

# PAÍSES DEL ESTE

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## 1. MONTENEGRO

### ***1.1. Ley sobre prohibición de la discriminación, Montenegro, abril de 2014***

La normativa que se presenta tiene como objeto fundamental fijar los términos en los que se regula el principio de igualdad y no discriminación. En ella se contienen las disposiciones generales y, además, el propio texto de la Ley advierte que también deberá tenerse en cuenta la aplicación de las normas que regulan la protección frente a la discriminación en determinadas materias o aspectos, así como aquellas que regulan derechos específicos (art. 1 de la Ley), como es el caso de la libertad religiosa.

Esta Ley se distribuye en 8 apartados: I. Disposiciones generales; II. Formas especiales de discriminación; III. Defensor de los derechos humanos y libertades; IV. Protección jurisdiccional; V. Inspección; VI. Registros; VII. Disposiciones penales; VIII. Disposiciones Finales y Transitorias. Al considerarse la religión o las creencias personales uno de los motivos por los que se puede producir la discriminación, le será de aplicación todo lo dispuesto en estos apartados y, más específicamente, cuando se trata de medidas, instrumentos, órganos o regulación dispuestos para evitar la discriminación por causa de la profesión religiosa.

Así, el artículo 2 de la Ley prohíbe la discriminación en cualquier materia o por cualquier motivo, definiéndola como cualquier distinción o tratamiento desigual e injusto, de hecho o de derecho, que se produce de forma directa o indirecta a una persona o grupo de personas en comparación con otras personas. En el término discriminación se incluye la exclusión, la restricción, o el tratamiento preferencial de una persona sobre otra por causa de su raza, color de piel, nacionalidad, origen étnico o social, su pertenencia a una minoría nacional, su lengua, religión o creencias religiosas, opiniones políticas, género, identidad de género, orientación sexual, salud, discapacidad, edad, estatus material, familiar o marital, pertenencia a un grupo o partido político u otra organización, así como cualquier otra característica personal.

La discriminación directa se produce cuando una persona en las mismas condiciones o situación que otra es tratada o situada en una posición desigual, ya sea por ley o por actos, en función los motivos de discriminación expresados en el artículo 2 de la Ley. La discriminación indirecta se produce cuando una norma aparentemente neutral, una práctica habitual o criterio común puede situar o situar a una persona en una posición desigual respecto a otra, siempre que esa previsión o criterio no estén justificados objetivamente por un fin legítimo y alcanzable a través de la disposición de las medidas apropiadas, necesarias, aceptables y proporcionadas con el fin que se persigue (art. 2 de la Ley).

La incitación, colaboración, dar instrucciones o expresar la intención de discriminar a una persona o grupo de personas específicos también será considerado discriminación (art. 2 de la Ley).

La Ley prevé expresamente a las personas físicas y jurídicas como sujetos del derecho a la protección frente a la discriminación y, en todo caso, la normativa será de aplicación tanto al sector público como al privado (art. 3 de la Ley). En su artículo 4 protege a aquellas personas que informan de la existencia de una discriminación y en el siguiente artículo fija la necesidad de que las autoridades públicas y otras personas físicas y jurídicas adopten medidas especiales para crear las condiciones necesarias que permitan obtener un tratamiento igual de todas las personas así como la protección frente a la discriminación (art. 5 de la Ley).

Finalmente, en este primer apartado de previsiones generales, el artículo 6 advierte que el consentimiento de una persona para ser discriminada no exime de la responsabilidad a quien ejerce la discriminación.

Es dentro de las disposiciones que regulan las formas especiales de discriminación, donde se regula la discriminación por motivos religiosos. En estas disposiciones vienen regulados el acoso y acoso sexual (art. 7), la segregación (art. 9), el discurso de odio (art. 9a), la discriminación en el uso de edificios e instalaciones públicas (art. 10 de la Ley), la discriminación en la entrega de bienes y servicios (art. 11), la discriminación por las condiciones de salud (art. 12); la discriminación por la edad (art. 13), la discriminación política (art. 14), la discriminación en la actividad educativa y de formación profesional (art. 15), la discriminación en el ámbito laboral (art. 16), la discriminación a las personas con discapacidad (art. 18), la discriminación por razón de género o identidad sexual (art. 19) y, finalmente, las formas graves de discriminación (art. 20).

En la mayoría de ellos, las causas del artículo 2.2 de la Ley, entre los que se incluye la religión o creencias personales, se aplican de forma transversal como motivos de discriminación. En otros casos, como en el discurso de odio, se hace una referencia expresa al prohibir los discursos anti-semitas o basados en cualquier forma de intolerancia. Pero será expresamente el artículo 17 quien regula la discriminación racial y la basada en las creencias religiosas. La discriminación basada en la religión se concibe como cualquier tratamiento contrario al derecho de libertad ideológica y religiosa, considerando que se refiere a cualquier tratamiento desigual, cualquier diferenciación o cualquier actuación que suponga un tratamiento desigual o sitúe en una posición desigual a una persona o grupo de personas por su religión o creencias personales, así como aquellas que derivan de su pertenencia o no pertenencia a una comunidad religiosa.

También entre las disposiciones penales, el artículo 34 recoge expresamente la imposición de una multa de entre 500 € a 20,000 € para quien a través de la expresión de sus ideas, información, declaraciones, expresiones, opiniones, etc. justifique o aliente el odio, la discriminación y la violencia contra una persona, o grupo de personas, por sus características personales, por xenofobia, odio racial, antisemitismo u otras formas de intolerancia.

Finalmente, resulta interesante resaltar la regulación que la norma hace de las formas graves de discriminación, como son: a) la discriminación múltiple, considerada aquella que se realiza sobre la misma persona por múltiples motivos de entre los recogidos en el artículo 2. 2 de esta

Ley; b) la discriminación reiterada, aquella que se realiza varias veces sobre la misma persona; c) la discriminación de larga duración; d) la discriminación que es difundida a través de medios de comunicación públicos o a través de la exposición de materiales y símbolos discriminatorios en espacios públicos; o, por último, e) aquella discriminación que tiene graves consecuencias para la persona o grupo de personas discriminadas, o su propiedad.

## 2. LETONIA

### ***2.1. Ley de reforma de la Ley sobre Registro Mercantil de Letonia de 16 de enero de 2014***

La Ley del Registro Mercantil de la República de Letonia, ha sufrido diversas modificaciones desde su publicación en 1990. En lo que respecta a las entidades religiosas la más reciente es de 2014. Debemos comenzar el análisis de esta norma aclarando que la organización registral letona implica la incardinación del Registro de Entidades Religiosas en el Registro Mercantil, cuya actividad se registrará por la ley que hoy comentamos, la Orden del Registro Mercantil aprobada por el Consejo de Ministros y demás leyes y reglamentos a que alude la normativa vigente.

El objeto del Registro Mercantil de la República de Letonia, viene recogido en el capítulo primero de la ley. Así, el registro deberá llevar a cabo la inscripción de las entidades que determina la presente ley, a fin de establecer el estatus legal de las mismas, y garantizar la fiabilidad de la información prevista por las normas. De igual manera la ley garantiza la accesibilidad a la información que establezca el ordenamiento jurídico. El Registro Mercantil es una institución administrativa que depende del Ministerio de Justicia y cuya actuación quedará bajo su supervisión. Todos los asuntos referentes al registro de entidades están encomendados a la Dirección General de los Registros y del Notariado.

En el capítulo segundo se recogen las funciones del registro: llevar a cabo la inscripción y el mantenimiento de los asientos relevantes de, entre otros, las organizaciones religiosas e instituciones de las mismas; proporcionar información con respecto a las entidades registradas; proporcionar el funcionamiento y desarrollo del sistema de información del

registro y aquellas otras funciones establecidas por las leyes y reglamentos.

Como parte de las funciones que la ley otorga al Registro, encontramos en el apartado diecisiete de la sección segunda, el mantenimiento del Registro de Entidades Religiosas, que, a su vez, dependerá del Registro Mercantil, de acuerdo con lo preceptuado por esta ley, la Ley sobre Organizaciones religiosas y otras leyes y reglamentos.

Con el fin de garantizar el cumplimiento de sus funciones, el Registro llevará a cabo las siguientes tareas: aceptar y examinar los documentos establecidos en las leyes y reglamentos para la inscripción de entidades y actos jurídicos; los documentos relativos a los cambios en los registros pertinentes o a las modificaciones de los documentos de constitución y funcionamiento; custodiar los documentos establecidos legal y reglamentariamente; adoptar decisiones sobre la inscripción de entidades y hechos jurídicos susceptibles de ser inscritos, sobre los cambios o enmiendas a los documentos de constitución y los de funcionamiento y generar el asiento correspondiente en los casos previstos por la Ley; denegar o aplazar la inscripción de forma motivada, indicando el plazo para la subsanación de las deficiencias; proveer un identificador fiscal para la zona única de pagos en euros; registrar las resoluciones de autoridades o funcionarios competentes, que resuelvan reclamaciones dentro de sus competencias. Deberá notificar a las autoridades pertinentes la posible vulneración de las normas, fomentar la elaboración de protocolos administrativos que detecten el quebrantamiento de leyes y reglamentos, y corresponderá al encargado del registro examinar y sancionar el incumplimiento de las normas. Deberá examinar y responder a las solicitudes que reciba, así como a las peticiones de información, respondiendo y proporcionando ayuda a las personas interesadas para la inscripción y familiarización con el proceso registral.

Resulta relevante la obligación de comprobar las firmas de conformidad con los procedimientos establecidos por la Ley. Mantener actualizada la información para su incorporación a los registros dependientes del Registro Mercantil. Es preceptivo verificar que el nombre de una empresa, comerciante, agrupación europea de interés económico, oficina de representación, asociación, fundación, sindicato, partido político, u organización religiosa y las entidades creadas por ella, no coincida con ninguna otra previamente inscrita en cualquiera de los registros que que-

dan enumerados en el apartado 5.3. de la presente ley, entre los que cita al Registro de Entidades Religiosas.

De igual manera señala el deber de mantener y mejorar el sistema de información del registro y asegurar su interoperabilidad con otros sistemas de información estatales, garantizando, en los casos previstos por las normas, el acceso on line a los datos del registro.

Corresponde al registro, garantizar la transformación de los archivos en formato electrónico, así como proporcionar información sobre el mismo, atendiendo a las previsiones legales y reglamentarias. Es competencia del registro emitir un certificado de registro de la entidad inscrita cuando aquella lo solicite por escrito, una vez abonado el pago de la tasa establecida legalmente.

El Registro Mercantil, velará por que la siguiente información esté disponible en su página web:

- El tipo de la entidad;
- El domicilio legal;
- La denominación actual y las anteriormente registradas;
- El número de registro;
- El identificador fiscal de la zona única de pagos en euros;
- La fecha de registro;
- La fecha en que la entidad fue excluida del registro (o la fecha de reorganización si el motivo de la exclusión es la reorganización);
- El plazo de inscripción de las organizaciones religiosas que realicen su reinscripción.

Asimismo, de conformidad con lo dispuesto en el apartado 12 del art. 18 de la Ley las organizaciones o instituciones de las entidades o confesiones religiosas deberán ser inscritas en la Sección Especial del registro mercantil. A efectos de registro, la institución interesada deberá presentar en el Registro la certificación de pertenencia a la entidad religiosa de que se trate expedida conforme a lo dispuesto en la Ley sobre organizaciones religiosas vigentes y cuando se trata de instituciones de la Iglesia católica a lo dispuesto a tal efecto en el Acuerdo Marco celebrado entre Letonia y la Santa Sede. Junto a este documento la institución interesada deberá presentar todos los demás documentos exigidos por la presente

Ley para el acceso al Registro Mercantil de cualquier tipo de organización empresarial (Art. 18. Ap. 13).

Según lo dispuesto en el apartado 14 del art. 18 de la Ley, una vez presentada la solicitud por la organización de que se trate, el funcionario encargado del registro dispone de un plazo máximo de 7 días para inscribir a la entidad interesada en el registro. Las inscripciones practicadas deberán ser comunicadas a las instituciones interesadas en el plazo máximo de tres días hábiles. También es posible que el encargado del Registro podrá posponer la inscripción y requerir a la entidad de que se trate que subsane su solicitud en el plazo que fije a tal efecto cuando no haya presentado toda la documentación requerida a tal efecto, cuando la documentación presentada no se ajuste a los requisitos contemplados en la normativa vigente o si la entidad solicitante tenga un nombre o denominación social similar o idéntico a la de otra institución del mismo tipo inscrita que pueda inducir a equívocos a terceros. O que deniegue la inscripción a una organización religiosa si:

- Sus funciones y/o objetivos son contrarios al ordenamiento jurídico;
- El Ministerio de Justicia ha emitido un Dictamen donde consten motivos para creer que la actividad de la organización es contraria a la ley o suponen una amenaza para los derechos humanos, el Estado de Derecho y la seguridad, la salud o la moral públicas;
- No ha sido constituida conforme a los procedimientos contemplados a tal efecto en la Ley sobre organizaciones religiosas vigente;
- No ha subsanado los defectos formales de la solicitud en el plazo fijado a tal efecto por el juez encargado del registro.

Las organizaciones o instituciones religiosas inscritas en el Registro Mercantil recibirán la notificación permitente con el número del asiento registral correspondiente. El encargado del Registro también notificará a la entidad inscrita los posibles errores materiales que pudiera adolecer su inscripción de los que sean de la responsabilidad del propio Registro. En dicha comunicado quedará constancia del procedimiento que va a ser observado para corregir dicho defecto para que puedan, asimismo, elevar las objeciones que estimen pertinentes en el plazo fijado a tal efecto. En el supuesto de que la organización afacetada no presente objeción alguna el encargado del registro efectuará la corrección de los errores materiales de inscripción detectados de oficio (Art. 18. Ap. 15-16)

## ANEXO I

*Unofficial translation*

*Courtesy of the OSCE Mission to Montenegro The Law was adopted in April 2014*

### THE LAW

#### ON PROHIBITION OF DISCRIMINATION

##### I. GENERAL PROVISIONS

###### Subject of the Law

###### Article 1

The prohibition of and protection from discrimination shall be achieved, and the promotion of equality shall be carried out in accordance with this Law.

The prohibition of and protection from discrimination, as well as the promotion of equality shall be, also, exercised pursuant provisions of other laws regulating prohibition of and protection from discrimination on particular grounds or related to exercise of particular rights, as well as the promotion of equality if they are not contrary to this law.

###### Prohibition of Discrimination

###### Article 2

Any form of discrimination, on any ground, shall be prohibited.

Discrimination is any unjustified, legal or actual, direct or indirect distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on race, colour of skin, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health conditions, disability, age, material status, marital or family status, membership in a group or assumed membership in a group, political party or other organisation as well as other personal characteristics.

Direct discrimination exists if a person or a group of persons, in the same or similar situation in respect to other person or group of persons, is brought



or were brought, or may be brought in an unequal position by an act, action or failure to act, on any ground referred to in paragraph 2 of this Article.

Indirect discrimination exists if apparently neutral provision of a regulation or general act, criterion or practice is bringing or can bring a person or a group of persons into unequal position in respect to other person or group of persons, on any ground referred to in paragraph 2 of this Article, unless the provision, criterion or practice are objectively and reasonably justified by a legitimate purpose and achievable with the means appropriate and necessary to use for achieving that purpose, and when they are acceptable and proportionate in relation to the purpose to be achieved.

Inciting, helping, giving instructions as well as announced intent to discriminate specific person or group of persons on any ground referred to in paragraph 2 of this Article, shall be as well considered to be discrimination.

### **Protection from discrimination**

#### **Article 3**

The right on protection from discrimination belongs to all natural and legal persons to which the Montenegrin legislation is applicable, if they are discriminated against on any ground referred to in Article 2, paragraph 2 of this Law.

This Law shall apply to public and private sector.

### **Persons reporting discrimination**

#### **Article 4**

No one shall suffer adverse consequences for reporting the case of discrimination, giving deposition before a competent authority or offering evidence in the proceedings investigating a case of discrimination.

Persons are protected from any adverse treatment or effect as a reaction to reporting or a proceeding conducted for violation of the principle of non-discrimination.

### **Regulations and Special Measures**

#### **Article 5**

Regulations and special measures aimed at creating conditions for the realisation of national, gender and overall equality and protection of persons being in unequal position on any ground, may be adopted, that is introduced and implemented, within its competences, by authorised state authorities, authorities of the state administration, authorities of the units of local self-gov-

ernment, public enterprises and other legal persons performing public powers (hereinafter referred to as: authorities), as well as other legal and natural persons.

The measures referred to in this Article shall be applied in proportion to the needs and possibilities and shall last until the goals established by those measures are achieved.

## **Consent**

### **Article 6**

Consent of a person to be discriminated against shall not relieve from responsibility the person exercising discrimination, giving instruction to discriminate or inciting discrimination.

## **II. SPECIAL FORMS OF DISCRIMINATION**

### **Harassment and Sexual Harassment**

#### **Article 7**

Harassment of a person or group of persons on one or more grounds referred to in Article 2, paragraph 2 of this Law, when such behaviour has the purpose of or which consequence is violation of personal dignity, or causes intimidation, feelings of humiliation or offensiveness or creates hostile or degrading environment, shall be considered as discrimination in the sense of Article 2 of this Law.

Any unwanted verbal, nonverbal or physical behaviour of sexual nature which has the purpose to violate dignity of a person or group of persons, or which achieves such effect, and especially which causes intimidation, creates hostile and degrading environment, and produces feelings of humiliation or offensiveness, shall also be considered as discrimination.

### **Mobbing**

#### **Article 8**

*Article removed*

### **Segregation**

#### **Article 9**

Segregation shall also be considered as discrimination in the sense of Article 2 of this Law.

Segregation is every act, activity or failure to perform an activity, whereby forced or systemic separation or differentiation of persons is carried out on any of the grounds from paragraph 2 of Article 2 of this Law.

### **Hate speech**

#### **Article 9a**

Hate speech is any form of expression of ideas, statements, information and opinions that spreads, stirs up, encourages or justifies discrimination, hatred or violence against a person or group of persons because of their personal characteristics, xenophobia, racial hatred, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in form of nationalism, discrimination and hostility against minorities.

### **Discrimination in use of facilities/buildings and areas in public use**

#### **Article 10**

Restricting or disabling the use of facilities/buildings and areas in public use to a person or a group of persons, on any ground referred to in Article 2, paragraph 2 of this Law, shall be deemed to be discrimination.

The right to use the facilities/buildings and areas in public use may be restricted only in accordance with the law.

### **Discrimination in goods and service delivery**

#### **Article 11**

Discrimination in the area of public and private goods and service delivery, on any ground referred to in Article 2, paragraph 2 of this Law shall be deemed to be:

- 1) Making goods and service delivery difficult or impossible,
- 2) Refusing goods and service delivery,
- 3) Conditioning of goods and service delivery with the conditions that are not required from other persons or group of persons,
- 4) Intentional delay or postponement of goods and service delivery, even though the person or group of persons requested and met the requirements for timely goods and service delivery before the other person or group of persons.

## **Discrimination based on health conditions**

### **Article 12**

Disabling, restricting or making difficult for a person or a group of persons to get employment, to work, to get education or any other unjustified differentiation or unequal treatment based on health conditions, shall be deemed to be discrimination.

## **Discrimination based on age**

### **Article 13**

Disabling or restricting the exercise of the rights or any other unjustified differentiation or unequal treatment of a person or a group of persons on the bases of age, shall be deemed to be discrimination.

## **Political discrimination**

### **Article 14**

The discrimination of individuals or groups of persons because of political belief, because of belonging or not belonging to a political party or other organization is prohibited.

## **Discrimination in the field of education and vocational training**

### **Article 15**

Discrimination in the field of education and vocational training is considered to be making difficult or denying the enrolment into educational institution and institution of high education and the choice of educational programme at all levels of education, expelling from these institutions, making difficult or denying the possibility to attend classes and participate in other educational activities, classification of children, pupils, participants in education and students, abusing or otherwise making unjustified differentiation or unequally treating them, on any ground referred to in Article 2, paragraph 2 of this Law.

## **Discrimination in field of labour**

### **Article 16**

In addition to the cases of discrimination prescribed by the law regulating the field of labour and employment, discrimination in work shall also refer to the payment of unequal salary or remuneration for work of equal value to a person or a group of persons, on any ground referred to in Article 2, paragraph 2 of this Law.

Persons performing temporary or seasonal work or working under special agreement, students and pupils on practice, as well as other persons participating on any ground in the work for an employer, shall also have the right on the protection from discrimination referred to in paragraph 1 of this Article.

Distinction, exclusion or giving preference is not considered to be discrimination if so require the peculiarities of the particular work in which personal characteristic of a person represent real and decisive condition of doing the work, if the purpose to be achieved that way is justified and if the condition is proportionate, as well as taking measures of protection according to certain criteria of persons referred to in paragraph 2 of this Article.

### **Racial discrimination and discrimination based on religion and belief**

#### **Article 17**

Racial discrimination is any differentiation, unequal treatment or bringing in unequal position of persons with the belief that race, skin colour, language, nationality or national or ethnic origin, justify depreciation of person or group of persons, or justify the idea on superiority of a person or group of persons towards those who are not members of that group.

Discrimination on the basis of religion or belief is any treatment which is against the principle of freedom of religion, that is every unequal treatment, differentiation, or bringing in unequal position of persons on the basis of religion or personal belief, as well as on the basis of belonging or not belonging to a certain religious community.

### **Discrimination of persons with disability**

#### **Article 18**

Entrance in facilities/buildings and areas in public use which are inaccessible to the persons with reduced mobility and persons with disability, that is making impossible, restricting or making difficult the use of mentioned facilities, in a way which is not disproportionate burden for a legal or natural person who is obliged to provide for that, shall be deemed to be discrimination within the meaning of Article 2 of this Law.

Discrimination against person with disability exists also in the case when special measures to remedy limitations or unequal position this person is facing are not taken.

## **Discrimination on the basis of gender identity and sexual orientation**

### **Article 19**

Any differentiation, unequal treatment or bringing a person in an unequal position based on gender identity or sexual orientation, shall be deemed to be discrimination.

Everyone has the right to express its gender identity and sexual orientation.

No one may be called upon to publicly declare his/her gender identity and sexual orientation.

Gender identity refers to our own gender experience that does not have to depend on a sex given by birth. Gender identity is relevant to every person and does not imply only a binary concept of male or female.

Sexual orientation refers to emotional and/or physical attraction or sympathy towards persons of the same and/or different sex.

### **Grave form of discrimination**

### **Article 20**

Grave form of discrimination, on any ground referred to in Article 2, paragraph 2 of this Law shall be deemed to be discrimination:

- 1) committed against the same person or the group of persons on multiple grounds referred to in the Article 2, paragraph 2 of this Law (multiple discrimination);
- 2) committed several times against the same person or the group of persons (repeated discrimination);
- 3) committed during longer period of time against the same person or the group of persons (extended discrimination);
- 4) by dissemination through public media, as well as by writing and displaying the materials and symbols of discriminatory content in public places;
- 5) which has particularly grave consequences for discriminated person, group of persons or their property.

## **III. PROTECTOR OF HUMAN RIGHTS AND FREEDOMS**

### **Competency of the Protector**

### **Article 21**

The Protector of Human Rights and Freedoms of Montenegro (hereinafter referred to as: the Protector) is competent to:

- 5) act on complaints relating to discriminatory treatment committed by authority, business entity, other legal person, entrepreneur and natural person, and undertake measures and actions to eliminate discrimination and protect the rights of discriminated person, if the court proceeding is not initiated;
- 6) provide required information to the complainant who believes to be discriminated by authority, business entity, other legal person, entrepreneur and natural person, about his/her rights and duties, as well as about possibilities of court and other protection;
- 7) conduct the conciliation proceeding between the person who believes to be discriminated, with his/her consent, and authority, business entity, other legal person, entrepreneur and natural person, referred to in the complaint on discrimination;
- 8) initiate the procedure for protection against discrimination in court or appear in that proceeding as an intervener if the party makes probable, and the Protector assess that respondent performed discrimination by the treatment on the same ground toward a group of persons with the same personal characteristics;
- 9) warn the public on appearances of severe forms of discrimination;
- 10) keep separate records of submitted complaints with regard to discrimination;
- 11) collect and analyse data on cases of discrimination;
- 12) undertake activities for promotion of equality;
- 13) submit to the Parliament of Montenegro, in a separate section within the annual report, the report on the activities conducted regarding protection from discrimination and promotion of equality;
- 14) perform other tasks related to protection from discrimination prescribed by the separate law governing the competences, powers, manner of operation and acting of the Protector.

### **Submitting a complaint**

#### **Article 22**

Anyone who considers to be discriminated against by an act, action or failure to act made by an authority and other legal and natural persons, may address the Protector with a complaint.

The complaint referred to in paragraph 1 of this Article can be submitted to the Protector also by organisations or individuals dealing with the protection of human rights, with the consent of the person or the group of persons discriminated against.

Acting upon the complaints referred to in paragraphs 1 and 2 of this Article, shall be conducted in compliance with regulations setting up the manner of operation of the Protector, unless this law provides otherwise.

### **Reports of the Protector**

#### **Article 23**

*Article removed*

## **IV. COURT PROTECTION**

### **Proceeding before the court**

#### **Article 24**

Anyone who considers to be damaged by discriminatory treatment of an authority, business entity, other legal person, entrepreneur and natural person shall be entitled to the court protection, in accordance with the law.

The proceeding shall be initiated by filing a lawsuit.

The provisions of the law regulating civil proceeding shall be accordingly applied on the proceeding referred to in paragraph 2 of this Article, unless this law provides otherwise.

The proceeding referred to in the paragraph 2 of this Article is urgent.

In the dispute for protection from discrimination the revision shall be always allowed.

### **Territorial jurisdiction**

#### **Article 25**

In the proceeding for protection from discrimination, beside the court of general territorial jurisdiction, the court on whose territory is the residence or office of the plaintiff shall also have the territorial jurisdiction.

### **Lawsuit**

#### **Article 26**

By lawsuit referred to in Article 24, paragraph 2 of this Law can be claimed also:

- 1) establishment of the fact that the respondent has acted discriminatory against the plaintiff;
- 2) prohibition of exercising the activity that bears potential treat of discrimination, i.e. prohibition of repetition of discrimination activity;



- 2a) elimination of the consequences of discriminatory treatment;
- 3) compensation of damage, in accordance with the law;
- 4) publication in the media of the judgement establishing discrimination on the expenses of respondent.

In the cases referred to in paragraph 1, items 1 and 2 and 2a of this Article, the lawsuit shall may be exert together with the claim for protection of the right of which is decided in a civil proceeding, if those claims are correlated and based on the same factual and legal ground.

### **Deadline for filing the lawsuit**

#### **Article 27**

The lawsuit referred to in Article 24, paragraph 2 of this Law may be filed within one year from the day of cognition about the commission of discrimination and no later than three years from the day on which the discrimination was committed.

### **Temporary measures**

#### **Article 28**

Prior to initiation or during the lawsuit proceeding referred to in Article 24 of this Law, upon the proposal of the party, the court may pass temporary measures.

The proposal for passing a temporary measure must prove the likelihood of the necessity of such measure in order to prevent the danger of irreparable damage, particularly serious violation of the right to equal treatment or prevent violence.

On a proposal for passing a temporary measure the court is obliged to deliver a decision without delay.

On the proceeding referred to in paragraph 1 of this Article shall be accordingly applied the provisions of the Law on Executive Procedure.

### **Burden of proof**

#### **Article 29**

If the plaintiff proved the likelihood of respondent committing an act of discrimination, the burden of proving that due to that act the violation of equality in rights and equality before the law did not occurred, passes on the respondent.

The provision of paragraph 1 of this Article shall not apply to misdemeanour and criminal proceedings.

## **Other persons who may file a lawsuit**

### **Article 30**

The lawsuit referred to in Article 26, paragraph 1 items 1, 2 and 4 of this Law may be filed, on behalf of discriminated person or group of persons, also by organizations or individuals who are dealing with the protection of human rights.

The lawsuit referred to in paragraph 1 of this Article may be filed only with the written consent of a discriminated person or a group of persons.

The lawsuit under Article 26 of this Law may also be filed by a person who, with intention to directly verify the application of the rules on non-discrimination, introduces him/herself as a person, or put in the position of a person who may be discriminated on the grounds referred to Article 2 of this Law.

## **Informing the Protector**

### **Article 31**

Plaintiff referred to in Articles 24 and 30 of this Law, who filed the complaint with the Protector, shall notify the Protector in writing about initiation of the court proceeding.

## **V. INSPECTION CONTROL**

### **The role of inspection**

### **Article 32**

Inspection control with respect to discrimination in the field of labour and employment, occupational safety, health care, education, building and construction, traffic, tourism and other fields, shall be performed by inspections competent for those fields, in accordance with the law.

### **Special Powers**

### **Article 32a**

When during an inspection control is found that the law or other regulation is violated, in addition to the powers prescribed by the law, inspector has the power to, on the request of a person who believes to be discriminated and who initiated the proceeding for protection from discrimination before the competent court, temporarily postpone the enforcement of the decision, other act or action of the subject of control, until the final court decision.

The request referred to in paragraph 1 of this Article may be filed within eight days as of the initiation of the proceeding for the protection from discrimination before the competent court.

The inspector is obliged to decide on the request referred to in paragraph 1 of this Article within eight days as of the date of filing the request.

## **VI. RECORDS**

### **Keeping the records**

#### **Article 33**

The courts, the state prosecutor's offices, misdemeanour authorities, the authority responsible for police affairs and inspection authorities are obliged to keep separate records on filed complaints, initiated proceedings and decisions taken within their own jurisdiction in relation to discrimination (hereinafter referred to as: separate records).

The authorities referred to in paragraph 1 of this Article shall deliver data from the separate records to the Protector not later than 31st January of the current year for the previous year, and at the request of the Protector they shall deliver the data from these records as well for a certain shorter period during the year.

Detailed content and manner of keeping the records referred to in paragraph 1 of this Article shall be prescribed by the state authority competent for human and minority rights.

## **VII. PENAL PROVISIONS**

### **Misdemeanours**

#### **Article 34**

A fine of 500 EUR to 20,000 EUR shall be imposed for misdemeanour on a legal person, if:

- 1) by expression of ideas, statements, information, opinions, encourages or justifies discrimination, hatred or violence against a person or group of persons because of their personal characteristics, xenophobia, racial hatred, anti-Semitism, or other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination and hostility against minorities (Article 9a);
- 2) refuses provision of public services, it conditions provision of services with conditions which are not asked to be met by other persons or a group of persons or it is purposefully late or postpones provision of services, although a person or a group of persons requested and met

all conditions for timely provision of services before other persons (Article 11);

- 3) unjustifiably differentiates or treats unequally, prevents, restricts or hinders employment, work, education or unjustifiably denies other rights to a person or a group of persons, based on health conditions (Article 12);
- 4) prevents or restricts the exercise of the rights, unreasonably differentiates or treats unequally the person or group of persons, based on age (Article 13);
- 5) hinders or prevents enrolment in educational institution and institution for university education and choice of educational program at all levels of education, excludes from these institutions, hinder or deny the possibility of attendance and participation in other educational activities, classifies children, pupils, attendants of education and students, abuses or otherwise unduly makes difference or unequally treats them, on any of the grounds referred to in Article 2 paragraph 2 of this Law (Article 15);
- 6) pays unequal salary or remuneration for work of equal value to a person or a group of persons, on any of the grounds referred to in Article 2 paragraph 2 of this Law (Article 16);
- 7) prevents, restricts or hinders the use of access to facilities and areas in public use to persons with reduced mobility and persons with disability (Article 18);
- 8) files a lawsuit without the written consent of discriminated person or group of persons (Article 30 paragraph 2);

For misdemeanour referred to in paragraph 1 of this Article the responsible person in the legal person, state authority, authority of local self-government and authority of local government shall also be fined in the amount of 100 EUR to 2,000 EUR.

For misdemeanour referred to in paragraph 1 of this Article the entrepreneur shall also be fined in the amount of 300 EUR to 6,000 EUR.

#### **Article 34a**

A fine of 100 EUR to 2,000 EUR shall be imposed on the responsible person in the state authority, authority of state administration and authority of the local self-government if:

- 1) it does not keep separate records on filed complaints, initiated proceedings and decisions taken within its own jurisdiction in relation to discrimination (Article 33 paragraph 1);

- 2) it fails to deliver the data from the separate records to the Protector within the deadlines referred to in Article 33, paragraph 2 of this Law.

#### **Article 34b**

For misdemeanours referred to in Article 34, paragraph 1 and 34a of this Law, individually or with a fine or a warning measure, one or more protective measures may be imposed as follows:

- 1) seizure of objects;
- 2) prohibition to carry out the occupation, activity or duty;
- 3) public announcement of a decision.

Protective measure of seizure of objects shall be obligatorily imposed whenever a misdemeanour is committed using the object which is under seizure, or when the object was designated for commitment of the misdemeanour or when the object which is under seizure was made because of committing the misdemeanour.

Protective measure of prohibition to carry out the occupation, activity or duty may be applied for a period which may not be shorter than 30 days or longer than six months.

Protective measure of public announcement of a decision shall be enforced by publishing such a decision in the media available on the entire territory of Montenegro.

### **VIII. TRANSITIONAL AND FINAL PROVISIONS**

#### **Proceedings on complaints**

##### **Article 35**

Proceedings on complaints related to discrimination submitted prior to the entry into force of this Law shall be completed in accordance with the regulations that were applied until the entry into force of this Law.

#### **Secondary legislation**

##### **Article 36**

Secondary legislation referred to in Article 33, paragraph 3 of this Law shall be delivered within six months from the day of entry into force of this Law.

## **Entering into force**

### **Article 37**

This Law shall enter into force on the eighth day as of the day of publication in the “Official Gazette of Montenegro”.

## **ANEXO II**

### **TEXT CONSOLIDATED OF THE LAW ON THE ENTERPRISE REGISTER OF THE REPUBLIC OF LATVIA (16<sup>th</sup> JANUARY 2014)**

#### **CHAPTER ONE General Provisions**

The objective of the operation of the Enterprise Register of the Republic of Latvia (hereinafter - Enterprise Register) shall be to carry out registration of the entities determined by this Law, in order to establish the legal status of entities and to ensure the public reliability of the information laid down in laws and regulations (regarding the entities to be registered and legal facts), as well as ensure accessibility of the information laid down in laws and regulations.

The Enterprise Register is a direct administration authority which shall act under the supervision of the Minister for Justice.

Registration of the entities and legal facts laid down in this Law shall be carried out by State notaries of the Enterprise Register.

[17 February 2005]

#### **CHAPTER TWO Functions and Tasks of the Enterprise Register**

[17 February 2005]

##### *Section 1 Functions of the Enterprise Register*

The Enterprise Register shall have the following functions:

- 1) to perform the registration and the keeping of the relevant registers for merchants and their branches, representations of foreign merchants and organisations and representatives thereof, co-operative societies, European economic interest groupings, European commercial companies, European co-operative societies, political parties and associ-

ations thereof, administrators, insolvent entities, legal protection and measures of insolvency proceedings, associations and foundations, religious organisations and the institutions thereof, trade unions, mass media, public and private partnership contracts, decisive influences, commercial pledges, spousal property relations and arbitrage;

- 2) to provide information regarding the registered entities and legal facts;
  - 2.1) to provide the operation and development of the information system of the Enterprise Register;
- 3) to perform other functions laid down in laws and regulations.

[15 June 2006 /see Clauses 8 and 10 of Transitional Provisions/; 8 November 2007; 18 December 2008; 15 October 2009; 6 November 2013]

## *Section 2*

### *Registration of Enterprises (Business Companies)*

Enterprises (companies), branches and representations shall be registered according to their location in the relevant department of the Enterprise Register.

The activity territory of an Enterprise Register department shall be determined by the Chief State Notary of the Enterprise Register, whose order shall be published in the official gazette *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia].

Registration of the branches of enterprises (companies) may also be performed in the relevant department of the Enterprise Register according to the legal address of the main enterprise (company).

Registration of amendments to basic documents shall be performed in that Enterprise Register department, in which the enterprise (company), branch or representation has been registered. These provisions shall also be applied in all cases of reorganisation.

[6 March 2008]

[16 January 2014]

[14 May 1991; 7 April 1992; 5 October 1995; 14 June 2001; 6 March 2008; 2 May 2013; 16 January 2014]

## *Section 2.1*

### *Registration of Mass Media*

Registration of mass media shall be performed by State notaries of the Enterprise Register in accordance with the Law On the Press and Other Mass Media and other laws and regulations.

[14 June 2001]

*Section 2.2*  
*Keeping of the Register of Public Organisations*

The State notaries of the Enterprise Register shall keep the Register of Public Organisations (including political parties) in accordance with the Law On Public Organisations and their Associations, the provisions of this Law regarding the keeping of the Register of Associations and Foundations, the Law On Procedures for the Coming into Force of the Law On Associations and their Establishment, the Law On Procedures for the Coming into Force of the Law On Political Parties and other laws and regulations.

[15 June 2006/ see Clause 10 of Transitional Provisions/]

*Section 2.3*  
*Registration of Commercial Pledges*

The Enterprise Register shall keep the Register of Commercial Pledges in accordance with the procedures laid down in the Commercial Pledge Law.

[14 June 2001]

*Section 2.4*  
*Registration of Concession Contracts*

[15 October 2009]

*Section 2.5*  
*Registration of a Decisive Influence*

The State Notary of the Enterprise Register shall perform registration of a decisive influence in accordance with the Group of Companies Law and other laws and regulations.

[14 June 2001]

*Section 2.6*  
*Registration of Spousal Property Relations*

The Spousal Property Relations Register shall be kept by the Enterprise Register in accordance with the procedures stipulated by the Cabinet in accordance with the Civil Law and other laws and regulations.

A State fee shall be paid for the making of entries regarding carrying out registration of spousal property relations, and the amount, procedures for payment and relief of such fee shall be determined by the Cabinet.

[5 March 2009]



*Section 2.7*  
*Keeping the Commercial Register*

The Commercial Register shall be kept by the Enterprise Register in accordance with this Law, the Civil law and other laws and regulations.

[16 July 2001]

*Section 2.8*  
*Registration of Representations and Representatives of Foreign Merchants and Organisations*

The registration of representations and representatives of foreign merchants and organisations shall be carried out by the Enterprise Register in accordance with the procedures stipulated by the Cabinet.

A State fee shall be paid for carrying out registration of the representations and representatives of foreign merchants and organisations, and the amount, procedures for payment and relief of such fee shall be determined by the Cabinet.

[5 March 2009]

*Section 2.9*  
*Keeping of the Register of Trade Unions*

[16 January 2014]

*Section 2.10*  
*Keeping of the Register of Associations and Foundations*

The Register of Associations and Foundations shall be kept by the Enterprise Register in accordance with this Law, the Associations and Foundation Law and other laws and regulations.

[18 March 2004]

*Section 2.11*  
*Keeping of the Register of European Economic Interest Groupings*

The Register of European Economic Interest Groupings shall be kept by the Enterprise Register in accordance with laws and regulations.

[18 March 2004]

*Section 2.12*  
*Registration of European Commercial Companies*

Entries in the Commercial Register regarding European commercial companies shall be performed by the Enterprise Register in accordance with the laws and regulations governing commercial activities.

The tasks specified in Article 8(8), Article 25(2), Article 26(1), Article 54(2), Article 55(3) and Article 64 of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) shall be fulfilled by the Enterprise Register.

[28 October 2004]

*Section 2.13*  
*Keeping of the Arbitrage Register*

The Arbitrage Register shall be kept by the Enterprise Register in accordance with the procedures stipulated by the Cabinet.

[17 February 2005]

*Section 2.14*  
*Keeping of the Register of Political Parties*

The Register of Political Parties shall be kept by the Enterprise Register in accordance with this Law, the Law On Political Parties and other laws and regulations.

[15 June 2006/ see Clause 10 of Transitional Provisions/]

*Section 2.15*  
*Registration of European Co-operative Societies*

The Enterprise Register shall make entries in the Enterprise Register Journal regarding European co-operative societies in accordance with the laws and regulations governing the activities of European co-operative societies.

The tasks laid down in Article 7(8), Article 29(2), Article 30(1), Article 54(2), and Article 73(1) of Council Regulation (EC) No 1435/2003 of 22 July 2003 on the statutes for European co-operative societies (SCE) shall be fulfilled by the Enterprise Register.

[15 June 2006/see Clause 8 of Transitional Provisions/]

*Section 2.16*  
*Keeping of the Insolvency Register*

The Insolvency Register shall be kept by the Enterprise Register in accordance with this Law, the Insolvency Law and other laws and regulations.

[8 November 2007]

*Section 2.17*

*Keeping of the Register of Religious Organisations and Institutions Thereof*

The Register of Religious Organisations and Institutions Thereof shall be kept by the Enterprise Register in accordance with this Law, the Law On Religious Organisations and other laws and regulations.

[18 December 2008]

*Section 2.18*

*Registration of Public and Private Partnership Contracts*

A public and private partnership contract shall be entered in the Register of Public and Partnership Contracts.

The Register of Public and Partnership Contracts shall be kept by the Enterprise Register in accordance with the procedures laid down in laws and regulations.

[15 October 2009]

*Section 3*

*The Legal Basis of the Activities of the Enterprise Register*

The activities of the Enterprise Register shall be governed by this Law, the By-law of the Enterprise Register approved by the Cabinet and other laws and regulations.

[14 June 2001]

*Section 4*

*Tasks of the Enterprise Register*

In order to ensure the fulfilment of the functions, the Enterprise Register shall carry out the following tasks:

- 1) accept and examine the documents laid down in laws and regulations for registration of entities and legal facts in the Enterprise Register, the documents regarding changes in the relevant registers or regarding amendments to the documents of incorporation and documents of operation and store the documents laid down by laws and regulations;
- 2) take a decision on the entities and legal facts to be registered in the Enterprise Register, on changes in the relevant register or amendments to documents of incorporation and documents of operation and make the relevant entry or in the cases laid down in laws and regulations

- take a decision with a substantiated refusal or on postponing of registration, indicating the term for rectification of deficiencies;
- 2.1) upon registering the entities to be registered in the Enterprise Register as taxpayers in accordance with the procedures laid down in the laws and regulations governing the field of taxes, assign each of them an individual identifier of the recipient of payment of the Single Euro Payments Area;
  - 3) register the decisions and orders of competent authorities or officials, with which claim enforcement has been applied;
    - 3.1) ensure the execution of an adjudication rendered in criminal procedure, by which a person has been withdrawn the right to perform commercial activities of all types, as well as an adjudication rendered in criminal procedure or administrative violation procedure, by which a person has been withdrawn the right to take up specific offices, and notify the relevant authorities or officials, as well as the relevant merchant regarding violations of conditions for execution;
  - 4) notify the relevant authorities regarding possible violations of laws and regulations, draw up administrative violation protocols regarding the detected violations of laws and regulations, examine administrative violation cases and impose punishments;
  - 5) examine and prepare answers to submissions received and requests for information, prepare the registration file and derivatives of official Enterprise Register documents, as well as provide the interested persons with an opportunity to become acquainted with registration files;
    - 5.1) confirm signatures in accordance with the procedures laid down in laws and regulations;
    - 5.2) update the information to be entered in the registers kept by the Enterprise Register in the cases laid down in laws and regulations;
    - 5.3) verify whether the name (firm name) of an enterprise (company), merchant, European economic interest grouping, representative office, association and foundation, trade union, political party, arbitrage, religious organisation and institution thereof is different from the names (firm names) entered in or applied for entering in the Enterprise Register Journal, Commercial Register, Register of European Economic Interest Groupings, Register of Representative Offices, Register of Associations and Foundations, Register of Political Parties, Register of Political Organisations (Parties), Arbitrage Register, Register of Public Organisations and Register of Religious Organisations and Institutions Thereof (hereinafter in

Sections 5, 8, 14, 18.1, 18.6, 18.14 of this Law - registers kept by the Enterprise Register);

- 5.4) maintain and improve the information system of the Enterprise Register and ensure its interoperability with other State information systems;
  - 5.5) in the cases laid down in laws and regulations shall ensure access to the data maintained by the Enterprise Register to the public in online data transmission mode;
  - 5.6) ensure transformation of registration files in electronic form for storage in electronic environment in accordance with the laws and regulations regarding management of archives;
  - 5.7) in accordance with the procedures laid down in laws and regulations prepare and provide information from the information system of the Enterprise Register;
  - 5.8) issue a registration certificate to the entity registered in registers kept by the Enterprise Register, if the entity has requested it in writing, as well as paid the fee laid down in laws and regulations for the services provided by the Enterprise Register;
- 6) perform other tasks laid down in laws and regulations.

[15 June 2006; 6 March 2008; 28 October 2010; 29 November 2012; 6 November 2013; 16 January 2014]

#### *Section 4.1*

##### *Confirmation of the Signature of a Person*

An official of the Enterprise Register shall confirm the signature of a person in the cases laid down in laws and regulations.

Prior to confirming the signature of the person, the official of the Enterprise Register shall verify the status of a natural person in the Population Register and the status of the personal identification document - in the Invalid Document Register.

The official of the Enterprise Register shall confirm the signature of a person only for natural persons registered in Latvia and the representatives of those legal persons, the rights of representation of which are registered in public registers of Latvia.

When confirming the signature of a person, the official of the Enterprise Register shall verify the identity and right of representation of the signer. The certification shall be written on the relevant document, specifying that the person has signed it or has acknowledged the signature as theirs in the presence of the official of the Enterprise Register.

The official of the Enterprise Register who certifies the signature of the person shall not assume responsibility for the content of the document.

After confirmation of the signature of the person the official of the Enterprise Register shall indicate the following in the signature certification register journal:

- 1) the sequence number (starting a new numeration every year);
- 2) the month and day when the signature of the person was certified or certification of the signature of the person was refused;
- 3) that the person has paid for the service;
- 4) the given name, surname, personal identity number of such person, the signature of which was certified, for the representative of a legal person - also the registration number, date and place of the legal person;
- 5) to whom and when the document was issued.

An official of the Enterprise Register may refuse to certify a signature, if the person is not of legal age, if it cannot verify its identity and authenticity of intent or also the official is not convinced regarding the identity or authenticity of intent of the person. An official of the Enterprise Register shall refuse to certify a signature, if the person is acting in contradiction to the extent of restriction of the capacity to act stipulated by the court or if the court has restricted the capacity to act for the person and it is laid down in laws and regulations that only a person who has reached legal age and whose capacity to act has not been restricted by the court is entitled to perform specific actions.

[15 June 2006; 6 November 2013; 16 January 2014]

#### *Section 4.2*

##### *Imposing Sanctions Specified by International Organisations*

On the basis of the order of a bailiff regarding imposition of sanctions specified by international organisations on a specific person, the State notary of the Enterprise Register has a duty to refuse:

- 1) to enter a commercial company in the Commercial Register or a European economic interest grouping - in the Register of European Economic Interest Groupings, if its founder or member is a person, to which sanctions specified by international organisations have been applied;
- 2) to enter a person into the Commercial Register as an individual merchant if such person has been applied the sanctions specified by international organisations;

- 3) to make an entry in the Commercial Register regarding amendments to partnership documents or in the Register of European Economic Interest Groupings - regarding amendments to the documents of a European economic interest grouping, if they are related to involvement of such person in the particular partnership or European economic interest group in the membership status, to which sanctions specified by international organisations have been applied;
- 4) to make an entry in the Commercial Register, the Register of European Economic Interest Groupings or the Enterprise Register Journal regarding the appointment of such board or council member or in the Register of Associations and Foundations - regarding the appointment of such member to an executive body or supervisory institution, to which sanctions specified by international organisations have been applied;
- 5) to enter a co-operative society or European co-operative society in the Enterprise Register Journal, to the founder of which the sanctions specified by international organisations have been applied.

If the sanctions specified by international organisations are applied to a person, which has gained membership status in a limited liability company, and the limited liability company submits an updated membership list to the Enterprise Register, the Enterprise Register shall append the membership list to the registration file of the limited liability company and shall inform the limited liability company and competent authorities regarding the application of the sanctions specified by international organisations to the relevant person.

If the sanctions specified by international organisations are applied to a person that has been entered in the Commercial Register - as an individual merchant, a member of the board or council of a capital company or in the Register of European Economic Interest Groupings - as a member of the board or council of a European economic interest grouping, or in the Register of Associations and Foundations - as a member of an executive body or supervisory authority, an entry regarding exclusion of such person from the register shall be made in the relevant register.

If sanctions specified by international organisations are applied to a person that has been entered into the Commercial Register as a member of a partnership, the Enterprise Register shall inform such partnership and competent authorities regarding the application of the sanctions specified by international organisations to the relevant person. If sanctions specified by international organisations are applied to a member of a partnership, which has the right of representation, the Enterprise Register shall make an entry regarding the exclusion of the right of representation of such person.

If sanctions specified by international organisation are applied to a person, regarding which an application has been submitted regarding entering in the Commercial Pledge Register or the Spousal Property Relations Register, the Enterprise Register shall make the relevant entry and inform such person and competent authorities regarding the application of the sanctions specified by international organisations. If sanctions specified by international organisations are applied to a person that has been entered into the Commercial Pledge Register or the Spousal Property Relations Register, the Enterprise Register shall inform such person and competent authorities regarding the application of the sanctions specified by international organisations.

[15 June 2006]

#### *Section 4.3* *Cross-border Merger of Capital Companies*

If after the cross-border merger it is intended to register the acquiring capital company in another Member State, the Enterprise Register in accordance with the provisions of Section 14 of this Law shall examine, whether the acquiring capital company registered in Latvia has fulfilled all the activities laid down in this Law, which are required for completion of the cross-border merger, and shall issue a pre-merger certificate, if the activities laid down in this Law have been fulfilled. The pre-merger certificate shall be issued within the deadlines laid down in the Administrative Procedure Law.

If after the cross-border merger the acquiring capital company is registered in Latvia, the Enterprise Register in accordance with the provisions of Section 14 of this Law shall examine the legality of the cross-border merger in relation to the completion of the cross-border merger or the foundation of a new cross-border capital company.

If after the cross-border merger the acquiring capital company is registered in Latvia, the Enterprise Register shall without delay inform that register, in which the relevant acquired company registered in another Member State had to submit documents, regarding the coming into effect of the cross-border merger.

Within the meaning of this Section, a Member State is a European Union Member State, the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein.

[6 March 2008]



#### *Section 4.4* *Legal Basis for Making Entries*

An official of the Enterprise Register shall make entries in the registers kept by the Enterprise Register, on the basis of an application of the interested person, a court adjudication or a decision of a State administrative institution. Entries, on the basis of the decision of the State administrative institution, shall be made in the event of the suspension, renewal or termination of activity for an entity.

An official of the Enterprise Register, on the basis of the information from the Population Register, has the right to update information in the registers kept by the Enterprise Register regarding natural persons (given name, surname, personal identity number), if an application or a court adjudication regarding entering of the relevant changes has not been received within the deadline specified by this Law. The Enterprise Register, on the basis of the information from the Population Register, has the right to update information regarding the death of a person in the registers kept by the Enterprise Register, without taking a special decision.

The Enterprise Register, on the basis of the information from the State Register of Addresses, has the right, without taking a special decision, to update information regarding addresses in the registers kept by the Enterprise Register, if the relevant address has been changed in accordance with the Law On Administrative Territories and Populated Areas.

An official of the Enterprise Register, on the basis of an adjudication rendered in criminal procedure, by which a person has been withdrawn the right to perform commercial activities of all types, as well as an adjudication rendered in criminal procedure or administrative violation procedure, by which a person has been withdrawn the right to take up specific offices, shall, in accordance with the conditions of Section 4.5 or 4.6 of this Law, make an entry in the Commercial Register or the Enterprise Register journal or take a decision to suspend the making of an entry or to refuse to make an entry in the Commercial Register or the Enterprise Register journal.

The Enterprise Register shall use data of other State information systems necessary for its operation in order to verify the correctness of the data provided thereto.

[5 March 2009; 29 November 2012; 6 November 2013]

#### Section 4.5

##### *Provision of Execution of an Adjudication by which a Person has been Withdrawn the Right to Perform Commercial Activities of All Types*

On the basis of an adjudication rendered in criminal procedure, by which a person has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall take a decision to:

- 1) suspend the making of an entry in the Commercial Register, if an application regarding entering of a commercial company or a European commercial company in the Commercial Register has been submitted and the founder or member thereof, member of the executive body or supervisory body, or a proctor has been withdrawn the right to perform commercial activities of all types. If a company is founded by one founder, which has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall take a decision to refuse to make an entry in the Commercial Register;
- 2) suspend the making of an entry in the Commercial Register, if an application regarding entering of a branch of a foreign merchant in the Commercial Register has been submitted and the person who is authorised to represent the foreign merchant in activities related to the branch has been withdrawn the right to perform commercial activities of all types;
- 3) refuse to make an entry in the Commercial Register or the Enterprise Register journal regarding appointing of a member of the executive body or supervisory body, a person who is authorised to represent a foreign merchant in activities related to the branch, a proctor or a liquidator, if the relevant person has been withdrawn the right to perform commercial activities of all types;
- 4) refuse to make an entry in the Commercial Register regarding an individual merchant, if an application regarding entering of the individual merchant in the Commercial Register has been submitted and the relevant person has been withdrawn the right to perform commercial activities of all types;
- 5) suspend the making of an entry in the Commercial Register or the Enterprise Register journal, if an application regarding entering of re-organisation of a commercial company or co-operative society in the Commercial Register has been submitted and a member of the executive body or supervisory thereof, or a proctor has been withdrawn the right to perform commercial activities of all types;
- 6) suspend the making of an entry in the Commercial Register or the Enterprise Register journal, if an application regarding entering of

liquidation of a commercial company or co-operative society in the Commercial Register has been submitted and the liquidator thereof has been withdrawn the right to perform commercial activities of all types;

- 7) suspend the making of an entry in the Enterprise Register journal, if an application regarding entering of a co-operative society or a European co-operative society in the Enterprise Register journal has been submitted and the founder thereof, a member of the executive body or supervisory, or a proctor has been withdrawn the right to perform commercial activities of all types;
- 8) refuse to make an entry in the Enterprise Register journal, if an application regarding entering of an individual undertaking, farm or fishing undertaking in the Enterprise Register journal has been submitted and the founder thereof has been withdrawn the right to perform commercial activities of all types;
- 9) refuse to make an entry regarding a member of a partnership, if an application regarding entering of the member of the partnership in the Commercial Register has been submitted and the relevant person has been withdrawn the right to perform commercial activities of all types, except the case when investment (capital) shares of the member are inherited;
- 10) refuse to add a participant register section to the registration file of a limited liability company, if an application regarding adding of a participant register section to the registration file has been submitted and the participant thereof has been withdrawn the right to perform commercial activities of all types, except the case when the fixed capital shares of the member are inherited.

If a person who has been entered in the Commercial Register as a member of the executive body or supervisory body of a commercial company or European commercial company, a liquidator or a proctor thereof, or who has been entered in the Enterprise Register journal as a member of the executive body or supervisory body of a co-operative society or a European co-operative society, a liquidator or a proctor thereof, has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall make an entry in the relevant register regarding deletion of the person from the register.

If a person who has been entered in the Commercial Register as an individual merchant has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall make an entry in the Commercial Register regarding suspending the economic activity of the individual merchant.

If a member of a partnership who has the right of representation has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall make an entry regarding deletion of the right of representation of such person from the Commercial Register.

If an owner of an individual undertaking, farm or fishing undertaking who has the right of representation has been withdrawn the right to perform commercial activities of all types, the State notary of the Enterprise Register shall make an entry in the Enterprise Register journal regarding non-existence of the right to represent the individual undertaking, farm or fishing undertaking.

[29 November 2012; 2 May 2013]

#### *Section 4.6*

##### *Provision of Execution of an Adjudication by which a Person has been Withdrawn the Right to Take up Specific Offices*

On the basis of an adjudication rendered in criminal procedure, by which a person has been withdrawn the right to take up specific offices, the State notary of the Enterprise Register shall take a decision to:

- 1) suspend the making of an entry in the Commercial Register, if an application regarding entering of a commercial company or a European commercial company in the Commercial Register has been submitted and the member thereof, member of the executive body or supervisory body, or a proctor has been withdrawn the right to take up specific offices;
- 2) suspend the making of an entry in the Enterprise Register journal, if an application regarding entering of a co-operative society or a European co-operative society in the Enterprise Register journal has been submitted and a member of the executive body or supervisory body thereof or a proctor has been withdrawn the right to take up specific offices;
- 3) refuse to make an entry in the Commercial Register or the Enterprise Register journal regarding appointing of a member of the executive body or supervisory body, a person who is authorised to represent a foreign merchant in activities related to the branch, a proctor or a liquidator, if the relevant person has been withdrawn the right to take up specific offices;
- 4) suspend the making of an entry in the Commercial Register, if an application regarding entering of a branch of a foreign merchant in the Commercial Register has been submitted and the person who is authorised to represent the foreign merchant in activities related to the branch has been withdrawn the right to take up specific offices;

- 5) suspend the making of an entry in the Commercial Register or the Enterprise Register journal, if an application regarding entering of re-organisation of a commercial company or co-operative society in the Commercial Register has been submitted and a member of the executive body or supervisory thereof or a proctor has been withdrawn the right to take up specific offices;
- 6) suspend the making of an entry in the Commercial Register or the Enterprise Register journal, if an application regarding entering of liquidation of a commercial company or co-operative society in the Commercial Register has been submitted and the liquidator thereof has been withdrawn the right to take up specific offices.

If a person who has been entered in the Commercial Register as a member of the executive body or supervisory body of a commercial company or European commercial company, a liquidator or a proctor thereof, or who has been entered in the Enterprise Register journal as a member of the executive body or supervisory body of a co-operative society or a European co-operative society, a liquidator or a proctor thereof, has been withdrawn the right to take up specific offices, the State notary of the Enterprise Register shall make an entry in the relevant register regarding deletion of the person from the register.

If a member of a partnership who has the right of representation has been withdrawn the right to take up specific offices, the State notary of the Enterprise Register shall make an entry regarding deletion of the right of representation of such person from the Commercial Register.

[29 November 2012]

#### *Section 4.7*

##### *Notification Regarding Applications Received*

An official of the Enterprise Register shall send a notification to a person for a fee regarding each application received in the registration file of the entity, if the person has submitted a request for sending such notification.

An official of the Enterprise Register shall send the notification on the day when the application was received.

The essence of the application received at the Enterprise Register and the date of receipt thereof shall be indicated in the notification.

The Cabinet shall determine the type and procedures for sending a notification, as well as the amount of the fee.

[2 May 2013]

*Section 4.8*  
*Information System of the Enterprise Register*

The information system of the Enterprise Register is a State information system the manager and keeper of which is the Enterprise Register.

The software of the information system of the Enterprise Register and its hardware which ensures the operation of such system are State property.

The legal entities and legal facts referred to in this Law shall be registered in electronic form, the registers laid down in this Law shall be kept, the documents laid down in the laws and regulations regarding registration of legal entities and legal facts shall be kept, as well as registration files shall be kept in the information system of the Enterprise Register.

The Enterprise Register shall ensure, with the aid of its information system, access to the information laid down in laws and regulations regarding registered legal entities and legal facts, as well as carry out other tasks laid down in this Law.

The latest (current) data shall be registered in the information system of the Enterprise Register, saving the previously registered (historical) data concurrently.

Entries in the information system of the Enterprise Register shall be made according to the legal grounds for making entries laid down in this Law.

The norms of this Law, as well as the norms which are laid down in the laws and regulations regarding registration of legal entities and legal facts in the Enterprise Register shall apply to making entries in the information system of the Enterprise Register.

[6 November 2013]

*Section 4.9*  
*Legal Status of Entries in Registers of the Information System of the Enterprise Register*

Entries in registers of the information system of the Enterprise Register have public credibility, unless laid down otherwise in laws and regulations.

[6 November 2013]

*Section 4.10*  
*Rights of Persons to Use the Information of the Enterprise Register*

Upon request of the Saeima, the Cabinet, State institutions of direct administration, law enforcement and control authorities and local governments, as well as upon request of other such State administration institutions, which have been laid down such rights in law, and upon request of bailiffs the En-

terprise Register shall provide the information necessary for the performance of their functions from registers free of charge, conforming to the restrictions laid down in laws and regulations. Administrators of insolvency proceedings have the right to receive the information necessary for the performance of their functions from registers free of charge to the extent laid down in the Insolvency Law.

Upon submitting a respective written application (in printed form or electronically) to the Enterprise Register, anyone has the right to request and receive information from registers, including information for re-use for commercial and non-commercial purposes. Information shall be provided, used and processed in conformity with the restrictions laid down in the laws and regulations regarding freedom of information and personal data protection and in accordance with the laws and regulations regarding registration of legal entities and legal facts in the Enterprise Register.

The Enterprise Register shall issue the derivatives existing in the registration file, if a written (also electronic) request of the interested person is received. Anyone may request a statement from the Enterprise Register regarding whether specific information has not been recorded in the registers kept by the Enterprise Register, whether it has been amended or whether specific documents have not been submitted to the Enterprise Register. The accuracy of derivatives of the documents to be issued shall be certified in accordance with the procedures laid down in laws and regulations, unless the person requesting such documents does not refuse such certification. The accuracy of an electronic derivative of printed documents shall be certified in accordance with the procedures laid down in the Electronic Documents Law. A derivative of an electronic document in printed form shall be certified in accordance with the procedures laid down in laws and regulations in such case if the person requesting the document has clearly requested the provision of such certification.

[16 January 2014]

The Enterprise Register shall provide the information referred to Paragraphs one and two of this Section (except derivatives of the documents existing in the registration file) in standardised amount and form.

The Enterprise Register may agree with the person requesting information on permanent co-operation in provision of the information at the disposal of the Register. The Enterprise Register and the person requesting information shall enter into a co-operation agreement, interdepartmental agreement or administrative contract on regular provision of information from registers kept by the Enterprise Register, including on regular issuance of updated information. An administrative contract shall be entered into without co-ordination with the institution, in which the respective administrative act may be con-

tested. The Cabinet shall determine the procedures and conditions for entering into an administrative contract.

The requester shall pay for the preparation, provision or ensuring of accessibility and use of the information in the registers kept by the Enterprise Register (except the cases laid down in Paragraphs one and four of this Section), including re-use for commercial and non-commercial purposes, in the amount laid down in the laws and regulations regarding paid services provided by the Enterprise Register.

The Cabinet shall determine the amount of information to be provided from registers, the procedures for requesting and issuing it, as well as the payment procedures for provision of information.

The Enterprise Register may refuse to carry out a request for information in the cases laid down in the laws and regulations regarding freedom of information, as well as if such requirements are not conformed to which are laid down in the laws and regulations regarding requesting and provision of information from the registers kept by the Enterprise Register.

A decision of the Chief State Notary to refuse to carry out a request for information or on action of the Enterprise Register, which has manifested as non-provision or inadequate provision of information, may be appealed in accordance with the procedures laid down in Section 19 of this Law. A judgment of the Administrative District Court may be appealed in accordance with the procedures laid down in Section 15, Paragraph two of the Freedom of Information Law.

[6 November 2013; 16 January 2014]

#### *Section 4.11*

##### *Information to be Published on the Website of the Enterprise Register*

The Enterprise Register shall ensure that the following information is available on the website of the Enterprise Register regarding entities registered in registers kept by the Enterprise Register:

- 1) the type of the entity;
- 2) the legal address;
- 3) the new (current) name (firm name) and previously registered (historic) name (firm name);
- 4) the registration number;
- 5) identifier of the recipient of payment of the Single Euro Payments Area (if such is assigned);
- 6) the registration date;



- 7) the date when the entity was excluded from the register (or the date of reorganisation if the reason for excluding the entity is reorganisation);
- 8) the term of registration of such religious organisations which perform re-registration.

The Enterprise Register shall ensure that all entries of the insolvency register laid down in the Insolvency Law, as well as the agenda of the meeting of creditors and a notification of the administrator to creditors on a meeting of creditors are available on its website free of charge.

[16 January 2014]

#### *Section 4.12*

#### *Provision of Execution of a Legal Barrier Registered with the State Revenue Service*

On the basis of a decision of the State Revenue Service to include a person in the list of risk persons, the Enterprise Register shall take a decision to:

- 1) refuse to make an entry in the Commercial Register if an application regarding appointing of a member of the executive body or supervisory body of a commercial company, a proctor, a liquidator or a person who is authorised to represent a foreign merchant in activities related to the branch, has been submitted and the person has been included in the list of risk persons;
- 2) refuse to make an entry in the Commercial Register if an application regarding entering of a member with the right to represent a partnership in the Commercial Register has been submitted and the person has been included in the list of risk persons;
- 3) suspend the making of an entry in the Commercial Register, if an application regarding entering of a commercial company has been submitted and its member with the right of representation, member of the executive body or supervisory body, or a proctor has been included in the list of risk persons;
- 4) suspend the making of an entry in the Commercial Register, if an application regarding entering of a foreign branch in the Commercial Register has been submitted and the person who is authorised to represent the branch of the merchant in activities related to the branch has been included in the list of risk persons;
- 5) suspend the making of an entry in the Commercial Register, if an application regarding entering of reorganisation of a commercial company in the Commercial Register or appointing of a member of its executive body or supervisory body or a proctor has been submitted

and the respective member of the executive body or supervisory body or proctor has been included in the list of risk persons;

- 6) suspend the making of an entry in the Commercial Register, if an application regarding entering of liquidation of a commercial company in the Commercial Register has been submitted and the respective liquidator has been included in the list of risk persons.

[6 November 2013; 16 January 2014]

## CHAPTER THREE

### **Procedures for the Registration of an Enterprise (Company) and Information to be Entered in the Enterprise Register Journal**

#### *Section 5*

#### *Name of an Enterprise (Company)*

[28 October 2010]

The name of an enterprise (company) shall be formed in accordance with this Law and the laws regarding different forms of entrepreneurial activities.

The name of an enterprise (company) may not include misleading information regarding important circumstances in the entrepreneurship, particularly regarding the legal form of the enterprise (company) or the volume of entrepreneurship.

The name of an enterprise (company) shall be written using the letters of the Latvian or Latin alphabet only. The name of an enterprise (company) may not be in conflict with morals.

The name of an enterprise (company) shall not be translated.

The name of an enterprise (company) shall be clearly and definitely different from the names (firm names) previously entered or applied for entering in the Enterprise Register Journal and other registers kept by the Enterprise Register.

The name of an enterprise (company) may not include names of State and local government institutions (authorities), as well as the words “state” and “local government”. The name of an enterprise (company) may not include the words “Republic of Latvia” and its translation into a foreign language.

If the name of an enterprise (company) includes the name of an administrative territory or populated area, the name of the enterprise (company) may not coincide with the name of the relevant administrative territory or populated area, except for the names of farmsteads.

The name of an enterprise (company) may be used in entrepreneurial activity (in commercial contracts, advertising, etc.) from the moment when it has been registered in the Enterprise Register Journal.

Each registration number in the Enterprise Register Journal shall correspond to a file (document collection) with the same number. The file shall contain all the documents, on the basis of which the entry into the Enterprise Register Journal was made, as well as other documents laid down in the Law. The annual report and the documents to be attached thereto shall be kept in the file only in electronic form.

The Enterprise Register Journal shall be a document to be stored permanently.

[28 October 2010]

### *Section 6*

#### *Information to be Entered in the Enterprise Register Journal*

The following information shall be entered in the Enterprise Register Journal regarding each enterprise (company):

- 1) the name, registration number and date of the enterprise (company);
- 2) the main type of activity and additional types of activity of the enterprise (company);
- 3) the term for which the enterprise (company) has been established;
- 4) the date when the statutes (partnership contract) of the enterprise (company) was signed;
- 5) the legal address of the enterprise (company);
- 6) upon registering a branch and a representation, the legal address of the main enterprise (company) shall be indicated;
- 7) the fixed capital (statutory fund), shares or the number of participation shares (co-operative shares) of an incorporated company and the nominal value thereof;
- 8) the given name, surname, personal identity number and nationality of the council and board members, as well as the managing directors (presidents) of the incorporated company;
- 9) the given name, surname, personal identity number and position held of the officials and shareholders of a partnership, who have been granted the right to sign [the right to represent the enterprise (company)];
- 10) [14 May 1991].

Additionally the following information has to be indicated with respect to foreign enterprises (companies), their branches and agencies to be registered:

- 1) the legal address outside of Latvia for the main enterprise (company);
- 2) the capital share planned for the performance of entrepreneurial activities in Latvia;
- 3) the given name, surname, personal identity number and nationality of the responsible and authorised representatives in Latvia;
- 4) [14 June 2001];
- 5) [14 June 2001].

The following information shall be entered in the Enterprise Register Journal regarding an individual enterprise and a farm:

- 1) the name, the given name, surname and personal identity number of the owner;
- 2) the legal address of the enterprise (farm);
- 3) the nature of the enterprise's activities;
- 4) the area and location of the farm;
- 5) the number and date of issuance of the land ownership or use deed.

In addition to that referred to in Paragraph one, Clauses 1-8 of this Section the following information shall be entered in the Enterprise Register regarding co-operative societies:

- 1) the right of board members to represent the co-operative society individually, jointly or jointly with a proctor;
- 2) the given name, surname and personal identity number of the proctor, as well as a reference to the total procuration or branch procuration, if such has been issued, and a reference to the granting of rights referred to in Section 34, Paragraph two of the Commercial Law, if such have been granted.

The following information shall be entered in the Enterprise Register regarding the suspension, renewal or termination of activities of the enterprise (company):

- 1) the decision by the court to appoint an insolvency proceedings administrator, indicating his or her given name, surname and personal identity number (if the person does not have a personal identity number - the date of birth, the number and date of issue of the personal identification document, the state and institution which issued the document);

- 2) the court judgment regarding the declaration of the insolvency proceedings for the enterprise (company) and the court judgment regarding termination of the insolvency proceedings;
- 3) the decision to terminate activities of the enterprise (company) and to commence liquidation thereof, as well as the given name, surname, personal identity number and the right to sign of liquidators, however, if the liquidator is a legal person - the name, registration number and legal address, as well as the abovementioned information regarding the representatives of the liquidator in the liquidation proceedings;
- 4) [29 November 2012];
- 5) the given name, surname and personal identity number of the guardians (if the person does not have a personal identity number - the date of birth, the number and date of issue of the personal identification document, the state and institution which issued the document), as well as information regarding establishment of guardianship, if the court has determined a restriction of the capacity to act to the person;
- 6) the decision of a State administrative institution to suspend or renew activities of the enterprise (company).

If the court, by a judgment, prohibits the enterprise (company) from operating or shuts down such enterprise or branch or representation thereof, the enterprise (company) shall apply for registration within seven days after the court judgment entering into effect.

The following information shall be entered in the Enterprise Register regarding decisive influence on the basis of participation:

- 1) the basis of the decisive influence;
- 2) the name of the dominant company and the dependent company.

The following information shall be entered in the Enterprise Register regarding decisive influence on contractual basis:

- 1) the type of the group of companies contract;
- 2) the name of the dominant company and the dependent company.

If a natural person does not have a personal identity number, the date of birth of the natural person, the number of the personal identification document and the date of issue thereof, the state and authority that has issued the document shall be entered in the Enterprise Register Journal.

The date when the amendments to basic documents were registered or when the registration entry was made in the Enterprise Register Journal shall be entered in the Enterprise register, as well as the reason for making the registration entry shall be indicated.

The Enterprise Register shall exclude enterprises (companies), their branches, divisions or representations from the Enterprise Register, making a relevant entry regarding that in the Enterprise Register Journal.

A State fee shall be paid for making of entries in the Enterprise Register Journal and registration of documents (adding to a file), and the amount, procedures for payment and relief of such fee shall be determined by the Cabinet.

[14 May 1991; 5 October 1995; 14 June 2001; 31 October 2002; 5 June 2003; 17 February 2005; 15 June 2006; 6 March 2008; 5 March 2009; 28 October 2010; 29 November 2012; 16 January 2014]

### *Section 7*

#### *Documents to be Submitted for Registration*

An application, all the documents indicated in the Law On Entrepreneurial Activity and laws governing the forms and types of entrepreneurial activity, as well as the signature samples of the persons to whom the right to sign has been granted in the enterprise (company) and, if the founder of the enterprise (company) is a legal person registered in a foreign country, a document certifying registration of the legal person in the respective foreign country shall be submitted for registration of an enterprise (company). The signature sample of the person laid down in the law shall also be submitted on occasions when amendments are made. If a legal person registered in a foreign country becomes a shareholder of a limited liability company or partnership, a copy of the registration certificate of such person shall be attached to the documents to be submitted.

An application regarding the registration of an enterprise (company) shall be signed by all founders, except for cases where the application is signed by another person on the basis of an authorisation issued according to notarial procedures or where the founders have signed the minutes of the foundation meeting (decision to found) submitted to the Enterprise Register, in which an authorisation for another person to sign the registration application is included. The authorisation issued according to notarial procedures shall be attached to the registration application.

An application regarding registration of amendments to basic documents and making of registration entries in the Enterprise Register shall be signed by officials, who have been granted the right to sign in the enterprise (company), or a person authorised by the meeting (decision), taking into account the particulars laid down in Paragraphs four and five of this Section.

The following persons have a duty to sign the registration application in person:

- 1) a member who discontinues membership in the company;
- 2) the previous owner of a single-owner enterprise, if a change of ownership has been applied for in the registration;
- 3) members who have taken a decision on amendments to the fixed capital;
- 4) members, who have taken a decision on amendments to the composition of the persons with the right to sign or to their right to sign (right of representation), except those members of companies who operate in accordance with the Law On Privatisation of Agricultural Undertakings and Collective Fisheries.

The provisions of Paragraph four of this Section shall not be applied, if:

- 1) the person referred to therein signs the minutes (decision) of the meeting or a derivative thereof submitted to the Enterprise Register, in which the relevant decision is included; or
- 2) another person signs the application instead of the referred to person on the basis of an authorisation issued in accordance with notarial procedures and this authorisation is attached to the application.

Derivatives of the documents to be submitted to the Enterprise Register have to be certified in accordance with the procedures laid down in laws and other laws and regulations. The signature samples of such persons who have been granted the right to sign in the enterprise (company), must be certified in accordance with the procedures laid down in the Law On Orphan's Courts, by a sworn notary or by an official of the Enterprise Register. The right to act of such persons shall also be certified. Public documents issued in foreign states shall be legalised accordingly, unless otherwise provided for by international agreements, attaching a notarially certified translation in the Latvian language.

When registering a branch or representation of an enterprise (company), all provisions of this Law shall be observed.

Persons, who sign the registration application or submit documents to the Enterprise Register, shall be liable for the veracity of the submitted documents and the information included therein in accordance with the procedures laid down in laws. The person submitting documents to the Enterprise Register or receiving documents from the Enterprise Register shall present his or her passport or other personal identification document.

All the documents necessary for making of an entry and other documents specified by this Law shall be submitted to the Enterprise Register in printed form or electronically. If the application is submitted electronically, the special online form available on the website of the Enterprise Register shall be used.

When registering the decisive influence, the provisions of the Group of Companies Law and of this Law shall be observed.

The person may indicate address where he or she may be reached in the application to the Enterprise Register. If the person does not have a declared place of residence according to the data of the Population Register or does not have the address indicated in the foreign country, the person shall indicate such address in the application to the Enterprise Register where he or she can be reached. The Enterprise Register shall provide information regarding the address indicated in the application upon justified request of the person requesting information.

[20 November 1997; 14 June 2001; 31 October 2002; 6 March 2008; 5 March 2009; 2 May 2013; 6 November 2013; 16 January 2014]

#### *Section 7.1*

#### *Approval of Sample Registration Certificates and Registration Applications*

Sample registration certificates and registration forms of enterprises (companies), their representations and branches, mass media, public organisations, their associations and trade unions shall be approved by the Cabinet.

[5 June 2003]

#### *Section 8*

#### *Activities of the Enterprise Register*

When examining the submitted documents, a State notary of the Enterprise Register shall examine whether:

- 1) the jurisdiction of the registration has been observed;
- 2) all the documents provided for by the laws, which are being registered (added to a file) or on the basis of which an entry is being made in the Enterprise Register Journal, have been submitted;
- 3) the documents, which are being registered (added to a file) or on the basis of which an entry is being made in the Enterprise Register Journal, have legal force and whether other form requirements conform to laws and regulations, as well as whether the amount of information and provisions included therein and content thereof conforms with laws and regulations and other documents in the registration file;
- 4) another lawful obstacle has not been registered in the Enterprise Register.



The competence of the Enterprise Register shall not include examination of the factual circumstances of the decision-making of the enterprise (company).

After examination of the conditions referred to in Paragraph one of this Section the State notary of the Enterprise Register shall take a decision to:

- 1) make an entry in the Enterprise Register Journal or registration of documents (adding to a file), if obstacles have not been determined;
- 2) make an entry or postpone registration of documents (add to a file), if it is determined that the conditions of Paragraph one of this Section have not been observed, but these deficiencies can be rectified. The State notary of the Enterprise Register shall specify a reasonable period of time for rectifying the deficiencies. The abovementioned period of time shall not be less than one month. If documents, in which the deficiencies have been rectified, are submitted after the specified time period, the State fee shall be paid repeatedly;
- 3) refuse to register (add to a file) the submitted documents or make a registration entry in the Enterprise Register Journal, if the deficiencies determined in the documents are not rectifiable, the submitted information cannot be registered in the Enterprise Register Journal or unequivocal evidence has been submitted to the Enterprise Register, attesting to the fact that the a signature has been forged. In such cases State fee shall not be reimbursed.

The State notary of the Enterprise Register shall take a separate decision on each application and shall enter, date and sign such decision in the Enterprise Register Journal. A decision to make an entry shall come into effect at the time it is signed, unless a later date for coming into effect is specified in the decision or the coming into effect of this decision is dependent on another decision coming into effect. In such case a relevant note shall be made in the Enterprise Register Journal thereof. The date of coming into effect of the decision shall not be specified as more than one month from the day from taking of the decision. The Enterprise Register Journal may be administered in electronic form.

If the State notary of the Enterprise Register detects an error, which has occurred during the registration process, he shall inform the submitter of the application regarding the error and specify a seven day period of time for raising of objections. If objections are not raised or if the State notary of the Enterprise Register recognises the objections as unsubstantiated, he shall take a decision to correct the entry or decision. If the enterprise (company) itself has submitted a notification regarding an error in the registration process, the error may be corrected immediately.

If a non-profit-making organisation violates its statutes or makes a profit, the Enterprise Register shall, after a motivated submission from the State Revenue Service, reregister it as an enterprise or a company.

The Enterprise Register shall, not more than seven days from the day of taking the decision referred to in Paragraph four of this Section, publish in the official gazette Latvijas Vēstnesis information entered in the Enterprise Register Journal regarding the resources of the enterprise (company), if it has not already been published on the basis of other laws.

All amendments to be registered shall be notified to the Enterprise Register by enterprises (companies) within 15 days from the day of taking the decision. Amendments shall be effective against third parties from the time when they are registered in the Enterprise Register.

If the information entered in the Enterprise Register Journal has been published, it may be used as an official source.

In business relationships with an enterprise (company), branch or representation thereof the publication and the entry, which has been made by the State notary with respect to the relevant enterprise (company), branch and representation thereof, shall prevail.

A specific service fee shall be charged for document derivatives of the enterprise (company), branch and representation, fulfilment of other activities provided for in the legislation and for the issuance of information.

The activities of the Enterprise Register shall be financed from the State basic budget, as well as from the income which is obtained from paid services and is transferred to the basic budget account of the Ministry of Justice.

In verifying the circumstances specified in Section 5, Paragraph five of this Law, the State notary of the Enterprise Register is entitled to take a decision to postpone entry making in the cases when:

- 1) the name of an enterprise (company) coincides with a name (firm name) entered or applied for entering in the Enterprise Register Journal and other registers kept by the Enterprise Register; or
- 2) the only difference between the name of an enterprise (company) applied for entering and a name (firm name) already entered or applied for entering in the Enterprise Register Journal and other registers kept by the Enterprise Register is spacing and punctuation marks between the letters, figures, or the use of lower case and upper case letters in the name (firm name).

In verifying the conformity of a name applied for entering with the provisions of Section 5, Paragraph five of this Law, the State notary of the Enterprise Register shall assess the name of an enterprise (company) and the names (firm

names) registered in other registers kept by the Enterprise Register without a reference to the legal form thereof.

[14 May 1991; 7 April 1992; 5 October 1995; 30 January 1997; 11 November 1999; 14 June 2001; 31 October 2002; 5 June 2003; 17 February 2005; 15 June 2006; 6 March 2008; 28 October 2010; 2 May 2013; 6 November 2013]

### *Section 9*

#### *The Right of Persons to Use Information of the Enterprise Register*

[6 November 2013]

### *Section 9.1*

#### *Restrictions on Issuance of Documents of the Enterprise Register*

It is prohibited to issue journals of the Enterprise Register and the documents attached thereto for removal from premises of the Enterprise Register.

Individual documents may be withdrawn from the Enterprise Register:

- 1) by a court judgment;
- 2) as material evidence or for conducting an expert-examination in a criminal case, upon conducting pre-trial investigation;
- 3) by a forensic expert-examination institution for performing an expert-examination, if the expert-examination is requested from the forensic expert-examination institution by an entity registered in the Enterprise Register or a person whose rights have been or may be infringed.

If documents are removed, they shall be replaced with certified copies.

After performance of an expert-examination or adjudication of the matter at court, the withdrawn documents shall be returned immediately to the Enterprise Register.

[14 June 2001; 15 June 2006; 16 January 2014]

### *Section 10*

#### *Procedures for Adjudication of Disputes*

[5 June 2003]

### *Section 11*

#### *Procedures for Compensation for the Losses Resulting from Illegal Actions of Officials of the Enterprise Register*

[5 June 2003]

*Section 12*  
*Liability*

[5 June 2003]

**CHAPTER FOUR**  
**Keeping of the Commercial Register**

[14 June 2001]

*Section 13*  
*Jurisdiction of Registration*

Merchants and their branches shall be entered in the Commercial Register according to their location in the relevant department of the Enterprise Register.

The activity territory of a department of the Enterprise Register shall be determined by the Chief State Notary of the Enterprise Register, whose order shall be published in the official gazette *Latvijas Vēstnesis*.

A branch of a merchant entered in the Commercial Register may also be entered in the relevant department of the Enterprise Register according to the legal address of the merchant.

Amendments to the documents of incorporation and other amendments in the Commercial Register shall be entered in the department of the Enterprise Register where the original registration was performed. These provisions shall also be applied in all cases of reorganisation.

[2 May 2013]

*Section 14*  
*Examination of the Submitted Documents*

When examining the submitted documents, a State notary of the Enterprise Register shall examine if:

- 1) the jurisdiction of the registration has been observed;
- 2) all the documents provided for by the laws, which are being registered (added to a file) or on the basis of which an entry is being made in the Commercial Register, have been submitted;
- 3) the documents, which are being registered (added to a file) or on the basis of which an entry is being made in the Commercial Register, have legal force;
- 4) the form of the document, which is being registered (added to a file) or on the basis of which an entry is being made in the Commercial Register, conforms to that specified in laws and regulations or statutes,

if the regulatory enactment provides for a possibility of specifying a specific form of a document;

- 5) the amount and content of information and provisions included in the document, which is being registered (added to a file) or on the basis of which an entry is being made in the Commercial Register, comply with laws and regulations and other documents present in the registration file;
- 6) another lawful obstacle has not been registered in the Enterprise Register.

The competence of the Enterprise Register shall not include examination of the factual circumstances of the decision-making of the merchant.

If, upon examination of the circumstances referred to in Paragraph one of this Section, obstacles have not been determined, the State notary of the Enterprise Register shall take a decision to make the entry (Section 15) or register documents (add to the file).

If it is detected that the requirements of Paragraph one of this Section have not been observed, but these deficiencies can be rectified, the State notary of the Enterprise Register shall take a decision to postpone in relation to making of an entry or register documents (add to the file) and shall specify in the decision a reasonable period of time for rectification of the deficiencies. The abovementioned period of time shall not be less than one month. If documents, in which the deficiencies have been rectified, are submitted after the specified time period, the State fee shall be paid repeatedly.

In verifying the circumstances specified in Section 28 of the Commercial Law, the State notary of the Enterprise Register is entitled to take a decision to postpone entry making in the cases when:

- 1) the firm name applied for by a merchant coincides with a name (firm name) entered or applied for entering in the Commercial Register or other registers kept by the Enterprise Register; or
- 2) the only difference between the firm name applied for by a merchant and a name (firm name) already entered or applied for entering in the Commercial Register or other registers kept by the Enterprise Register is spacing and punctuation marks between the letters, figures, or the use of lower case and upper case letters in the name (firm name).

If the deficiencies determined in the documents are not rectifiable or the submitted information cannot be registered in the Commercial Register, the State notary of the Enterprise Register shall take a decision to refuse to register (add to the file) documents or to make an entry in the Commercial Register. In such cases the State fee shall not be reimbursed.

If unequivocal evidence has been submitted to the Enterprise Register, attesting to the fact that a signature has been forged, the State notary of the Enterprise Register shall take a decision to refuse to register (add to the file) documents or to make an entry in the Commercial Register.

In verifying the conformity of a firm name applied for entering with the provisions of Paragraph five of this Section, the State notary of the Enterprise Register shall assess the firm name of a merchant and the names of subjects registered in other registers kept by the Enterprise Register without a reference to the legal form thereof.

[6 March 2008; 28 October 2010; 2 May 2013]

#### *Section 15*

##### *Making and Storage of Entries in the Commercial Register*

State notaries of the Enterprise Register shall make entries in the Commercial Register electronically, taking a relevant written decision to make entries.

The decision to make an entry shall come into effect from the time when the State notary of the Enterprise Register has electronically certified the completeness and correctness of the entry (has authorised it), unless a later date for coming into effect has been provided for in the decision or the coming into effect of this decision is dependent on another decision coming into effect. In such case a relevant note shall be made in the Enterprise Register Journal.

The date of coming into effect of the decision shall not be specified as more than one month from the day of taking of the decision.

#### *Section 16*

##### *Storage of Entries of the Commercial Register*

Entries in the Commercial Register shall be stored in electronic form, and they shall have the same legal effect as the decision to make an entry.

If an entry in the Commercial Register does not conform to the decision to make an entry, the decision shall prevail.

#### *Section 17*

##### *Documents to be Attached to the Registration File of a Merchant*

The registration file of a merchant shall contain the documents, on the basis of which entries in the Commercial Register were made, as well as the other documents laid down in the law.

### *Section 18*

#### *Correction of Errors in Entries of the Commercial Register*

If a clerical error has been determined in the entries in the Commercial Register, the State notary of the Enterprise Register shall send a notification to the legal address of the merchant, indicating:

- 1) what kind of error has been determined in entries in the Commercial Register;
- 2) how the entry in the Commercial Register will be corrected;
- 3) a reasonable period of time for raising an objection.

If the merchant does not raise an objection within the specified period of time, the State notary of the Enterprise Register shall take a decision to correct the Commercial Register entry and shall make a relevant note thereof in the entries of the Commercial Register.

The Enterprise Register shall, without delay, publish the decision to correct the Commercial Register entry in the official gazette *Latvijas Vēstnesis*, using its own resources.

The provisions of Paragraph one of this Section shall not be applied, if the clerical error in the Commercial Register entries have been determined by the merchant.

[2 May 2013]

## **CHAPTER FIVE**

### **Keeping of the Register of Associations and Foundations**

[18 March 2004]

#### *Section 18.1*

##### *Examination of the Submitted Documents for the Keeping of the Register of Associations and Foundations*

When examining the submitted documents, a State notary of the Enterprise Register shall examine if:

- 1) all documents provided for by the laws, which are being registered (added to a file) or on the basis of which the entry is being made in the Register of Associations and Foundations, have been submitted;
- 2) the documents, which are being registered (added to a file) or on the basis of which an entry is being made in the Register of Associations and Foundations, have legal force and if other form requirements conform to laws and regulations, as well as whether the amount and content of the information and provisions included therein conform to

laws and regulations and other documents present in the registration file;

- 3) another lawful obstacle has not been registered in the Register of Associations and Foundations.

The competence of the Enterprise Register shall not include examination of the factual circumstances of the decision-making of an association or foundation.

If, upon examination of the circumstances referred to in Paragraph one of this Section, obstacles have not been determined, the State notary of the Enterprise Register shall take a decision to make an entry (Section 15) or register documents (add to the file).

If it is determined that the requirements of Paragraph one of this Section have not been observed, but these deficiencies can be rectified, the State notary of the Enterprise Register shall take a decision to postpone with respect to making of an entry or registration of documents (adding to the file) (except the case when a decision must be taken to refuse to make an entry in accordance with the Associations and Foundations Law). In the decision to postpone making of an entry or register documents (add to the file) the State notary of the Enterprise Register shall specify a reasonable period of time for rectification of the deficiencies. The abovementioned period of time shall not be less than one month. If documents, in which the deficiencies have been rectified, are submitted after the specified period of time, the State fee shall be paid repeatedly.

In verifying the circumstances specified in Section 6, Paragraph three of the Associations and Foundations Law, the State notary of the Enterprise Register is entitled to take a decision to postpone entry making in the cases when:

- 1) the name applied for by an association or foundation coincides with a name (firm name) entered or applied for entering in the Register of Associations and Foundations or other registers kept by the Enterprise Register; or
- 2) the only difference between the name applied for by an association or foundation and a name (firm name) already entered or applied for entering in the Register of Associations and Foundations or other registers kept by the Enterprise Register is spacing and punctuation marks between the letters and figures, or the use of lower case and upper case letters in the name (firm name).

If the deficiencies determined in the documents are not rectifiable or the submitted information cannot be registered in the Register of Associations and Foundations, the State notary of the Enterprise Register shall take a decision to refuse to register (add to the file) documents or to make an entry in



the Register of Associations and Foundations. In such cases the State fee shall not be reimbursed.

If unequivocal evidence has been submitted to the Enterprise Register, attesting to the fact that a signature has been forged, the State notary of the Enterprise Register shall take decision to refuse to register (add to the file) documents or to make an entry in the Register of Associations and Foundations.

In verifying the conformity of a name applied for entering with the provisions of Paragraph five of this Section, the State notary of the Enterprise Register shall assess the firm name of the association and foundation and the names (firm names) registered in other registers kept by the Enterprise Register without a reference to the legal form thereof.

[15 June 2006; 28 October 2010; 2 May 2013]

### *Section 18.2*

#### *Making of Entries in the Register of Associations and Foundations*

A State notary of the Enterprise Register shall make entries in the Register of Associations and Foundations electronically, taking a relevant written decision to make the entry.

The decision to make the entry shall come into effect from the time when the State notary of the Enterprise Register has electronically certified the completeness and correctness of the entry (has authorised it), unless a later date for coming into effect has been provided for in the decision or the coming into effect of this decision is dependent on another decision coming into effect. In such case a relevant note shall be made in the entries of the Register of Associations and Foundations.

The date of coming into effect of the decision shall not be specified as more than one month from the day from taking of the decision.

The State notary of the Enterprise Register shall register the decisions of competent State authorities to record a prohibition endorsement in the Register of Associations and Foundations.

Section 18.3 Storage of Entries of the Register of Associations and Foundations and the Documents to be Attached to the Registration File

Entries in the Register of Associations and Foundations shall be stored in electronic form, and they shall have the same legal effect as the decision to make an entry.

If an entry in the Register of Associations and Foundations does not conform to the decision to make an entry, the determinant shall be the decision.

The association and registration file shall contain all the documents, on the basis of which the entry into the Register of Associations and Foundations was made, as well as the other documents laid down in the Law.

*Section 18.4*

*Correction of Errors in Entries of the Register of Associations and Foundations*

If a clerical error has been detected in the entries in the Register of Associations and Foundations, a State notary of the Enterprise Register shall send a notification to the legal address of the association or foundation, indicating:

- 1) what kind of error has been detected in the entries in the Register of Associations and Foundations;
- 2) how the entry in the Register of Associations and Foundations will be corrected;
- 3) a reasonable period of time for raising of an objection.

If the association or foundation does not raise an objection within the specified period of time, the State notary of the Enterprise register shall take a decision to correct the entry of the Register of Associations and Foundations and shall make a relevant note thereof in the entries of the Register of Associations and Foundations.

The provisions of Paragraph one of this Section shall not be applied, if the clerical error in the entries of the Register of Associations and Foundations has been determined by the association or foundation.

**CHAPTER SIX**

**Keeping the Register of Political Parties**

[15 June 2006/ see Clause 10 of Transitional Provisions/]

*Section 18.5*

*Provisions Applicable to the Keeping of the Register of Political Parties*

The provisions of Chapter Five of this Law shall be applied to the keeping of the Register of Political Parties, if it is not provided for otherwise in this Chapter.

*Section 18.6*

*Name of a Political Party or an Association of Political Parties*

Carrying out examination of the circumstances referred to in Section 6, Paragraph one of the Law On Political Parties, the State notary of the Enter-

prise Register is entitled to take a decision to postpone entry making in the cases when:

- 1) the name applied for by a political party or an association of political parties clearly and definitely does not differ from the name of a political organisation (party) or an association of political organisations (parties) or abbreviation thereof previously registered in Latvia;
- 2) the name applied for by a political party or an association of political parties clearly and definitely does not differ from a name entered or applied for entering in the Register of Political Parties or coincides with a name (firm name) entered or applied for entering in other registers kept by the Enterprise Register; or
- 3) the only difference between the name applied for by a political party or an association of political parties and a name (firm name) already entered or applied for entering in other registers kept by the Enterprise Register is spacing and punctuation marks between the letters, figures, or the use of lower case and upper case letters in the name (firm name).

In verifying the conformity of a name applied for entering with the provisions of Paragraph one of this Section, the State notary of the Enterprise Register shall assess the name of a political party or an association of political parties and the names registered in other registers kept by the Enterprise Register without a reference to the legal form thereof.

[28 October 2010]

## **CHAPTER SEVEN**

### **Keeping of the Insolvency Register**

[8 November 2007]

#### *Section 18.7*

#### *Documents to be Submitted to the Enterprise Register for the Keeping of the Insolvency Register*

Information, on the basis of which new entries are to be made in the Insolvency Register, as well as the documents laid down in the Law On Insolvency shall be submitted to the Enterprise Register not more than within five days from the day when the relevant decision was taken or from the time of the relevant change, if it is not otherwise provided for in other laws and regulations.

An entry shall be made in the Insolvency Register on the basis of an application by the administrator, an application of the liquidator, if it fulfils the duties of an administrator in the cases provided for in the Law On Insolvency

and other laws and regulations, or a court adjudication. The Cabinet shall approve the sample application forms.

[6 March 2008]

*Section 18.8*  
*Procedures for Examination of the Submitted Documents*

When examining the submitted documents, a State notary of the Enterprise Register shall examine if:

- 1) all the documents provided for by laws, which are being registered (added to a file) or on the basis of which an entry is being made in the Insolvency Register, have been submitted;
- 2) the documents, which are being registered (added to a file) or on the basis of which an entry is being made in the Insolvency Register, have legal force and if other form requirements conform to laws and regulations, as well as that the amount and content of the information and provisions included therein conforms to laws and regulations and other documents present in the registration file.

The competence of the Enterprise Register shall not include an obligation to verify the actual circumstances with respect to preparation of the documents submitted by an administrator and the conformity of any information indicated in decisions taken within the scope of the insolvency proceedings to the actual circumstances.

If, upon examination of the circumstances referred to in Paragraph one of this Section, obstacles have not been determined, the State notary of the Enterprise Register shall without delay, but not later than one day from the day of receiving the application, take a decision to make an entry in the Insolvency Register or register documents (add to the file). The State notary of the Enterprise Register shall, within the same time limit, take a decision to make an entry in the Insolvency Register on the basis of the adjudication of a court.

The entry shall be made in the Insolvency Register on the same day when a decision to make the entry was taken.

If it is determined that the requirements of Paragraph one of this Section have not been observed, but these deficiencies can be rectified, the State notary of the Enterprise Register shall take a decision without delay, but not more than one day from the day of receiving the application regarding making of an entry or postponing to make an entry or registration of documents (adding to the file) and shall specify in the decision a reasonable period of time for rectification of the deficiencies. The abovementioned period of time shall not be less than five days.

If the deficiencies detected in the documents are not rectifiable or the submitted information cannot be registered in the Insolvency Register, the State notary of the Enterprise Register shall, within five days from the day of receiving the application, take a decision to refuse to register (add to the file) documents or to make an entry in the Insolvency Register.

The Enterprise Register shall send the decisions referred to in Paragraphs three, five and six of this Section to the submitter of the application within five days from the day they were taken.

If unequivocal evidence has been submitted to the Enterprise Register, attesting to the fact that a signature has been forged, the State notary of the Enterprise Register shall take a decision to refuse to register (add to the file) documents or to make an entry in the Insolvency Register.

#### *Section 18.9*

##### *Information to be Entered in the Insolvency Register*

A State notary of the Enterprise Register shall enter information regarding the administrator, the insolvent entity, the progress of legal protection proceedings, insolvency proceedings of a legal person or insolvency proceedings of a natural person.

#### *Section 18.10*

##### *Storage of Entries in the Insolvency Register*

Entries in the Insolvency Register shall be stored in electronic form, and they shall have the same legal effect as the decision to make an entry.

If an entry in the Insolvency Register does not conform to the decision to make the entry, the decision shall prevail.

An insolvency registration file shall contain all the documents, on the basis of which entries were made in the Insolvency Register, as well as the other documents laid down in law. The documents to be attached to the insolvency registration file shall be stored in the registration file of the relevant insolvent entity.

[6 March 2008]

#### *Section 18.11*

##### *Correction of Errors in Entries of the Insolvency Register*

If a clerical error has been determined in entries in the Insolvency Register, the State notary of the Enterprise Register shall send a notification to the legal address of the practice of the administrator, indicating:

- 1) what kind of error has been determined in entries of the Insolvency Register;

- 2) how the entry in the Insolvency Register will be corrected;
- 3) a reasonable period of time for raising of an objection.

If the administrator does not raise an objection in the specified period of time, the State notary of the Enterprise register shall take a decision to correct the entry of the Insolvency Register and shall make a relevant note thereof in the entries of the Insolvency Register.

The provisions of Paragraph one of this Section shall not be applied, if the clerical error in the entries of the Insolvency Register has been determined by the administrator or court or in the event if the determined error is obvious.

## **CHAPTER EIGHT**

### **Keeping of the Register of Religious Organisations and Institutions Thereof**

[18 December 2008]

#### *Section 18.12*

#### *Jurisdiction of the Register of Religious Organisations and Institutions Thereof*

Religious organisations and institutions thereof shall be registered by Riga Regional Department of the Enterprise Register.

#### *Section 18.13*

#### *Documents to be Submitted to the Enterprise Register for the Keeping of the Register of Religious Organisations and Institutions Thereof*

Information, on the basis of which entries are to be made in the Register of Religious Organisations and Institutions Thereof, as well as the documents specified in the Law On Religious Organisations shall be submitted to the Enterprise Register not later than within 14 days after the relevant decision was taken.

An entry in the Register of Religious Organisations and Institutions Thereof shall be made on the basis of an application, the notification laid down in Section 1.2 of the Law On the Agreement between the Republic of Latvia and the Holy See (hereinafter-notification) or a court judgment. The Cabinet shall approve the sample application and notification forms.

[16 January 2014]

*Section 18.14*

*Making of an Entry in the Register of Religious Organisations and Institutions Thereof*

A State notary of the Enterprise Register shall, within two months from the day when the application was received, take a decision to enter a religious organisation and institutions thereof in the Register of Religious Organisations and Institutions Thereof. The State notary of the Enterprise Register shall, within seven days after receipt of the application or notification, take a decision to make another entry, to refuse to make an entry or to postpone making of an entry in the Register. The State notary of the Enterprise Register shall, within the same time limit, take a decision to make an entry in the Register of Religious Organisations and Institutions Thereof on the basis of the adjudication of a court.

The State notary of the Enterprise Register shall take a decision to postpone entry making in the cases when:

- 1) not all documents specified in the Law On Religious Organisations have been submitted;
- 2) the statutes (constitution, regulations) or other documents submitted to the Enterprise Register contain non-compliances with the requirements of laws and regulations that can be rectified;
- 3) another lawful obstacle has been registered in the Register of Religious Organisations and Institutions Thereof;
- 4) the name applied for by a religious organisation or institution thereof includes misleading information regarding the legal form, purpose and type of activity of the religious organisation or institution thereof;
- 5) the name applied for by a religious organisation or institution thereof clearly and definitely does not differ from the names entered or applied for entering in the Register of Religious Organisations and Institutions Thereof or coincides with a name (firm name) entered or applied for entering in other registers kept by the Enterprise Register;
- 6) the only difference between the name applied for by a religious organisation or institution thereof and a name (firm name) already entered or applied for entering in the Register of Religious Organisations and Institutions Thereof and other registers kept by the Enterprise Register is spacing and punctuation marks between the letters, figures, or the use of lower case and upper case letters in the name (firm name);
- 7) the notification does not conform to the requirements of laws and regulations.

The State notary of the Enterprise Register shall take a decision to refuse to make an entry, if:

- 1) the objectives and tasks set out in statutes (in the constitution, in a by-law) are in conflict with laws and regulations;
- 2) an opinion has been received from the Ministry of Justice that there are grounds for believing that the activity (teachings) of the religious organisation is in conflict with laws and regulations or threaten human rights, the democratic structure of the State, public safety, welfare and morals;
- 3) the procedures for founding specified in the Law On Religious Organisations have been contravened;
- 4) the non-compliances of the provisions of laws and regulations referred to in a decision to postpone making of an entry have not been rectified.

The decision to postpone making of an entry or to refuse to make an entry shall be justified. The time period for the rectification of deficiencies shall be indicated in a decision to postpone making of an entry.

The State notary of the Enterprise Register shall send the submitter of the application the decision to make the entry within three working days of receipt thereof.

Any entry shall be made in the Register on the same day when a decision to make the entry was taken.

In verifying the conformity of a name applied for entering with the provisions of Paragraph two of this Section, the State notary of the Enterprise Register shall assess the name of a religious organisation or institution thereof and the names (firm names) registered in other registers kept by the Enterprise Register without a reference to the legal form thereof.

The competence of the Enterprise Register shall not include examination of the factual circumstances of the decision-making of a religious organisation or institution thereof.

[28 October 2010; 16 January 2014]

#### *Section 18.15*

#### *Registration Number and Registration File of a Religious Organisation or Institution*

A religious organisation or institution thereof, which is entered in the Register of Religious Organisations and Institutions Thereof, shall be assigned a registration number.

[16 January 2014]



The documents submitted to the Enterprise Register shall be stored in the file of the relevant religious organisation or institution thereof.

[16 January 2014]

#### *Section 18.16*

#### *Correction of Errors in Entries of the Register of Religious Organisations or Institutions Thereof*

If a clerical error has been detected in the Register of Religious Organisations and Institutions Thereof, a State notary of the Enterprise Register shall send a notification to the legal address of the religious organisation or institution thereof, indicating:

- 1) what kind of error has been detected in entries in the register;
- 2) how the entry in the register will be corrected;
- 3) a reasonable period of time for raising of an objection.

If a religious organisation or institution thereof does not raise an objection within the period of time specified, the State notary of the Enterprise Register shall take a decision to correct entries of the religious organisation or institution thereof and shall make a relevant note thereof in the entries of the register.

The provisions of Paragraph one of this Section shall not be applied if the clerical error in entries of the religious organisation or institution thereof has been determined by the religious organisation or the institution thereof itself.

### **CHAPTER NINE** **Final Provisions**

[18 December 2008]

#### *Section 19*

#### *Procedures for Contesting and Appealing the Decisions and Actions of State Notaries of the Enterprise Register*

The decisions and actions of State notaries of the Enterprise Register of the Republic of Latvia may be contested in accordance with the procedures laid down in law by submitting a relevant submission to the Chief State Notary of the Enterprise Register of the Republic of Latvia. The Chief State Notary of the Enterprise Register shall take a decision within one month from the submission of an application. If due to objective reasons it is not possible to comply with the referred to deadline, the Chief State Notary of the Enterprise Register may extend it according to the procedures specified in the Administrative Procedure Law. Contesting of a decision of a State notary of the Enterprise Register or appealing a decision of the Chief State Notary of the Enterprise

Register, shall not suspend the application thereof. The decisions and actions of the Chief State Notary of the Enterprise Register of the Republic of Latvia may be appealed to a court in accordance with the procedures laid down in law.

[15 January 2004; 6 March 2008; 5 March 2009]

*Section 20*  
*Liability of Officials of the Enterprise Register*

State notaries and other officials of the Enterprise Register shall be liable for violations of this Law in accordance with the procedures specified by this Law.

If it has been recognised in accordance with laws and other laws and regulations that the action of an Enterprise Register official has been illegal and such action has resulted in losses to an enterprise (company), merchant or group of companies, they shall be compensated.

*Section 21*  
*Liability*

The responsible official of the Enterprise Register shall propose to hold the guilty persons liable in accordance with law for non-submission to the Enterprise Register of the information or documents laid down in the laws and regulations regarding enterprises (companies), merchants, European economic interest groupings, European commercial companies or European co-operative societies within the specified deadline or non-fulfilment of legal decisions of officials of the Enterprise Register within the specified deadline, or incomplete fulfilment or provision of false information.

The relevant persons shall be held liable in accordance with the law for non-submission of the information or documents specified in the Associations and Foundations Law or the Law On Political Parties within the time period laid down in the law, for non-provision of information upon the request of officials of the Enterprise Register, in accordance with the procedures laid down in the law, as well as for the provision of false information regarding associations or foundations, political parties, or their associations.

[28 October 2004; 15 June 2006]

*Section 22*  
*Exemption from Payment of Court Fees*

The Enterprise Register shall be exempted from payment of court fees if it is bringing an action regarding the liquidation, termination of operation or recognition of nullity of an enterprise (company) or commercial company, as

well as in cases when the Enterprise Register brings an action in the interests of such person, which has been declared as insolvent.

### **TRANSITIONAL PROVISIONS**

[30 January 1997]

1. Signature samples of such persons, who have been granted the right to sign in an enterprise (company), shall be replaceable with signature samples certified in accordance with the procedures laid down in the law, which by 31 December 1997 shall be submitted to the Enterprise Register similarly as diazo transparency copies of shareholder (stockholder) passports or registration certificates. If during this time period amendments to the basic documents of the enterprise (company) are submitted to the Enterprise Register, concurrently certified signature samples and diazo transparency copies of passports or registration certificates shall also be submitted.

2. [14 June 2001].

3. Amendments to Section 9, Paragraph one of this Law regarding the right of bailiffs to receive information free of charge from the Enterprise Register shall apply starting from 1 January 2003.

[31 October 2002]

4. Until the day of coming into force of the Administrative Procedure Law the word “sūdzību” (complaint) shall be used instead of the word “iesniegumu” (submission) in Section 19 of this Law.

[5 June 2003]

5. The provisions of this Law regarding registration of European economic interest groupings and their associated activities shall come into force on 1 May 2004.

[18 March 2004]

6. Until the day of coming into force of the relevant law the Enterprise Register shall perform registration of individual enterprises and farming and fishing enterprises, to which the norms of this Law regarding registration of enterprises (companies) are applicable. The norms of this Law regarding registration of enterprises (companies) shall also be applicable to co-operative societies.

[17 February 2005]

7. Provisions of this Law, which determine the function of the Enterprise Register to perform arbitration registration (Section 1, Clause 1 and Section 2.13), shall apply starting from 1 April 2005.

[17 February 2005]

8. Provisions of this Law, which determine the function of the Enterprise Register - to perform registration of European co-operative societies (amendments to Section 1, Clause 1, new revision of Section 2.15 and amendments to Section 21, Paragraph one) shall apply from 18 August 2006.  
[15 June 2006]
9. Section 4.2 of this Law shall come into force on 1 January 2007.  
[15 June 2006]
10. The norms of this Law, which determine the function of the Enterprise Register - to keep the Register of Political Parties (amendments to Section 1, Clause 1, amendments to Section 2.2, the new revision of Section 2.14, the new Chapter Six, amendments to Section 21, Paragraph two), shall come into force concurrently with the Law On Political Parties.  
[15 June 2006]
11. The norms of this Law, which lay down the right of a person to receive information electronically from the Enterprise Register Journal and the documents present in the registration file of an enterprise (company), shall be applied to the information that has been registered in the Enterprise Register Journal after 1 January 1997.  
[6 March 2008]
12. The Enterprise Register shall, not later than until 20 November 2009, without taking a separate decision, include in the Register of Public and Partnership Contracts the entries of the Register of Concession Contracts which, pursuant to the Concessions Law, had been made prior to the day of coming into force of the Public and Private Partnership Law.  
[15 October 2009]
13. If a decision to transfer concession resources by way of concession has been taken and conditions for granting of concession have been approved pursuant to the provisions of the Concessions Law, the Enterprise Register shall register a concession contract in the Register of Public and Partnership Contracts, applying the provisions of the Public and Private Partnership Law for the registration.  
[15 October 2009]
14. The norms of this Law which regulate formation of a name (firm name) and lay down that a name (firm name) applied for registration may not coincide with a name (firm name) applied for entering or entered in the registers kept by the Enterprise Register (supplemen-

tation of Section 4 with Paragraph 5.3, the new revision of Section 5, supplementation of Section 8 with Paragraphs fifteen and sixteen, the new revision of Section 14, Paragraph five and supplementation of the Section with Paragraph eight, the new revision of Section 18.1, Paragraph five and supplementation of the Section with Paragraph eight, the new revision of Section 18.6, Clauses 2 and 3 and supplementation of the Section with Paragraph two, the new revision of Section 18.14, Paragraph two, Clauses 4 and 5 and supplementation of the Paragraph with Clause 6, as well as supplementation of the Section with Paragraphs 7 and 8) shall come into force on 1 December 2010.

[28 October 2010]

15. The amendments to Sections 5, 8, 14, 18.1, 18.6 and 18.14 of this Law regarding the difference of a name (firm name) from the names (firm names) entered or applied for entering in the registers kept by the Enterprise Register shall not affect the right of the subjects of rights to the name (firm name) which has been entered or applied for entering in the relevant register until 30 November 2010.

[28 October 2010]

16. Section 4.7 of this Law shall come into force on 1 January 2014.

[2 May 2013]

17. Amendments to Section 6, Paragraph one, Clauses 8 and 9, Paragraph two, Clause 3, Paragraph three, Clause 1 and Paragraph five, Clause 3 of this Law laying down that information regarding the place of residence of a person is not information to be entered in the Enterprise Register Journal shall come into force on 1 April 2014.

[16 January 2014]

18. Starting from 1 April 2014 when amendments to Section 6, Paragraph one, Clauses 8 and 9, Paragraph two, Clause 3, Paragraph three, Clause 1 and Paragraph five, Clause 3 of this Law laying down that information regarding the place of residence of a person is not information to be entered in the Enterprise Register Journal come into force, an official of the Enterprise Register, without taking a separate decision, shall make an entry in the Enterprise Register Journal regarding exclusion of such information from the Enterprise Register Journal which contains information regarding the place of residence of a person.

[16 January 2014]

19. Amendments to Section 6, Paragraph five, Clause 5 of this Law regarding establishment of guardianship shall come into force on 1 september 2014.

[16 January 2014]

20. Until 1 October 2014 the Enterprise Register, without taking a separate decision, shall update the information entered in the Enterprise Register Journal until 31 August 2014, replacing the given name and surname of the guardian with information regarding establishment of guardianship.

[16 January 2014]

21. The Enterprise Register shall, on 17 February 2014, assign the identifier of the recipient of payment of the Single Euro Payments Area to each entity registered in registers kept by the Enterprise Register which has been registered thereby as a taxpayer in accordance with the laws and regulations governing the field of taxes until 16 February 2014 (except such entities operation of which has been terminated in accordance with the procedures laid down in laws and regulations), without taking a separate decision thereon. Entries in which the name, registration number of the respective entity and the identifier of the recipient of payment of the Single Euro Payments Area is indicated shall be published free of charge in a single publication in the official gazette Latvijas Vēstnesis, if publishing of entries is provided for in laws and regulations.

[16 January 2014]

22. Amendments regarding exclusion of Section 2.9, as well as amendments to Section 4, Clause 5.3 of this Law in relation to exclusion of verification of the name (firm name) of the entity and it being different from the names entered or applied for entering in the register of trade unions shall come into force concurrently with the coming into force of the Law On Trade Unions.

[16 January 2014]

## **INFORMATIVE REFERENCE TO EUROPEAN UNION DIRECTIVES**

[6 March 2008; 16 January 2014]

This Law contains legal norms arising from:

- 1) Directive 2009/101/EC of the European Parliament and of the Council of 16 september 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second

paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent;

- 2) European Parliament and Council Directive 2005/56/EC on cross-border mergers of limited liability companies.

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs  
Secretary of the Supreme Council of the Republic of Latvia I. Daudišs  
Riga, 20 November 1990