” by including also the initial balance.

**Planned Measure and Achieved Result**

|  |  |
| --- | --- |
| Description of the planned measure | Achieved result |
|  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Name of the performance indicator | Planned indicator in the first year | Actual indicator | Explanation of the deviation from the plan if it exceeds 15 % |
| No. 1… |  |  |  |
| No. 2… |  |  |  |
| ….. |  |  |  |

**Details of the Requested Funds and Expenses Made\*\***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Name of the activity | Planned expenses  (in conformity with the structure approved in the law on the State budget for the current year) | Performance  (in conformity with the structure approved in the law on the State budget for the current year) | Explanation if the amount of the planned expenses differs from the amount of the expenses made for more than 5 % or EUR 1000. |
|  |  |  |  |  |
|  |  |  |  |  |
|  | **TOTAL** |  |  |  |

Note. 2. \*\* Indicate only information regarding the funds of the fund programme.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| The head of the ministry/(other central State institution) | |  | |  |  |
|  | (position) | | (given name, surname) | | (signature\*\*\*) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Drawn up by |  |  |  |  |
|  | (position) |  | (given name, surname) |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Phone |  | E-mail |  | Date |  |

Note. 3. \*\*\* The detail of the document “signature” shall not be completed, if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

Minister for Justice Dzintars Rasnačs