

Legalisation of Public Documents within the EU Member States

LATVIA

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PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

OVERVIEW OF PART I

PART I.A. General

I.A.1. European Community Law

I.A.1.1. Introduction

I.A.1.2. Implementation of specific measures

Area of Justice - judicial cooperation in civil matters (Article 61(c) EC)

Article 19 of Regulation (EC) No 1346/2000

Requirements of Regulation No 1346/2000 are currently being implemented through amendments of Civil Procedure Law of Latvia. Still these amendments will not contain any particular provisions on legalisation or particular form for documents appointing liquidator.

Amendments will provide that liquidator must submit document that establish his rights to be liquidator under law of particular EU state, what could be either court judgement, specific certificate or anything similar. It will not be required to legalize these documents, but they will fall under general requirement of being translated in Latvian. According to information from Latvian Insolvency Agency, as documents appointing liquidator will be required to be in line with requirements of appointing Member State, possible problems may arise with establishing content of these rights and whether submitted documents really appoint particular person as liquidator. So far there have been neither court practice, neither any other practice known in Latvian Insolvency Agency on particular issue.

Article 4(4) of Regulation (EC) No 1348/2000

Precisely such provision is not implemented in Latvian legislation. Still similar provisions are incorporated in different laws, for example Regulations issued by the Cabinet of Ministers on Civil Record Register, Nr.904 of 29 November, 2005 "Regulations on registration procedure of civil registration records, examples of civil registration records, as well as examples of records that are issued based on records

of register.”

Article 19 of Regulations Nr.904 prescribes that certification of signature of chief of Registry Office on the documents that are to be sent abroad shall be certified by Registry Offices Department of Ministry of Justice.

Article 20: “If document confirming civil registration record is to be sent abroad to the state that the Republic of Latvia has signed international agreement, that prescribes other sending order, certification of signature of chief of Registry Office Registry Offices Department of Ministry of Justice must not certify.

Additionally, number of officials from state institutions, like State Social Security Agency, have confirmed that if document is being sent by corresponding institution of another state directly to Agency, than no legalisation requirement is imposed. Still, if document is brought to Agency by person concerned, than legalisation is required.

Article 56 of Regulation (EC) No 44/2001

Latvian Civil Procedure Law

Article 638.

(1) An application for the recognition and execution of an adjudication of a foreign court shall be submitted for adjudication to a district (city) court on the basis of the place of execution of the adjudication or also on the basis of the place of residence of the defendant or location (legal address).

(2) An application shall indicate:

- 1) the name of the court to which an application is submitted;
- 2) the given name, forename, personal identity number (if there is none such, then other identification data) and place of residence of the applicant and defendant, but for a legal person – its name, registration number and location (legal address);
- 3) the object of the application and the circumstances upon which the application is based;
- 4) the petition of the applicant to recognise and execute the adjudication of a foreign court in full or any of its parts;
- 5) the authorised representative and his or her address if for the conduct of the matter in Latvia a representative has been appointed;
- 6) a list of the documents appended; and
- 7) the time of completing the application.

(3) An application shall have appended:

- 1) an adjudication of a foreign court with a statement certifying that the adjudication has come into legal effect, or a properly certified true copy of the adjudication;
- 2) a document issued by a foreign court which certifies that the defendant, who has not participated in the adjudication of the matter, was notified of the time and place of the adjudication of the matter in a timely and proper manner;
- 3) a document issued by a foreign court or a competent authority regarding the execution of the adjudication if the adjudication of the foreign court is already partially executed; and
- 4) the application and a certified translation into the official language according to specified procedures of the documents referred to in Clauses 1-3 of this Paragraph.

(4) The applicant or his or her representative shall sign the application. If the application has been signed by the representative, to the application shall be appended **the authorisation or another document**, which certifies the authorisation of the representative to apply to the court with an application.

Article 57 of Regulation (EC) No 44/2001

Not implemented.

Article 58 of Regulation (EC) No 44/2001

Not implemented.

Article 46 Regulation (EC) No 2201/2003

Not implemented.

Article 52 of Regulation (EC) No 2201/2003

Not implemented.

Article 52 Regulation (EC) No 2201/2003, certificates drawn up in the standard forms of ANNEX I (Article 39), II (Article 39), III (Article 41) or IV (Article 42)

Not implemented.

Article 27 of Regulation (EC) No 805/2004

Not implemented.

ANNEXES I (Article 9 - judgments), II (Article 24 – court settlements) and III (Article 25 – authentic instruments) of Regulation (EC) No 805/2004

Not implemented.

Article 13(5) of Directive 2002/8/EC

Not implemented.

Free movement of goods (Article 23 EC)

Article 250 of Regulation (EEC) No 2913/92

Regulation is directly applied.

Free movement of workers - social security (Article 42 EC)

Article 85 Regulation (EEC) No 1408/71 read in conjunction with Regulation (EEC) No 574/72

According to information from VSAA International Cooperation Department, if applicant submits all documents by himself, even those documents issued by the institutions of authorities in another Member States, than these documents must be legalised according to "Apostille" Convention, as none of Regulations are applied and Directives are not yet implemented. Still, if documents are summoned through corresponding institutions of applicant's home country, than legalisation is not required.

There are no special national law provisions on document legalisation in social security system, and only "Apostille" Convention is applied.

I.A.1.3. Judicial control

I.A.2. HAGUE CONVENTION OF 5 OCTOBER 1961 (THE 'APOSTILLE' CONVENTION)

I.A.2.1. Status

In force.

I.A.2.2. Scope

No additional limitations as to the Scope are set.

I.A.2.3. Legislative implementation

Implementing legislation:

Saeima ir pieņēmusi un Valsts prezidents izsludina šādu likumu:

Par Hāgas konvenciju par ārvalstu publisko dokumentu legalizācijas prasības atcelšanu

1.pants. 1961.gada 5.oktobra Hāgas konvencija par ārvalstu publisko dokumentu legalizācijas prasības atcelšanu (turpmāk - Konvencija) ar šo likumu tiek pieņemta un apstiprināta.

2.pants. Likums stājas spēkā tā izsludināšanas dienā. Līdz ar likumu izsludināma šā likuma 1.pantā minētā Konvencija un tās tulkojums latviešu valodā.

3.pants. Latvijas Republikas Ārlietu ministrija uz šā likuma pamata un saskaņā ar Konvencijas 6.pantu izdod Konvencijas 3.pantā minēto apliecinājumu (Apostille).

4.pants. Latvijas Republikas Ārlietu ministrija uz šā likuma pamata un saskaņā ar Konvencijas 12.pantu sagatavo ratifikācijas rakstu deponēšanai Nīderlandes Karalistes Ārlietu ministrijā.

5.pants. Konvencija stājas spēkā tās 11.pantā noteiktajā laikā un kārtībā.

Likums Saeimā pieņemts 1995.gada 9.februārī.

Valsts prezidents

G.Ulmanis

Rīgā 1995.gada 18.februārī

English Translation of Implementing Legislation:

Saeima adopts and President announces such law:

On Hague Convention on Legalization of Foreign Public Documents

Article 1. Hague Convention on Legalization of Foreign Public Documents (hereinafter –

Convention) with this law is adopted and ratified.

Article 2. Law comes in force on the day when it is announced. Convention, prescribed in Article 1 and its translation in Latvian, is announced simultaneously with law.

Article 3. Verifications (Apostille) prescribed in Article 3 shall be issued by Ministry of Foreign Affairs of the Republic of Latvia, according to this law and Article 6 of Convention.

Article 4. According to this law and Section 12 of the Convention, Ministry of Foreign Affairs prepare instrument of ratification for deposit in Ministry of Foreign Affairs of Kingdom of Netherland.

Article 5. Convention comes into force within time and manner prescribed in its Article 11.

Law is adopted in Saeima 9 February, 1995.

I.A.2.4. Practical implementation

1. Apostille can be requested only in person or by authorized person.

2. Competent authority verify authenticity of the signature and identity of the seal or stamp, by comparing it to examples of signature and mark of seal or stamp submitted to Ministry of Foreign Affairs. Examples of signature and marks of seals or stamps are electronically stored in electronic catalogue within system of electronic registration system of document legalisation.

3.

4. Apostille in Latvia can be placed on the document itself, as label, and in situations, where there is no place on the document, Apostille is annexed as Alonge.

5. If public document consists of multiple pages, than it is required that document would be sewn and sealed together.

6. Apostille in Latvia is only in English.

7. Apostille and document legalisation in Ministry of Foreign Affairs is issued electronically. Each application is entered into data register, and only after application is affirmed, Apostille is being printed.

8. Issuance of Apostille means certification of seal or stamp and signature, therefore documents in Latvia are verified by their seal or stamp and signature. In order to verify authenticity of foreign documents, that have been verified by Apostille issued in foreign state, competent authority (Consular Department of Ministry of Foreign Affairs) is authorized to ask competent authority of issuance state, to establish, whether particular document is really confirmed with Apostille.

9. It is planned to modernize issuance of Apostille by introducing e-Apostille that would allow to verify documents that are issued electronically. E-Apostille system will be

started when e-signatures will be introduced in Latvia.

10. Generally Apostille is issued by the competent authority within 10 days. If there is urgent matter, Apostille can be issued within 48 hours (not including holidays).

11. According to Rules of Cabinet of Ministers Nr.254 from June 25, 2002
"Amendments to Rules of Cabinet of Ministers from 28 December 1999 Nr.443 on
"Regulation on State Fees for Legalization of Foreign Public Documents, following fees are payable:

Physical persons – 5 LVL

Urgent legalization (within 48hr, not including holidays) – 10LVL

Authorized person, that is not relative or spouse of authorizer – 10LVL

Urgent legalization (within 48hr, not including holidays) – 20LVL.

Legal persons – 10LVL

Urgent legalization (withing 48hr, not including holidays)- 20LVL

Senior citizens and politically repressed persons (showing documentation) – 1,5LVL

Urgent legalization (within 48hr, not including holidays) – 3LVL.

Regarding registration or card index requirement:

1. card index system is electronic system. Each item consists of unqu serial number, information on applicant, submitted document, official, and state in which document will be used.
2. Electronic system already is modernized. Further modernization will be conducted after e-signature will be introduced.
3. Information regarding particular item registered in system can be given to those persons to whom document concerns, institution that has issued the document, and law enforcement institutions (if they have submitted special request to Ministry of Foreign Affairs)

There is only one competent authority in Latvia :

Ministry of Foreign Affairs

Brivibas bulv.36, Riga

Tel. 371-7016364, Fax 371-7828274

I.A.2.5. Judicial control

I.A.2.6. Empirical analysis

I.A.3. Parallel international agreements

1. 1968 COUNCIL OF EUROPE CONVENTION FOR THE ABOLITION OF LEGALISATION OF DOCUMENTS EXECUTED BY DIPLOMATIC AGENTS OR CONSULAR OFFICERS

I.A.3.1. Status

Latvia is not a party to this Convention

I.A.3.2. Scope

I.A.3.3. Legislative implementation

I.A.3.4. Practical implementation

I.A.3.5. Judicial control

2. 1987 BRUSSELS CONVENTION ABOLISHING THE LEGALISATION OF DOCUMENTS IN THE MEMBER STATES OF THE EUROPEAN COMMUNITIES

I.A.3.6. Status

In force

I.A.3.7. Scope

I.A.3.8. Legislative implementation

English Translation:

On Convention abolishing the Legalization of Documents in the Member States of European Communities

1. Convention abolishing the Legalization of Documents in the Member States of European Communities (hereinafter – Convention) with this law is adopted and ratified.
2. According to Article 5 of Convention functions of main institutions are performed by Ministry of Justice of the Republic of Latvia.
3. According to Article 5 Ministry of Justice shall accept applications in English, French, or Latvian.
4. Together with this law, text of Convention in English and its translation into

Latvian will be published. Entry in force of law will be established with special law.

5. Convention shall come into force according to time and procedure prescribed in its Article 7, and Ministry of Foreign Affairs shall inform on it journal „Latvijas Vēstnesis”.

Adopted in Saeima 19 September, 2002.

Latvian version:

Saeima ir pieņēmusi

un Valsts prezidents izsludina šādu likumu:

Par Konvenciju par dokumentu legalizācijas atcelšanu Eiropas Kopienu dalībvalstu starpā

1.pants. Konvencija par dokumentu legalizācijas atcelšanu Eiropas Kopienu dalībvalstu starpā (turpmāk - Konvencija) ar šo likumu tiek pieņemta un apstiprināta.

2.pants. Saskaņā ar Konvencijas 5.pantu galvenās iestādes funkcijas Latvijā pilda Tieslietu ministrija.

3.pants. Saskaņā ar Konvencijas 5.pantu Tieslietu ministrija pieņem lūgumus sniegt informāciju angļu, franču vai latviešu valodā.

4.pants. Līdz ar likumu izsludināma Konvencija angļu valodā un tās tulkojums latviešu valodā. Likuma stāšanās spēkā tiek noteikta ar īpašu likumu.

5.pants. Konvencija stājas spēkā tās 7.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to informē laikrakstā "Latvijas Vēstnesis".

Likums Saeimā pieņemts 2002.gada 19.septembrī.

I.A.3.9. Practical implementation

There is only one authority assigned – Ministry of Justice of the Republic of Latvia.

Ministry of Justice of the Republic of Latvia
Brīvības bulvaris 36,
Rīga, LV-1536
Telephone: 7036801
Fax: 7285575
tm.kanceleja@tm.gov.lv

I.A.3.10. Judicial control

3. THE HAGUE CONVENTION CONCERNING THE RECOGNITION AND ENFORCEMENT OF DECISIONS RELATING TO MAINTENANCE OBLIGATIONS TOWARDS CHILDREN (1958)

I.A.3.11. Status

Not in force

I.A.3.12. Scope

I.A.3.13. Legislative implementation

I.A.3.14. Practical implementation

I.A.3.15. Judicial control

4. THE HAGUE CONVENTION ON SERVICES ABROAD ON JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS (1969)

I.A.3.16. Status

I.A.3.17. Scope

I.A.3.18. Legislative implementation

Decision of Cabinet of Ministers Nr.80

21 February, 1995

On Entering into Hague Convention of 18 March, 1970 on the Taking Evidences Abroad in Civil or Commercial Matters and Hague Convention of 15 November 1965 on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

1. To accept entering into Hague Convention of 18 March, 1970 on the Taking Evidences Abroad in Civil or Commercial Matters, according to Article 39 of this Convention.
2. To accept entering into Hague Conevention of 15 November, 1965 on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, according to Article 28 of this Convention.
3. According to Article 2 of Conventions reffered to in Article 1 and 2 of this Decision, establish, that Central institution in the Republic of Latvia will be Ministry of Justice.
4. Ministry of Foreign Affairs shall submit entering documents to Ministry of Foreign

Affairs of Kingdom of Netherlands.

I.A.3.19. Practical implementation

I.A.3.20. Judicial control

5. THE HAGUE CONVENTION ON THE TAKING OF EVIDENCES ABROAD IN CIVIL AND COMMERCIAL MATTERS (1972)

I.A.3.21. Status

I.A.3.22. Scope

I.A.3.23. Legislative implementation

Decision of Cabinet of Ministers Nr.80

21 February, 1995

On Entering into Hague Convention of 18 March, 1970 on the Taking Evidences Abroad in Civil or Commercial Matters and Hague Convention of 15 November 1965 on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. To accept entering into Hague Convention of 18 March, 1970 on the Taking Evidences Abroad in Civil or Commercial Matters, according to Article 39 of this Convention.
5. To accept entering into Hague Convention of 15 November, 1965 on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, according to Article 28 of this Convention.
6. According to Article 2 of Conventions referred to in Article 1 and 2 of this Decision, establish, that Central institution in the Republic of Latvia will be Ministry of Justice.
7. Ministry of Foreign Affairs shall submit entering documents to Ministry of Foreign Affairs of Kingdom of Netherlands.

I.A.3.24. Practical implementation

There is only one authority assigned – Ministry of Justice of the Republic of Latvia.

Ministry of Justice of the Republic of Latvia
Brivibas bulvaris 36,
Riga, LV-1536
Telephone: 7036801
Fax: 7285575
tm.kanceleja@tm.gov.lv

I.A.3.25. Judicial control

6. THE HAGUE CONVENTION CONCERNING THE INTERNATIONAL ADMINISTRATION OF THE ESTATES OF DECEASED PERSONS (1973)

I.A.3.26. Status

Not in force

I.A.3.27. Scope

I.A.3.28. Legislative implementation

I.A.3.29. Practical implementation

I.A.3.30. Judicial control

7. THE HAGUE CONVENTION ON INTERNATIONAL ACCESS TO JUSTICE (1988)

I.A.3.31. Status

In force

I.A.3.32. Scope

I.A.3.33. Legislative implementation

Parlament has adopted and President announces such law:
On the Hague Convention on International Access to Justice

1. With this law Hague Convention on International Access to Justice (Convention) is adopted and ratified.
2. According to Article 3 of the Convention, central institution receiving applications is Ministry of Justice of the Republic of Latvia.
3. According to Article 4 of the Convention, central institution sending applications is Ministry of Justice of the Republic of Latvia.
4. According to Article 16 of the Convention, institution in the Republic of Latvia, that sends application on enforcement of applications according to Article 15, is Ministry of Justice of the Republic of Latvia
5. According to second section (a) of Article 28, documents in French in the Republic of Latvia are not accepted.
6. According to Convention, Ministry of Foreign Affairs informs Ministry of Foreign Affairs of Kingdom of Netherlands on made reservations and notifications.
7. Law enters into force on the next day after it is announced. Together with this law, Convention in English, and its translation in Latvian shall be announced.
8. Convention enters into force according to time and procedure prescribed in Article 34, and Ministry of Foreign Affairs informs on it journal „Latvijas Vēstnesis”.

Law is adopted in Parliament 4 November, 1999.

Law is announced by President on 23 November, 1999.

Saeima ir pieņēmusi un Valsts prezidents izsludina šādu likumu:

Par Hāgas konvenciju par tiesu starptautisko pieejamību

1.pants . 1980.gada 25.oktobra Hāgas konvencija par tiesu starptautisko pieejamību (turpmāk - Konvencija) ar šo likumu tiek pieņemta un apstiprināta.

2.pants . Saskaņā ar Konvencijas 3.pantu noteikt, ka Latvijas Republikā centrālā iestāde, kas saņem pieteikumus, ir Tieslietu ministrija.

3.pants . Saskaņā ar Konvencijas 4.pantu noteikt, ka Latvijas Republikā iestāde, kas nosūta pieteikumus, ir Tieslietu ministrija.

4.pants . Saskaņā ar Konvencijas 16.pantu noteikt, ka Latvijas Republikā iestāde, kas nosūta iesniegumus par Konvencijas 15.pantā minēto pieprasījumu izpildi, ir Tieslietu ministrija.

5.pants . Saskaņā ar Konvencijas 28.panta otrās daļas "a" apakšpunktu noteikt, ka Latvijas Republikā netiek pieņemti dokumenti franču valodā.

6.pants . Saskaņā ar Konvenciju Ārlietu ministrija paziņo Nīderlandes Karalistes Ārlietu ministrijai par Latvijas Republikas izdarītajām atrunām un paziņojumiem.

7.pants . Likums stājas spēkā nākamajā dienā pēc tā izsludināšanas. Līdz ar likumu izsludināma Konvencija angļu valodā un tās tulkojums latviešu valodā.

8.pants . Konvencija stājas spēkā tās 34.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to paziņo laikrakstā "Latvijas Vēstnesis".

Likums Saeimā pieņemts 1999.gada 4.novembrī.

Valsts prezidente V.Vīķe-Freiberga

Rīgā 1999.gada 23.novembrī

I.A.3.34. Practical implementation

There is only one authority assigned – Ministry of Justice of the Republic of Latvia.

Ministry of Justice of the Republic of Latvia
Brivibas bulvaris 36,
Riga, LV-1536
Telephone: 7036801
Fax: 7285575
tm.kanceleja@tm.gov.lv

I.A.3.35. Judicial control

8. THE HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION (1980)

I.A.3.36. Status

I.A.3.37. Scope

I.A.3.38. Legislative implementation

Parliament has adopted and President announces such law:
On the Hague Convention on Civil Aspects of International Child Abduction

1. With this law Hague Convention on Civil Aspects of International Child Abduction (Convention) is adopted and ratified.
2. According to Article 6 of the Convention, responsible institution in the Republic of Latvia is State Center of Protection of Children Rights
3. According to second part of Article 24, document translations in French in the Republic of Latvia are not accepted.
4. According to Convention, Ministry of Foreign Affairs informs Ministry of Foreign Affairs of Kingdom of Netherlands on made reservations and notifications.
5. Law enters into force on the next day after it is announced. Together with this law, Convention in English, and its translation in Latvian shall be announced.
6. Convention enters into force according to time and procedure prescribed in Article 38, and Ministry of Foreign Affairs informs on it journal „Latvijas Vēstnesis”.

Law is adopted in Parliament 4 October, 2001.

Law is announced by President on 23 October, 2001.

Saeima ir pieņēmusi un Valsts
prezidents izsludina šādu likumu:

Par Hāgas konvenciju par starptautiskās bērnu nolaupīšanas civiltiesiskajiem

aspektiem

1.pants. 1980.gada 25.oktobra Hāgas konvencija par starptautiskās bērnu nolaupīšanas civiltiesiskajiem aspektiem (turpmāk - Konvencija) ar šo likumu tiek pieņemta un apstiprināta.

2.pants. Saskaņā ar Konvencijas 6.pantu atbildīgā institūcija Latvijas Republikā ir Valsts bērna tiesību aizsardzības centrs.

3.pants. Saskaņā ar Konvencijas 24.panta otro daļu Latvijas Republikā netiek pieņemti dokumentu tulkojumi franču valodā.

4.pants. Likums stājas spēkā tā izsludināšanas dienā. Līdz ar likumu izsludināma Konvencija angļu valodā un tās tulkojums latviešu valodā.

5.pants. Konvencija stājas spēkā tās 38.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to paziņo laikrakstā "Latvijas Vēstnesis".

Likums Saeimā pieņemts 2001.gada 4.oktobrī.

Valsts prezidente V.Vīķe-Freiberga

Rīgā 2001.gada 23.oktobrī

Redakcijas piebilde: likums stājas spēkā ar 2001.gada 23.oktobri.

I.A.3.39. Practical implementation

I.A.3.40. Judicial control

9. THE HAGUE CONVENTION ON JURISDICTION, APPLICABLE LAW, RECOGNITION, ENFORCEMENT AND COOPERATION IN RESPECT OF PARENTAL RESPONSIBILITIES AND MEASURES FOR THE PROTECTION OF CHILDREN (2002)

I.A.3.41. Status

I.A.3.42. Scope

I.A.3.43. Legislative implementation

Saeima ir pieņēmusi un Valsts prezidents izsludina šādu likumu:

Par Hāgas konvenciju par jurisdikciju, piemērojamiem tiesību aktiem, atzīšanu, izpildi un sadarbību attiecībā uz vecāku atbildību un bērnu aizsardzības pasākumiem

1.pants. 1996.gada 19.oktobra Hāgas konvencija par jurisdikciju, piemērojamiem tiesību aktiem, atzīšanu, izpildi un sadarbību attiecībā uz vecāku atbildību un bērnu

aizsardzības pasākumiem (turpmāk - Konvencija) ar šo likumu tiek pieņemta un apstiprināta.

2.pants. Saskaņā ar Konvencijas 29.panta pirmo daļu centrālās iestādes funkcijas Latvijā veic Valsts bērna tiesību aizsardzības centrs.

3.pants. Saskaņā ar Konvencijas 34.panta otro daļu šā panta pirmajā daļā paredzētie lūgumi Latvijas kompetentajām iestādēm tiek nodoti ar centrālās iestādes starpniecību.

4.pants. Saskaņā ar Konvencijas 40.panta trešo daļu apliecību, kas apliecina vecāku atbildību vai norāda, kam uzticēta bērna vai viņa īpašuma aizsardzība, izsniedz bāriņtiesas un pagasttiesas.

5.pants. Saskaņā ar Konvencijas 54.panta otro daļu Latvija nepieņem paziņojumus franču valodā.

6.pants. Saskaņā ar Konvencijas 55.panta pirmo daļu Latvijas iestādes veic aizsardzības pasākumus attiecībā uz bērna īpašumu, kas atrodas Latvijā.

7.pants. (1) Saskaņā ar Konvencijas 45.panta pirmo daļu Ārlietu ministrija informē Hāgas Starptautisko privāttiesību konferences Pastāvīgo biroju par Latvijas paziņojumu atbilstoši Konvencijas 29.panta pirmajai daļai.

(2) Saskaņā ar Konvencijas 45.panta otro daļu un 60.panta pirmo daļu Ārlietu ministrija paziņo Nīderlandes Karalistes valdībai par Latvijas deklarāciju un atrunām atbilstoši Konvencijas 34.panta otrajai daļai, 54.panta otrajai daļai un 55.panta pirmajai daļai.

8.pants. Līdz ar likumu izsludināma Konvencija angļu valodā un tās tulkojums latviešu valodā. Likums stājas spēkā tā izsludināšanas dienā.

9.pants. Konvencija stājas spēkā tās 61.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to paziņo laikrakstā "Latvijas Vēstnesis".

Likums Saeimā pieņemts 2002.gada 17.oktobrī.

Valsts prezidentes vietā

Saeimas priekšsēdētājs *J.Straume*

Rīgā 2002.gada 31.oktobrī

Redakcijas piebilde: likums stājas spēkā ar 2002.gada 31.oktobri.

Translation in English:

Saeima has approved and State President announces such law:

On Hague Convention on jurisdiction, applicable law, recognition and enforcement and cooperation in respect of parental responsibilities and measures of the protection of children.

Article 1. Hague Convention on jurisdiction, applicable law, recognition and enforcement and cooperation in respect of parental responsibilities and measures of the protection (hereinafter – Convention) hereby is approved and accepted.

Article 2. According to Article 29, Part 1 of Convention central institution function in Latvia shall be performed by State Children Right's Protection Centre.

Article 3. According to Article 34, Part 2 requests referred to in Section 1 of this Article shall be forwarded to competent institutions of Latvia by central institution.

Article 4. According to Article 40, Part 3 Certificates verifying responsibilities of parents

or indicating, to whom protection of child or his property is entrusted, shall be issued by custody courts or parish courts.

Article 5. According to Article 54, Part 2, Latvia does not accept declarations in French.

Article 6. According to Article 55, Part 1, Latvian institutions take protection measures in respect to child's property located in Latvia.

Article 7. (1) According to Article 45, Part 1 Ministry of Foreign Affairs shall inform Permanent Office of Hague International Private Law Conference on declaration of Latvia, according to Article 29, Part 1 of Convention.

(2) According to Article 45, Part 2 and Article 60, Part 1 Ministry of Foreign Affairs shall inform government of Kingdom of Netherlands on declaration of Latvia and reservations according to Article 34, Part 2, Article 54, Part 2 and Article 55, Part 1 of Convention.

Article 8. With this Law, text of Convention in English and its translation in Latvian shall be announced. Law shall come in force on the day of its announcement.

Article 9. Convention comes into force on time and manner prescribed in its Article 61, and Ministry of Foreign Affairs shall inform on it official journal "Latvijas Vēstnesis".

Law is approved in Saeima 17 October, 2002.

Law is announced 31 October, 2002.

I.A.3.44. Practical implementation

I.A.3.45. Judicial control

10. AGREEMENT ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL MATTERS BETWEEN THE REPUBLIC OF LATVIA AND THE REPUBLIC OF KIRGIZSTAN OF 10 APRIL, 1997

I.A.3.46. Status

In force since 24 March, 2001
Published in Official Journal "Latvijas Vēstnesis" 02 June, 1998, Nr.159/161

I.A.3.47. Scope

Geographic scope – Agreement applies only to documents from Kirgizstan

I.A.3.48. Legislative implementation

Translation of relevant provisions:

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, initiation of prosecution and delivery up person who has committed crime, recognition and enforcement of court judgements in civil cases, recognition of judgements in criminal cases, handing over and tramitting documents, providing information on person's criminal record upon request of another Contracting Party.

Article 5

Language

Requests and assignments on legal aid must be composed in language of that Contracting Party who is sending the, supplementing them with translation into Russian if this Agreement does not provide otherwise. Translation must be certified according to legislation of Contracting Parties.

Article 6

Drawing up Document

Documents that shall be sent to law enforcement bodies or other institutions for providing legal aid, must have signature of competent authority, indicatig his/her name and position, as well as confirmed with seal.

Article 13

Validity of Document

1. Documents, that has been drawn up or confirmed by court or official authority (public notary, expert, a.o.) within scope of its competence and in confirmity with established form, and with seal containing cout of arms in territory of one Contracting Party, shall be accepted in territory of another Contracting State without any additional verification.
2. Documents that are considered as official in territory of one Contracting State, shall have also in the territory of another Contracting State force of evidence of official document.

I.A.3.49. Practical implementation

N/a

I.A.3.50. Judicial control

N/a

11. AGREEMENT ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL MATTERS BETWEEN THE REPUBLIC OF LATVIA AND THE REPUBLIC OF UZBEKISTAN OF 23 MAY, 1995

I.A.3.51. Status

In force since 12 May, 1997

I.A.3.52. Scope

Agreement is applicable only to documents from the Republic of Uzbekistan

I.A.3.53. Legislative implementation

Translation of relevant provisions

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, initiation of prosecution and delivery up person who has committed crime, recognition and enforcement of court judgements in civil cases, recognition of judgements in criminal cases, handing over and transmitting documents, providing information on person's criminal record upon request of another Contracting Party.

Article 5

Language

1. Requests on legal aid and inclosed documents must be composed in language of requesting institution. Request must be verified with seal containing coat of arms and signature of its superior (competent authority).
2. Requests on legal aid and inclosed documents must be supplemented with translation in language of performance state or in Russian. Translation must be verified by offical translator, public notary or competent authority of requesting state, or competent institution of requesting state, or diplomatic mission or consular institution of requesting state.
3. Request on legal aid documents are being composed in official language of request or assignment performance state ori n Russian. Translation must be verified by official translator, public notary or competent authority of requesting state, or competent institution of requesting state, or diplomatic mission or consular institution of requesting state.

Article 6

Drawing up Document

Documents, sent by law enforcement institution or other institutions in process of providing legal aid, must be with signature of competent authority and sael with coat of arms.

Article 12

Validity of Documents

1. Documents, that has been drawn up or confirmed by court or official authority (public notary, expert, a.o.) within scope of its competence and in confirmity with established form, and with seal containing cout of arms in territory of one Contracting Party, shall be accepted in territory of another Contracting State without any additional verification.
2. Documents that are considered as official in territory of one Contracting State, shall have also in the territory of another Contracting State force of evidence of official document.

I.A.3.54. Practical implementation

N/a

I.A.3.55. Judicial control

N/a

12. AGREEMENT BETWEEN THE REPUBLIC OF LATVIA AND UKRAINE ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY, LABOR AND CRIMINAL MATTERS OF 23 MAY, 1995

I.A.3.56. Status

In force since 11 August, 1996
Published in Official Journal "Latvijas Vēstnesis" 31 October, 1995

I.A.3.57. Scope

Agreement is applicable only to documents from territory of Ukraine

I.A.3.58. Legislative implementation

Translation of relevant provisions

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, initiation of prosecution and delivery up person who has committed crime, recognition and enforcement of court judgements in civil cases, recognition of judgements in criminal cases, handing over and tramitting documents, providing information on person's criminal record upon request of another Contracting Party.

Article 5

Language

1. Requests on legal aid and inclosed documents must be composed in language of requesting institution. Request must be verified with seal containing coat of arms and signature of its superior (competent authority).
2. Requests on legal aid and inclosed documents must be supplemented with translation in language of performance state or in Russian. Translation must be verified by offical translator, public notary or competent authority of requesting state, or competent institution of requesting state, or diplomatic mission or consular institution of requesting state.
3. Request on legal aid documents are being composed in official language of request or assignment performance state ori n Russian. Translation must be verified by official translator, public notary or competent authority of requesting state, or competent institution of requesting state, or diplomatic mission or consular institution of requesting state.

Article 6

Drawing up Document

Documents, sent by law enforcement institution or other institutions in process of

providing legal aid, must be with signature of competent authority and seal with coat of arms.

Article 12

Validity of Documents

1. Documents, that has been drawn up or confirmed by court or official authority (public notary, expert, a.o.) within scope of its competence and in conformity with established form, and with seal containing coat of arms in territory of one Contracting Party, shall be accepted in territory of another Contracting State without any additional verification.
2. Documents that are considered as official in territory of one Contracting State, shall have also in the territory of another Contracting State force of evidence of official document.

I.A.3.59. Practical implementation

N/a

I.A.3.60. Judicial control

N/a

13. AGREEMENT BETWEEN THE REPUBLIC OF LATVIA AND THE REPUBLIC OF POLAND ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY, LABOR AND CRIMINAL MATTERS OF 23 FEBRUARY, 1994

I.A.3.61. Status

In force since 05 September, 1995
Published in Official Journal 07 February, 1995

I.A.3.62. Scope

Agreement is applicable only to documents from territory of Poland

I.A.3.63. Legislative implementation

Translation of relevant provisions

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, handing over and transmitting documents, providing information on person's criminal record upon request of another Contracting Party.

Article 5

Language

1. Requests on legal aid and inclosed documents must be composed in official language of requesting institution or in English, or in Russian.
2. Providing legal aid, documents must be composed in official language of

performing state, supplemented by translation in official language of requiring state or English, or Russian.

3. If according to this Agreement, documents will be required to have translation, than this translation will be attached and verified by official translator, public notary, competent authority, diplomatic mission or consular institutions.

Article 13

Recognition of Document

1. Documents that are affirmed and verified by competent authority of one Contracting State and that are sealed with seal containing coat of arms and have signature of competent authority, shall have power of evidence in another Contracting State without further legalisation. Same is atributable to copies of documents and translations, that are verified by competent authority.
2. Documents that are considered to be official in one Contracting State, will be considered as official also in another Contracting State.

I.A.3.64. Practical implementation

N/a

I.A.3.65. Judicial control

N/a

14. AGREEMENT BETWEEN THE REPUBLIC OF LATVIA AND THE REPUBLIC OF BELORUSSIA ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL MATTERS OF 21 FEBRUARY, 1994

I.A.3.66. Status

In force since 18 June,1995
Published in Official Journal "Latvijas Vēstnesis" 07 February,1995 Nr.19

I.A.3.67. Scope

Agreement is applicable only to documents from territory of Belorussia

I.A.3.68. Legislative implementation

Translation of relevant provisions

Article 5

Language

1. Request for legal aid and included documents shall be drawn in official language of Contracting State, requesting help and shall be submitted together with translation into official language of that Contracting State to whom this request is adressed, or in language that parties have agreed on.
2. Documents on legal aid requests shall be drawn in official language of Contractings State to whom this request is adressed and translated in official language of Contracting State who is asking for legal aid, ori n language that parties have agreed on.

3. Translation of documents referred to in Sections 1-2 of this Article shall be verified by official translator, diplomatic mission or consular institution.

Article 13

Validity of Documents

1. Documents, that has been drawn up or confirmed by court or official authority (public notary, expert, a.o.) within scope of its competence and in conformity with established form, and with seal containing coat of arms in territory of one Contracting Party, shall be accepted in territory of another Contracting State without any additional verification.
2. Documents that are considered as official in territory of one Contracting State, shall have also in the territory of another Contracting State force of evidence of official document.

I.A.3.69. Practical implementation

N/a

I.A.3.70. Judicial control

N/a

15. AGREEMENT BETWEEN THE REPUBLIC OF MOLDOVA AND THE REPUBLIC OF LATVIA ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL MATTERS OF 14 APRIL, 1993

I.A.3.71. Status

In force since 18 July, 1996
Published in Official Journal "Latvijas Vēstnesis" 04 October, 1995, Nr.152

I.A.3.72. Scope

Agreement is applicable only to documents from Moldova and connected with citizens of Moldova

I.A.3.73. Legislative implementation

Translation of relative provisions

Article 5

Language

1. Requests or assignments and inclosed documents shall be composed in official language of institution that has issued request or assignment. Request must be verified with seal of issuing institution containing coat of arms and signature of its superior (competent authority).
2. Requests on legal aid and inclosed documents must be supplemented with translation in language of performance state or in other mutually agreed language. Translation must be verified by official translator, public notary or competent authority of requesting institution, or saeled with seal with coat of

arms of competent authority, or diplomatic mission or consular institution of requesting state.

3. Executing requests or assignments on legal aid, documents shall be composed in official language of request or assignment performance state or and shall be sent with translation of request or assignment into official language of requesting state or in mutually coordinated English or Russian language. Translation must be verified by official translator, public notary or competent authority of requesting state, and Contracting Party's, to whom request has been submitted, competent institution or diplomatic mission or consular institution seal with coat of arms.

Article 9

Transmission of Documents

Contracting Party undertakes upon request through diplomatic means without translation and free of charge to transmit each other registration certificates and other documents (on education, employment, etc) from Civil Record Register, that are connected with personal rights and economic interests of citizens of another Contracting State.

I.A.3.74. Practical implementation

N/a

I.A.3.75. Judicial control

N/a

16. AGREEMENT BETWEEN THE REPUBLIC OF LATVIA AND THE RUSSIAN FEDERATION ON LEGAL AID AND JUDICIAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL MATTERS, OF 03 FEBRUARY, 1993

I.A.3.76. Status

In force since 28 March, 1995
Published in Official Journal "Latvijas Vēstnesis" 30 November, 1999, Nr.394

I.A.3.77. Scope

Agreement is applicable only to documents from Russian Federation and connected with citizens of Russian Federation, if information is requested from competent institutions of Russian Federation

I.A.3.78. Legislative implementation

Translation of relevant provisions:

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, initiation of prosecution and delivery up person

who has committed crime, recognition and enforcement of court judgements in civil cases, recognition of judgements in criminal cases, handing over and transmitting documents, providing information on person's criminal record upon request of another Contracting Party.

Article 5

Language

Requests and assignments on legal aid shall be composed in official language of Contracting Party sending these documents, if this Agreement does not provide otherwise.

Article 13

Validity of documents

1. Documents that have been affirmed or verified by court or other official authority (permanent translator, expert, etc) within scope of its competence and obeying established form and that is sealed with coat of arms seal within territory of one Contracting State, shall be accepted within territory of another Contracting State without any additional approval.
2. Documents that within territory of one Contracting State are considered as official, also within territory of another Contracting State shall have power of official evidence.

Article 17

Transmission of Documents

Contracting Party undertakes upon request through diplomatic means without translation and free of charge to transmit each other registration certificates and other documents (on education, employment, etc) from Civil Record Register, that are connected with personal rights and economic interests of citizens of another Contracting State.

I.A.3.79. Practical implementation

N/a

I.A.3.80. Judicial control

N/a

17. AGREEMENT ON LEGAL AID AND JUDICIAL RELATIONS BETWEEN THE REPUBLIC OF LATVIA, THE REPUBLIC OF ESTONIA AND THE REPUBLIC OF LITHUANIA OF 11 NOVEMBER, 1992

I.A.3.81. Status

In force since 03 April, 1994
Has not been published

I.A.3.82. Scope

Agreement is applicable to citizens and institutions of Estonia, Latvia and Lithuania.

I.A.3.83. Legislative implementation

Translation of relative provisions:

Article 3

Scope of Legal Aid

Legal aid contains procedural actions, that are prescribed in legislation of Contracting Party to who request is made, including examining of parties, victim, accused, person on trial, witness, expert, making examinations, sight inspections, searching, withdrawal, arrest of assets, handing over goods, initiation of prosecution and delivery up person who has committed crime, recognition and enforcement of court judgements in civil cases, recognition of judgements in criminal cases, handing over and tramitting documents, providing information on person's criminal record, on criminal management record and on declaring person cronic alchoholic, drug addict or mentally ill upon request of another Contracting Party.

Article 5

Language

1. Assignment and included documents on legal aid shall be affirmed in official language of country, whose institution gives this assignment. This assignment shall be verified with coat of arms seal of institution giving assignment and signature of its superior (competent authority).
2. Assignment and included documents on legal aid shall be accompanied with translation of assignment into official language of performance state or any other mutually agreed language. Translation will be certified by official translator, public notary or competent authority of requesting institution, as well as with coat of arms seal of competent authority, diplomatic mission or consular institution of requestring state.
3. Fulfilling assignment on legal aid, documents shall be affirmed in official language of performance state and shall be sent together with translation into state giving assignment or in mutually agreed language. Translation will be verified by oficial translator, public notary or authority of performance institution, and Contracting Parties, to whom assignment is given, coat of arms seal of competent authority, diplomatic mission or consular institution.

Article 13

Validity of documents

1. Documents that have been affirmed or verified by court or other official authority (permanent translator, expert, etc) within scope of its competence and obeying established form and that is sealed with coat of arms seal within territory of one Contracting State, shall be accepted within territory of another Contracting State without any additional approval.
2. Documents that within territory of one Contracting State are considered as official, also within territory of another Contracting State shall have power of official evidence.

Article 17

Transmission of Documents

1. 1.Contracting Party undertakes upon request through diplomatic means without translation and free of charge to transmit each other registration certificates and other documents (on education, employment, etc) from Civil Record Register, that are connected with personal rights and economic interests of citizens of another Contracting State.
2. Contracting Parties undertakes to provide information to its own citizens oer persons, who permanently live in their territory, if they have requested rezidence

permits in territory of another Contracting State, upon request of such Contracting party, on their criminal record, criminal management record, their recognition as cronic alcoholic, drug addicts or mentally ill.

I.A.3.84. Practical implementation

N/a

I.A.3.85. Judicial control

N/a

I.A.4. National Law

I.A.4.1. Legislative framework

According to Annotation of Document Legalisation Law Draft, currently document legalisation is conducted in accordance with Vienna Convention On Consular Relations, 1963 and Hague Convention of 5 October 1961 ('Apostille' Convention), international multilateral conventions, international bilateral agreements, and Latvian legal acts.

Regulations Nr.443 of Cabinet of Ministers of 28 December 1999 on "Regulations of State Fee for Legalisation of Documents", state fees for legalisation are established.

So far legalisation processes were prescribed in internal documents of public authorities, but with coming into force of Law on Administrative Procedure Section 17 on 01 January, 2006, all external documents issued by public authorities that are binding on third person, becomes invalid. Consequently also Procedure "Procedure on how consular authorities certify authenticity of documents", as they contained legal norms binding on third person, became invalid and it became necessary to draft new legal act on document legalisation.

Draft of "Document verification (legalisation) Law" has now been viewed in meeting of State Secretaries and sent to Latvian Parliament (Saeima) for adoption.

I.A.4.2. Scope

The aim of Document Verification (legalisation) Law is to establish a procedure as to how public documents issued in the Republic of Latvia are verified (legalised) and to check the validity of foreign public document in the Republic of Latvia.

Documents that cannot be verified (legalised) are:

1. Documents that are not public;
2. Documents drafted with pencil;
3. Documents on number of pages that are not numbered, stringt through and their number is not indicated with seal of issuer of the document and signature of competent authority;
4. Documents containing unstipulated amendments, erasures and crossed-out phrases;
5. Documents that cannot be verified technicly (for example, small size documents, laminated documents);
6. Documents that does not contain original seal or signature of competent authority.

I.A.4.3. Practical implementation

**DRAFT
DOCUMENT CERTIFICATION(LEGALISATION) LAW**

I. General Provisions

Article 1. Definitions contained in this Law:

- 1) Certification of document – certification of authenticity of the signature, capacity in which the person signing the document has acted, and, where appropriate, the identity of the seal or stamp which it bears, issued by the competent authority of the State, from which the document emanates, according to Hague Convention of 5 October, 1961 “Convention Abolishing the Requirement of Legalisation for Foreign Public Documents”;
- 2) Legalisation of document – certification of authenticity of the signature and identity of the seal or stamp which document bears, performed by official authority, to ensure that public document emanating from one State would have legal force in another State. Legalisation certifies also legal status and capacity of person signing the document.;
- 3) Certification “APOSTILLE – certification, annexed to the document, according to Hague Convention of 5 October, 1961 “Convention Abolishing the Requirement of Legalisation for Foreign Public Documents”;
- 4) Public document – public documents are documents, emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server, administrative documents, notarial acts, official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notary authentications of signatures.

Article 2

The aim of Law is to establish procedure how public document issued in the Republic of Latvia is certified (legalised) and validity of foreign public document in the Republic of Latvia.

Article 3

Document certification (legalisation) is performed in accordance with Vienna Convention on Consular Relations of 1963, Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents of 1961, other international multilateral agreements that the Republic of Latvia has acceded to, international bilateral agreements, and also according to legal acts of the Republic of Latvia.

Article 4

There are distinguished two document authenticity certification forms:

1. Legalisation of document;
2. Certification of document.

Article 5

Documents that cannot be certified (legalised) are:

1. Documents that are not public;

2. Documents drafted with pencil;
3. Documents on number of pages that are not numbered, stringed through and their number is not indicated with seal of issuer of the document and signature of competent authority;
4. Documents containing unstipulated amendments, erasures and crossed-out phrases;
5. Documents that cannot be verified technically (for example, small size documents, laminated documents);
6. Documents that does not contain original seal or signature of competent authority.

Article 6

Competent to certify (legalise) documents in the Republic of Latvia are officials of diplomatic and consular service, that are specially authorised for it. Procedure how officials of diplomatic and consular service are certifying (legalizing) documents, and procedure how institutions of the Republic of Latvia and foreign institutions are being informed on those officials of diplomatic and consular service entitled to certify (legalize) documents, are established by Cabinet of Ministers.

Article 7

The applicant shall pay a state fee established by the Cabinet of Ministers.

II. Certification (legalisation) of document emanating from the Republic of Latvia, designated for use abroad

Article 8

If document emanated from the Republic of Latvia designated for use in State party to Convention Abolishing the Requirement of Legalisation for Foreign Public Documents ('Apostille' Convention), its authenticity, annexing certification APOSTILLE, shall be certified by Ministry of Foreign Affairs, if it possesses sample of signature and identity of the seal of institution who has certified this document.

Article 9

If document eminent for the Republic of Latvia designated for use in State not party to Convention Abolishing the Requirement of Legalisation for Foreign Public Documents ('Apostille' Convnetion), its authenticity shall be certified Ministry of Foreign Affairs and/or diplomatic or consular mission, if it possesses sample of signature and identity of the seal of institution who has certified this document.

Article 10

Competent institutions of the Republic of Latvia shall duly submit to Ministry of Foreign Affairs samples of signatures of those officials who are entitled to certify documents designated for further use abroad, as well as identity of the seal of these institutions. Procedure how competent institutions of the Republic of Latvia submit to Ministry of Foreign Affairs samples of signatures of those officials who are entitled to certify documents, as well as identity of the seal of these institutions, are established by Cabinet of Ministers.

III. Certification (legalisation) of document emanated from abroad, designated for use in the Republic of Latvia

Article 11

If document emanated from State party to Convention Abolishing the Requirement of Legalisation for Foreign Public Documents ('Apostille' Convention), the only formality that can be required to find in valid in the Republic of Latvia, shall be certification APOSTILLE that shall be annexed to document.

Article 12

1. If document emanated from State not party to Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, to find it Valid in the Republic of Latvia, must be legalized in the Ministry of Foreign Affairs or in consular or diplomatic mission of the Republic of Latvia.
2. Prior to document legalisation in the Ministry of Foreign Affairs or in consular or diplomatic mission, it shall be legalized in competent institution of respective State, which sample of signature of competent authority and identity of the seal is in possession of Ministry of Foreign Affairs.

IV. Transmission and Final Provisions

Article 13

Cabinet of Ministers within six month after this Law has been enforced, shall issue regulations required by Article 6 and Article 10 of this Law.

REGULATION ON STATE FEE FOR CERTIFICATION OF DOCUMENT AUTHENTICITY

In force since 1 January, 2000

Issued in compliance with Article 10 of Law "On Taxes and Levies"

1. This regulation prescribes amounts of state fees (in lats) for certification of document authenticity (legalisation) in Consular Department of Ministry of Foreign Affairs and diplomatic and consular agents at foreign missions of the Republic of Latvia:
 - a. Certification (legalisation) of document authenticity, for each document:
 - i. For legal persons and physical persons, that are not kindred or married with authoriser – 10LVL
 - ii. For physical persons – 5LVL
 - b. Urgent certification (legalisation) of document authenticity within 48 hr, not including holidays, for each document:
 - i. For legal persons and physical persons, that are not kindred or married with authoriser – 20LVL
 - ii. For physical persons – 10LVL
2. State fee for certification of document authenticity (legalisation) for senior citizens living in Latvia and politically repressed persons, when producing senior citizen card or card of politically repressed person, shall be 1,5LVL. If person wishes to verify (legalize) document within 48hr, not including holidays, state fee shall be paid in double amount.
3. If state fee in diplomatic and consular missions collect state fee in corresponding currency of particular state, Ministry of Foreign Affairs, in order to simplify payments, can establish state fee amounts in currency of particular state in accordance with currency exchange rate of Bank of Latvia.
4. State fee shall be paid before certification (legalisation) of authenticity of

document. If document is not being certified (legalized) state fee shall not be refunded.

5. State fee shall not be paid by persons, who are released from state fee according to written statement of State Secretary of Ministry of Foreign Affairs due to humanitarian reasons or in the interest of state prestige.
6. This regulation comes in force in 01 January, 2000.

In the name of President of Ministers
Minister of Justice

V.Birkavs

Minister of Foreign Affairs

I.Bērziņš

I.A.4.4. Judicial control

N/a

PART I.B. Specific

I.B.1. Introduction

I.B.2. Specific documents

1. Documents proving involuntary unemployment

Register of involuntary unemployed persons in Latvia is kept by State Employment Agency

Address: State Employment Agency
Kr.Valdemāra 38, Rīgā, LV – 1010
tāl. 7021706, fakss 7270253
e-mail: nva@nva.lv
www.nva.lv

Status of unemployed is granted according to procedure prescribed by Regulations of the Cabinet of Ministers Nr.24 of 20 January, 2003 "On Procedure how State Employment Agency Grants Status of Unemployed."

Only those persons who are registered as unemployed can receive certificate of unemployed person.

Draft on Law on Movement and Residence of Citizens and Their Family Members of European Union, European Economic Area and Swiss Confederation in the Republic of Latvia prescribes that, EU citizen will maintain status of self-employed or employee, even in situation of involuntarily unemployed, if he can furnish documents confirming involuntary unemployment.

Article 25 of this Draft prescribes that EU citizen and his family member shall submit copies of the document prescribed by this law, producing also originals of these documents. Documents issued in foreign States shall be accepted if they have been legalized or certified according to Hague Convention of 5 October, 1961 if other international treaties does not specify otherwise.

There is no practice yet as to application of these provisions, but if Directive 2004/38/EC will be applied correctly, than no legalization of documents providing person's involuntary employment should be required.

Currently, according to Regulations on Residence Permit, Nr.732, issued 27 September, 2005, "documents issued abroad shall be accepted, if they have been legalized or certified in certain manner according to Hague Convention of 05 October, 1961, if international treaties does not provide otherwise".

2. Documents proving a family relationship or other durable relationship

Documents providing a family relationship or other durable relationship are issued by Registry Offices. Such documents are issued by Registry Office that possesses required information or Archive Section of Registry Office department in Ministry of Justice.

Adress: Archive Section of Registry Office department in Ministry of Justice

Kaļķu iela 24, Rīga LV – 1050, tālr.: 7213524

Currently, according to Regulations on Residence Permit, Nr.732, issued 27 September, 2005, "documents issued abroad shall be accepted, if they have been legalized or certified in certain manner according to Hague Convention of 05 October, 1961, if international treaties does not provide otherwise". That also applies to documents proving a family relationship or other durable relationship.

Draft on Law on Movement and Residence of Citizens and Their Family Members of European Union, European Economic Area and Swiss Confederation in the Republic of Latvia prescribes that family member, when apply for residence permit shall submit also copy of the document confirming marriage or other family relationship.

Article 25 of this Draft prescribes that EU citizen and his family member shall submit copies of the document prescribed by this law, producing also originals of these documents. Documents issued in foreign States shall be accepted if they have been legalized or certified according to Hague Convention of 5 October, 1961 if other international treaties does not specify otherwise.

3. Documents proving or contesting a parent-child relationship

Documents proving or contesting a parent-child relationship are issued by Registry Offices or court.

Documents by Registry Offices are issued according to Regulations of the Cabinet of Ministers Nr.904 of 29 November, 2005 "Regulations on registration procedure of civil registration records, examples of civil registration records, as well as examples of records that are issued based on records of register."

Article 19 of Regulations nr.904 prescribes that certification of signature of chief of Registry Office on the documents that are to be sent abroad shall be certified by

Registry Offices Department of Ministry of Justice.

Article 20: "If document confirming civil registration record is to be sent abroad to the state that the Republic of Latvia has signed international agreement, that prescribes other sending order, certification of signature of chief of Registry Office Registry Offices Department of Ministry of Justice must not certify.

Article 21: For document issued abroad to have legal force in the Republic of Latvia, it must be certified or legalized in certain manner according to Hague Convention of 05 October, 1961 (unless document is issued in state that the Republic of Latvia has signed international agreement that provides other procedure).

Article 120: Supplement to record of birth shall be done:

- a. based on court judgement if:
 - i. child has been affiliated
 - ii. paternity has been established
 - iii. court has satisfied claim contesting paternity, or recognized as invalid established paternity
 - iv. ...
- b. on opinion of Registry Office if:
 - i. confirmed or cancelled adoption
 - ii. trusteeship for both parents of one of them has been disabled
 - iii. ...
- c. on basis of application of person concerned without opinion of Registry Office if:
 - i. child has been affiliated
 - ii. ...

Article 121: Application of person concerned must be supplemented with:

- a. document, issued confirming amendable record;
- b. documents supporting supplementing
- c. ...

According to information obtained from Registry Office department of Ministry of Justice, in the practice there have been no precedent where any document required for proving name and forename of child or adult would be exempted from legalisation requirement.

4. Documents proving the name and forenames of a child or adult

Documents proving the name and forenames of a child or adult are issued by Registry Offices or court or family court.

Documents by Registry Offices are issued according to Regulations of the Cabinet of Ministers Nr.904 of 29 November, 2005 "Regulations on registration procedure of civil registration records, examples of civil registration records, as well as examples of records that are issued based on records of register."

Article 120: Supplement to record of birth shall be done:

- a. ...
- b. on opinion of Registry Office if:
 - i. until age of 15 confessional name of child can be supplemented as

- ii. second name;
for adult second name shall be deleted, if in his/her documents (except in certificate of birth and civil registration record) only first name is written
- iii. until age of 15 name can be changed into name that child is really called (if this name (except in certificate of birth and civil registration record) is written in his/her documents)
- iv. after divorce of parents or after new marriage of father or mother, forename is being changed into new forename of mother or father and both parents agree to change of child's forename
- v. for child, whose parents are not married and information on father in civil registration record has been written based on affiliation of child, change of forename to forename of mother or father, that has been obtained by getting married with person who is not child's mother or father, and both parents agree to change of child's forename
- vi. if parents of child have different forenames and trusteeship for one of them has been disabled and child's forename is changed to forename that has trusteeship over the child
- c. on basis of application of person concerned without opinion of Registry Office if:
 - i. ...
 - ii. child's parents get married, parents and child get common forename;
 - iii. names and forenames that in the record are registered in dialects or foreign language, shall be written taking into account grammar rules of Latvian literal language;
 - iv. names and forenames that in the record are registered in dialects or foreign language, and person wishes to keep also historical spelling or other language original spelling
- d. on basis of administrative act if:
 - i. if it is allowed to change name or forename;
 - ii. it is allowed to parents of underage child (or to one of them) to change name, forename, nationality or citizenship or personal code.
- e. on basis of family court, if child under age after divorce of parents or after new marriage of father or mother changes forename.

Article 121: Application of person concerned must be supplemented with:

- a. document, issued confirming amendable record;
- b. documents supporting supplementing

...

Article 21: For document issued abroad to have legal force in the Republic of Latvia, it must be certified or legalized in certain manner according to Hague Convention of 05 October, 1961 (unless document is issued in state that the Republic of Latvia has signed international agreement that provides other procedure).

According to information obtained from Registry Office department of Ministry of Justice, in the practice there have been no precedent where any document required for proving name and forename of child or adult would be exempted from legalisation requirement.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

Documents proving or annulling/terminating a marriage are issued by court. Documents confirming such events that followingly have been registered in Registry Office, can be issued by Registry Office.

Documents by Registry Offices are issued according to Regulations of the Cabinet of Ministers Nr.904 of 29 November, 2005 "Regulations on registration procedure of civil registration records, examples of civil registration records, as well as examples of records that are issued based on records of register."

Supplement to record on marriage can be done:

- a. On the basis of court judgement
 - i. with information on divorce, indicating forename after divorce;
 - ii. with information on annulment of marriage, indicating forename after annulment.
- b. On the basis of administrative act
 - i. if name, forename or nationality of spouse (or both of them) has been changed;
 - ii. if citizenship of spouse or personal code has been changed.

Article 21: For document issued abroad to have legal force in the Republic of Latvia, it must be certified or legalized in certain manner according to Hague Convention of 05 October, 1961 (unless document is issued in state that the Republic of Latvia has signed international agreement that provides other procedure).

According to information obtained from Registry Office department of Ministry of Justice, in the practice there have been no precedent where any document required for proving name and forename of child or adult would be exempted from legalisation requirement.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

According to law "On Recognition of regulated professions and recognition of professional qualification" Article 40:

"Documents necessary for recognition of professional qualifications obtained abroad.

(1) Applicant shall submit information to institutions:

- 1) Application for obtaining qualification certificate, indicating type of Professional activity, status (employee or self-employed) and duration (short or permanent activities);
- 2) documents confirming educations of applicant, professional qualification and professional experience;
- 3) Additional documents that are necessary for recognition of professional qualification mentioned in this Law.

(2) Applicant for activities in regulated profession, that in the Republic of Latvia have any of requirements posted in Section 5 of Article 3 of this Law, shall submit documents confirming performance of this Law in his home country. If, requirements of part 3 of Section 5 of Article 3 of this Law must be observed, particular document must confirm, that applicant has not been suspended for some period of time or has been forbidden to work in regulated profession.

(3) Documents referred to in Section 2 of this Article are valid for submission in

institution three month from their issuance day.

(4) If competent institutions of applicant's home country does not issue documents referred to in Section 2 of this Article, confirming fulfillment of requirements of part 3 or 4 of Section 5 of Article 3, applicant can replace these documents with written declaration on fulfillment of these duties, but this declaration must be certified and its authenticity must be notarially certified or certified in court institution of applicant's home country, or in state institution, or in state recognized professional organization, as it is prescribed by legal acts of applicant's home country.

(5) If person wishing to work in regulated profession gives oath or promise according to part 1 of Section 5 of Article 3, but it is not acceptable to applicant, institution issuing qualification recognition document, shall offer to applicant acceptable or equivalent form of oath or promise.

(6) Upon request of information institution applicant has duty to submit:

1) translation into official language of all documents mentioned in this article, if they are issued in the Member State of European Union, in state of European Economic Area or in another state which according to international agreement, approved by Parliament (Saeima), has obtained European Union Member State rights in sphere of recognition of professional qualification;

2) translations into official language of all documents mentioned in this article, if they have been issued in state not mentioned in part 1 of this Section and the Republic of Latvia has signed bilateral or multilateral agreement on legal aid and judicial relations in civil, family, criminal matters, according to rules of these agreements;

3) In manner prescribed in international agreements approved by Saeima legalised documents mentioned in this Article, annexing to it certified or legalised translation of these documents in official language, if they have been issued in states not mentioned in Part 1 and 2 or does not confirm documents mentioned in Part 2 of this Article.

For example, According to Law of the Republic of Latvia on **Advocacy**, Article 133. "If Attorney from Member State of European Union at least three yars have been practicing in Latvia under title of his home country, he submits to Council of Latvian Swarn Attorneys application and professional qualification and rights evidences recognised in his home country. Council of Latvian Swarn Attorneys according to law "On Recognition of regulated professions and recognition of professional qualification" organizes professional qualification confirmity exam. After successful passing exam, professional qualification recognition sertificate is being issued to attorney.

7. Documents proving a person's professional qualifications (diplomas)

Education Law. Article 11.1. Recognition of education documents issued abroad in Latvia

- (1) The recognition of the education documents issued abroad as well as expertise of the documents certifying academic degrees acquired abroad is made based on the application from the owner of the document certifying education or academic degrees, respective educational institutions, state institutions, employers or professional organizations. The expertise of the education documents acquired abroad or documents certifying academic degrees acquired abroad shall be implemented by the Academic Information Centre.
- (2) The expertise of the submitted documents determines:
 - a) the education document issued in Latvia or the academic degree conferred in Latvia, to which the education document issued abroad or the academic degree conferred abroad corresponds or can be equalled;
 - b) what additional conditions are to be fulfilled to equal the education document issued abroad or the academic degree conferred abroad to an education document issued in Latvia or academic degree conferred in Latvia, if the education document issued abroad or the academic degree conferred abroad does not meet the requirements of any education document issued in Latvia or academic degree conferred in Latvia.
- (3) As a result of the expertise of the document, the person, who had applied for it, receives a certification about the education document issued in Latvia or academic degree conferred in Latvia, to which the education document issued abroad or the academic degree conferred abroad corresponds or can be equalled.
- (4) The decision on the recognition of the education document based on the certification from the Academic Information Centre shall be made:
 - a) for the continuation of studies – by the institution of higher education, where the owner of the education document wishes to continue studies. The institution of higher education may implement additional expertise or set additional requirements;
 - b) for employing in the professions, where the professional operation or the education needed for it are not regulated by law or other regulatory acts – by the employer;
 - c) for professional operation in the professions, where the professional operation or the education needed for it are regulated by law or other regulatory acts – by the institutions determined by the respective law or other regulatory acts;
 - d) for continuation of education in the primary and secondary stage of education – by the Ministry of Education and Science.
- (5) Academic Information Centre is the institution established by the Ministry of Education and Science, which shall implement the expertise of the education documents and documents certifying academic degrees issued abroad as well as other functions related to the recognition of education documents and international exchange of information.

Academic Information Centre

Adress: Valņu ielā 2-210.ist, LV-1050 Rīgā

Tel: 7225155

Fakss: 7221006

e-mail: laine@aic.lv

According to information of Academic Information Centre documents submitted for recognition must be translated into official language. Prior legalisation of document is not required. Chief of Centre recalled situation, where diploma from India was submitted and Centre required particular document to be legalised prior to proceeding with recognition procedure.

Article 41 :

Documents verifying confirmity of education and professional qualification obtained abroad with requirements established in the Republic of Latvia

- (1) Confirmity of education and professional qualification obtained abroad with requirements established in the Republic of Latvia is established with certificate (hereinafter qualification recognition certificate) or equivalent documents referred to in Section 2 of this Article, issued by institutions authorized by law or regulations of Cabinet of Ministers.
- (2) In professions, where right to start activities or pursue permanent activities in the Republic of Latvia, is established by certificates or other documents issued by competent authorities, in place of qualification recognition certificates also these certificates or other documents can be issued.
- (3) Documents referred to in part 2 of this Article shall be issued in same manner and taking into account same procedure, as prescribed by law when issuing qualification recognition certificate.
- (4) For profession where according to international agreements approved by Saeima allow to recognize professional qualification without examination of professional compliance, including for drivers of mechanical transport, recognition of qualification with certificate is not necessary.

8. Documents proving a person's death

Order how document proving a person's death is issued, is regulated by Civil Registration Record Law, Chapter 5. Fact of death is established by Certificate of Death. About fact of death, not later than six days after death or finding defunct, must be informed Register Office closest to permanent residence place of deceased person or closest to place where deceased person was found. If court has announced person death or established death fact, than Register Office closest to permanent residence place of deceased person or closest to court, must be informed about it.

.When person is applying for social benefits in Latvian, it must submit documents to closest filial of VSAA (State Social Security Agency).

According to information from VSAA International Cooperation Department, practice as to legalisation of documents proving person's death depends whether person applies by himself or whether documents are requested by Agency through corresponding

institution of applicant's home country. If applicant submits all documents by himself, than these documents must be legalised according to "Apostille" Convention, as none of Regulations are applied and Directives are not yet implemented. If documents are summoned through corresponding institutions of applicant's home country, than legalisation is not required.

There are no special national law provisions on document legalisation in social security system, and only "Apostille" Convention is applied.

9. Documents proving a person's date of birth

Order how document proving a person's date of birth is issued, is regulated by Civil Registration Record Law, Chapter 4. Fact of birth is established by Certificate of Birth.

About fact of birth, statement on birth from hospital or from doctor must be issued. Based on statement of birth Birth Certificate is issued by Register Office.

When person is applying for social benefits in Latvian, it must submit documents to closest filial of VSAA (State Social Security Agency).

According to information from VSAA International Cooperation Department, practice as to legalisation of documents proving person's date of birth depends whether person applies by himself or whether documents are requested by Agency through corresponding institution of applicant's home country. If applicant submits all documents by himself, than these documents must be legalised according to "Apostille" Convention, as none of Regulations are applied and Directives are not yet implemented. If documents are summoned through corresponding institutions of applicant's home country, than legalisation is not required.

There are no special national law provisions on document legalisation in social security system, and only "Apostille" Convention is applied.

10. Documents proving the establishment by incorporation of a company

Documents proving the establishment by incorporation of a company is issued by Register of Enterprises. Information requesting and receiving procedure and fees for receiving information from the registers of the Register of Enterprises is specified in accordance with rules of the Cabinet Ministers no.544, passed on June 21, 2004.

Adress: Register of Enterprises
Pērses iela 2, Rīga, LV 1011
Tāl.: 7031703
Fakss: 7031793

Document originally issued when company is established is Registration Certificate. But it is not necessary to submit Registration Certificate when representative office or similar subsidiarity is established, as any document, that proves registration of a foreign merchant in a relevant country, if the appropriate country laws envisage registration, will be sufficient. If such a registration is not envisaged by law, as well as if Representative office of a foreign organization is opened – any other document that proves a legal

status of a foreign merchant or an organization in the relevant country will be sufficient.

11. Documents proving the constitution of a company, including any official translation thereof

Documents like Articles of Association, Decisions by Shareholders, and other information on company is issued by Register of Enterprises. Information that can be produced in form of notice besides Latvian, can be also obtained in English and German. Further information like copy of Articles of Association can be obtained only in Latvian.

Information requesting and receiving procedure and fees for receiving information from the registers of the Register of Enterprises is specified in accordance with rules of the Cabinet Ministers no.544, passed on June 21, 2004.

Address: Register of Enterprises
Pērses iela 2, Rīga, LV 1011
Tālrunis: 7031703
Fakss: 7031793

Procedure of Registering Representative offices and Representatives of Foreign Merchants and Organizations

II. Documents Submitted for Registration of a Representative Office and the Procedure of Documents Formalities Execution

6. To register a Representative office in the Register of Representative offices an application (Appendix No.1) is submitted to the Register of Enterprises. The application is signed by the authorized representative of a foreign merchant or an organization. The following to be attached to the application:

6.1. document, that proves registration of a foreign merchant in a relevant country, if the appropriate country laws envisage registration, and if such a registration is not envisaged by law, as well as if Representative office of a foreign organization is opened – any other document that proves a legal status of a foreign merchant or an organization in the relevant country.

6.2.. Document of a foreign merchant or organization that includes:

6.2..1. decision to open Representative office in Latvia;

6.2.2. representative's authority.

6.3. Articles of Association of a foreign merchant or organization, regulations or any other equated document.

6.4. A document confirming payment of the registration fee to the state.

7. Filling in an application it is required to take into account the following terms and conditions:

7.1. if an application is filled in computer-aided, it is not allowed to change disposition of the form;

7.2. if an application is filled in hand information to be written legible in block letters;

7.3. if there is not enough space in the application form additional application

- forms are used and attached to the application;
- 7.4. the information fields not filled in the application should be crossed over;
- 7.5. if there are more than one page in an application an applicant will sew and certify its number;
- 7.6. at places where an option or several variants are provided for or possible, mark “?” be made at the relevant field.

8. Any public documents issued in foreign countries and to be submitted to the Register of Enterprises shall be duly notarized and legalized in the order established by the International Treaties binding upon the Republic of Latvia.

12. Documents proving the latest banking accounts of a company

Company registering as VAT payer in State Revenue Service must also submit statement on its bank accounts. In such case no official document from state authority is required, but company can itself draw up a document stating all accounts or such statements can be obtained from bank's where applicant has accounts. Such statement must be translated in Latvian.

13. Documents proving the deposit of cash or certificates of deposit

N/a

PART II – Incoming documents: Effects in the Member State's legal order

OVERVIEW OF PART II

II.A.1. European Community Law

II.A.1.1. The effect of the implementation of Community law

II.A.1.2. Admissibility and evidentiary weight in judicial proceedings

There is no information available for all kinds of documents prescribed in Part I, still it is possible to evaluate some of these documents.

As to documents appointing liquidator, new amendments of civil procedure law will provide that liquidator must submit document that establish his rights to be liquidator under law of particular EU state, what could be either court judgement, specific certificate or anything similar. It will not be required to legalize these documents, but they will fall under general requirement of being translated in Latvian.

According to information from Latvian Insolvency Agency, as documents appointing liquidator will be required to be in line with requirements of appointing Member State, possible problems may arise with establishing content of these rights and whether submitted documents really appoint particular person as liquidator.

So far there have been neither court practice, neither any other practice known in Latvian Insolvency Agency on particular issue.

II.A.1.3. Admissibility and evidentiary weight in administrative matters

There are no specific provisions as to admissibility and evidentiary weight of European Community documents in administrative matters.

General provisions of Administrative Procedure Law prescribe that original documents shall be submitted if according to law or international agreement, specific facts can be proven only with originals.

Section 154. Assessment of Evidence

(1) A court shall assess the evidence in accordance with its own convictions which shall be based

on comprehensively, completely and objectively verified evidence, and in accordance with

judicial consciousness based on laws of logic, findings of science and principles of justice.

(2) No evidence shall have such predetermined effect as would bind a court.

(3) A court judgment shall state why preference has been given to certain evidence in comparison with other, and why certain facts have been recognised as proven while other facts as not proven.

Section 152. Admissibility of Evidence

(1) The court shall admit only such means of proof as are stipulated by law.

(2) Facts that, in accordance with law can be proved only by particular evidentiary means, may not be established by any other evidentiary means.

II.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

II.A.2.1. The effect of completion of the requirements of the Hague Convention

According with draft law on Legalisation of Documents, public documents that will be legalised with Apostille shall be considered as public documents.

II.A.2.2. Admissibility and evidentiary weight in judicial proceedings

There are no special provision or practice as to evaluation of documents legalised with "Apostille". General provision of Civil Procedure Law provides:

Section 97. Assessment of Evidence

(1) A court shall assess the evidence in accordance with its own convictions, which shall be based on evidence as has been thoroughly, completely and objectively examined, and in accordance with judicial consciousness based on the principles of logic, scientific findings and observations drawn from every-day experience.

(2) No evidence shall have a predetermined effect as would be binding upon the court.

(3) A court shall set out in its judgment why it has given preference to one body of evidence in comparison to another, and has found certain facts as proven, but others as not proven.

II.A.2.3. Admissibility and evidentiary weight in administrative matters

There are no specific provisions as to admissibility and evidentiary weight of documents with "Apostille" in administrative matters.

General provisions of Administrative Procedure Law prescribe that original documents

shall be submitted if according to law or international agreement, specific facts can be proven only with originals.

Section 154. Assessment of Evidence

(1) A court shall assess the evidence in accordance with its own convictions which shall be based

on comprehensively, completely and objectively verified evidence, and in accordance with

judicial consciousness based on laws of logic, findings of science and principles of justice.

(2) No evidence shall have such predetermined effect as would bind a court.

(3) A court judgment shall state why preference has been given to certain evidence in comparison with other, and why certain facts have been recognised as proven while other facts as not proven.

Section 152. Admissibility of Evidence

(1) The court shall admit only such means of proof as are stipulated by law.

(2) Facts that, in accordance with law can be proved only by particular evidentiary means, may not be established by any other evidentiary means.

II.A.3. Parallel international agreements

II.A.3.1. The effect of completion of the requirements of parallel agreements

There is no specific legalisation procedure prescribed in international agreements that Latvia has signed with number of states. These agreements refer only to documents that are required among institutions.

II.A.3.2. Admissibility and evidentiary weight in judicial proceedings

N/a

II.A.3.3. Admissibility and evidentiary weight in administrative matters

N/a

II.A.4. National Law

II.A.4.1. The effect of the completion of the requirements of national law

Documents that have been legalised according to procedure prescribed by law are admitted in all institutions and considered to be of same evidentiary weight as documents produced in Latvia.

II.A.4.2. Admissibility and evidentiary weight in judicial proceedings

N/a

II.A.4.3. Admissibility and evidentiary weight in administrative matters

According to information of Academic Information Centre documents submitted for recognition must be translated into official language. Prior legalisation of document is not required. Chief of Centre recalled situation, where diploma from India was submitted and Centre required particular document to be legalised prior to proceeding with recognition procedure.

PART III – Incoming documents: Difficulties

OVERVIEW OF PART III

III.1. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

III.A.1.1. Legal

N/a

III.A.1.2. Practical

N/a

III.2. Parallel international agreements

III.A.2.1. Legal

N/a

III.A.2.2. Practical

N/a

III.3. National law

III.A.3.1. Legal

N/a

III.A.3.2. Practical

N/a

PART III.B. Specific

1. Documents proving involuntary unemployment

N/a

2. Documents proving a family relationship or other durable relationship

N/a

3. Documents proving or contesting a parent-child relationship

N/a

4. Documents proving the name and forenames of a child or adult

N/a

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

N/a

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

N/a

7. Documents proving a person's professional qualifications (diplomas)

N/a

8. Documents proving a person's death

Difficulties with these documents, as informed by State Social Security Agency, is that applicants often do not know that documents must be legalised and submit documents without legalisation. In such cases Agency requires them to submit legalised documents or makes request to corresponding institution to applicant's home country.

9. Documents proving a person's date of birth

Difficulties with these documents, as informed by State Social Security Agency, is that applicants often do not know that documents must be legalised and submit documents without legalisation. In such cases Agency requires them to submit legalised documents or makes request to corresponding institution to applicant's home country.

10. Documents proving the establishment by incorporation of a company

Difficulty that often occurs is when documents that must be submitted to Register of Enterprises of Latvia must be signed by founder of company at the office of notary public. In situations where Latvian representatives have prepared all documents for signing and sent them to founder, very often notary public mixes places for signature – notary public signs form in place of founder and founder signs in place of notary public. Consequently these documents must be redone.

11. Documents proving the constitution of a company, including any official translation thereof

Difficulty that often occurs is when documents that must be submitted to Register of Enterprises of Latvia must be signed by founder of company at the office of notary public. In situations where Latvian representatives have prepared all documents for signing and sent them to founder, very often notary public mixes places for signature – notary public signs form in place of founder and founder signs in place of notary public. Consequently these documents must be redone.

12. Documents proving the latest banking accounts of a company

N/a

13. Documents proving the deposit of cash or certificates of deposit

N/a

PART IV – Outgoing documents: Difficulties

OVERVIEW OF PART IV

PART IV.A. General

IV.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

IV.A.1.1. Legal

N/a

IV.A.1.2. Practical

N/a

IV.A.2. Parallel international agreements

IV.A.2.1. Legal

N/a

IV.A.2.2. Practical

N/a

IV.A.3. National law

IV.A.3.1. Legal

N/a

IV.A.3.2. Practical

N/a

PART IV.B. Specific

1. Documents proving involuntary unemployment

N/a

2. Documents proving a family relationship or other durable relationship

N/a

3. Documents proving or contesting a parent-child relationship

N/a

4. Documents proving the name and forenames of a child or adult

N/a

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

N/a

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

N/a

7. Documents proving a person's professional qualifications (diplomas)

N/a

8. Documents proving a person's death

N/a

9. Documents proving a person's date of birth

N/a

10. Documents proving the establishment by incorporation of a company

N/a

11. Documents proving the constitution of a company, including any official translation thereof

N/a

12. Documents proving the latest banking accounts of a company

N/a

13. Documents proving the deposit of cash or certificates of deposit

N/a

PART V – Justification of legalisation or other similar or equivalent requirements identified in Part I

OVERVIEW OF PART V

PART V.A. General

V.A.1. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

V.A.1.1 Requirements and procedures

N/a

V.A.1.2 Effects rules

N/a

V.A.2. Parallel international agreements

V.A.2.1 Requirements and procedures

N/a

V.A.2.2 Effects rules

N/a

V.A.3. National law

V.A.3.1 Requirements and procedures

N/a

V.A.3.2 Effects rules

N/a

PART V.B. Specific

1. Documents proving involuntary unemployment

N/a

2. Documents proving a family relationship or other durable relationship

N/a

3. Documents proving or contesting a parent-child relationship

N/a

4. Documents proving the name and forenames of a child or adult

N/a

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

N/a

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

N/a

7. Documents proving a person's professional qualifications (diplomas)
N/a

8. Documents proving a person's death
N/a

9. Documents proving a person's date of birth
N/a

10. Documents proving the establishment by incorporation of a company
N/a

11. Documents proving the constitution of a company, including any official translation thereof
N/a

12. Documents proving the latest banking accounts of a company
N/a

13. Documents proving the deposit of cash or certificates of deposit
N/a

PART VI – Suggested action

OVERVIEW OF PART VI

VI.1. European

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VI.2. Intergovernmental

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VI.3. National

Many directives are not implemented in Latvia, and Regulations are not applied directly therefore possibilities for those documents exempted from legalisation are not used and all documents must be legalised. It could be useful to educate officials in Latvian
