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Republic of Latvia

Cabinet

Regulation No. 632

Adopted 1 August 2006

By-law of the Consumer Rights Protection Centre

*Issued pursuant to
Section 16, Paragraph one of
the State Administration Structure Law*

I. General Provisions

1. The Consumer Rights Protection Centre (hereinafter – the Centre) is a direct administration institution supervised by the Minister for Economics.
2. The purpose of the Centre is to implement the protection of consumer rights and interests, market supervision and State administration functions in the field of regulated metrology.

II. Competence, Functions and Tasks of the Centre

3. Implementation of the rights and duties specified in the Consumer Rights Protection Law and other regulatory enactments and the performance of functions in the field of consumer rights and interests protection, market supervision and metrology shall be in the competence of the Centre.
4. In order to ensure the fulfilment of functions, the Centre has the following tasks:
 - 4.1. to control and supervise the compliance of the goods and services offered (to be offered) in the market with the safety requirements, as well as the other requirements specified in regulatory enactments;
 - 4.2. to supervise the compliance of the information regarding the goods and services with the requirements specified in regulatory enactments;
 - 4.3. to supervise the compliance of the information provided by manufacturers, sellers or service providers with the requirements specified in regulatory enactments;
 - 4.4. to request additional information regarding goods and services, as well as the manufacturer, seller or service provider, as well as to control the fulfilment of the requirements regarding the provision of information;
 - 4.5. to examine whether the procedures for undertaking, drawing up and fulfilment of guarantee obligations are observed;
 - 4.6. to check whether the weight, measure and payment for food and non-food goods are specified correctly;

- 4.7. to check whether the procedures for indication of the price for goods and services are observed, as well as to request that the prices for goods and services are indicated in accordance with the requirements specified in regulatory enactments;
- 4.8. consult consumers regarding the consumer rights protection matters;
- 4.9. to inform manufacturers, sellers and service providers regarding the duties thereof for the implementation of the requirements specified in regulatory enactments;
- 4.10. to participate in the rapid information exchange system regarding dangerous goods in order to check the information received regarding dangerous goods in accordance with the market supervision competence, as well as to inform thereof other relevant market supervision institutions;
- 4.11. to evaluate the compliance of the advertisement with the requirements specified in regulatory enactments and take the relevant decisions;
- 4.12. to evaluate the compliance of the provision of complex tourism services with the requirements specified in regulatory enactments;
- 4.13. to evaluate the compliance of an offer expressed to consumers, draft contract, as well as contracts entered into and the fulfilment of obligations with the requirements specified in regulatory enactments and take the relevant decision;
- 4.14. to check whether the procedures for notification and use of the right of renunciation specified in regulatory enactments are included in the contracts entered into with consumers;
- 4.15. to control whether the procedures are observed, by which the claim regarding the non-compliance of the goods or service with the contract conditions is to be applied and the expert-examination of the goods or service is to be organised, and to take a decision regarding the fulfilment of the lawful requirements of consumers;
- 4.16. to supervise the compliance of measurement instruments, which are offered on the market in the regulated sphere, with the requirements specified in regulatory enactments;
- 4.17. to carry out the metrological supervision of the measurement instruments put into service;
- 4.18. to carry out the metrological control of prepacked goods;
- 4.19. in accordance with its competence to establish, maintain and update the database of the performers of expert-examination;
- 4.20. in accordance with its competence to fulfil the requests of manufacturers, sellers, service providers and consumers regarding the possible performers of expert-examination;
- 4.21. in performing the functions of the European Consumer Centres Network in Latvia, to compile the information and inform consumers regarding consumers rights in the Member States of the European Union and regarding cross-border marketing, as well as to co-ordinate the solving of matters regarding the cross-border complaints of consumers in the European Union;
- 4.22. to perform tasks intended for the single liaison office in accordance with the requirements specified by Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws;
- 4.23. in accordance with its competence to prepare proposals regarding amendments to regulatory enactments connected with consumer rights protection and the State metrological control and supervision;
- 4.24. to co-operate with international institutions and non-governmental organisations, which co-operate in the field of consumer rights protection and regulated metrology;
- 4.25. to represent consumer interests in special committees and cross-border co-operation networks; and

4.26. to perform other tasks in accordance with regulatory enactments regulating the protection of consumer rights and interests, market supervision, advertising and metrology.

III. Officials of the Centre, Employees and Ensuring the Lawfulness of Activities Thereof

5. The work of the Centre shall be managed by the director of the Centre. The director of the Centre shall fulfil the functions of the manager of the institution of the direct administration specified in the State Administration Structure Law, as well as shall determine the structure of the Centre, functions of each division and subordination.

6. Officials of the Centre within the scope of competency are entitled to:

6.1. without special permission, payment or other restrictions, visit unhindered any buildings, premises, territories and other places, where the production of goods or manufacture, storage, trade of items are performed or services are provided, as well as the places where measuring instruments are utilised, manufactured, repaired or sold, and fulfil the tasks specified in these Regulations and other regulatory enactments in the field of protection of consumer rights and interests and regulated metrology;

6.2. perform without hindrance all the activities required for performance of the control;

6.3. request and receive free of charge from manufacturers, sellers, providers of services or authorised representatives thereof, the State and local government institutions, as well as from natural persons and legal persons of private rights, information and documents necessary for the performance of the functions of the Centre or implementation of the professional duties of an official;

6.4. determine the time period within which manufacturers, sellers, service providers and users of measuring instruments or authorised representatives thereof shall provide a reply in writing regarding the conditions referred to in a submission or claim of a consumer or shall rectify the violations of regulatory enactments determined;

6.5. draw up control deeds in order to determine possible violations of consumer rights, to perform control purchases and control orders, as well as to draw up reports of administrative violations, examine administrative violation matters and impose administrative fines;

6.6. request and receive samples of the goods in accordance with the procedures specified in regulatory enactments for the carrying out of laboratory or other type expert-examination;

6.7. in cases prescribed by regulatory enactments, suspend the selling of goods or the provision of services until the receipt of an opinion by testing laboratories or experts or the taking of a decision if:

6.7.1. information regarding the goods or the labelling does not conform to the requirements prescribed by regulatory enactments;

6.7.2. attestation or approval of conformity is not produced; or

6.7.3. well-founded suspicions arise regarding the dangerousness of goods or services;

6.7.4. if the amount of actual content of prepacked goods fails to comply with norms;

6.7.5. cause for suspicion arises, that the goods are counterfeit.

6.8. on the basis of the opinion of testing laboratories or experts, information received from the rapid information exchange system regarding dangerous goods, or a decision of the

officials of the Centre, prohibit to sell, request to withdraw the goods from circulation or to stop provision of services, if they do not conform to the requirements specified in regulatory enactments or regulatory technical documents;

6.9. request that manufacturers, sellers or service providers ensure the presence of the facility manager, responsible official of the facility or other representative during a control, as well as, if necessary, invite witnesses and carry out a control without the presence of the facility representative, if a manufacturer, seller or provider of services does not fulfil the referred to requirement;

6.10. request that manufacturers, sellers and service providers comply with the requirements specified in regulatory enactments and rectify non-compliance;

6.11. withdraw goods and items, which are a subject of administrative violation;

6.12. if necessary, invite employees of law-enforcement institutions;

6.13. implement other rights, which are specified in regulatory enactments regulating the protection of consumer rights and interests, market supervision and metrology.

7. It is prohibited for officials of the Centre to disclose the commercial secrets of legal persons and natural persons, which have become known to them during the performance of their official duties.

8. In performing the duties of office outside work (service) premises, officials of the Centre shall present a service identification document.

9. Administrative enactments issued by officials of the Centre and actual action may be contested in accordance with the procedures specified in regulatory enactments regulating the protection of consumer rights and interests, market supervision, advertising and metrology, submitting the relevant submission to the director of the Centre.

10. Administrative enactments issued by the director of the Centre and actual action may be contested in the Ministry of Economics, if the other procedures are not specified in the regulatory enactments regulating the protection of consumer rights and interests, market supervision, advertising and metrology.

IV. Report Regarding the Activities of the Centre and Utilisation of Resources

11. The Centre shall submit a report to the Ministry of Economics not less than once a year regarding the fulfilment of functions of the Centre and utilisation of the budget resources, as well as the annual public report prepared in accordance with the procedures specified in the regulatory enactments.

12. The Centre shall use the State budget resources for ensuring the functions referred to in Sub-paragraph 4.21 of these Regulations – subsidies from general revenues and from the European Commission from the resources intended for this purpose.

13. The Centre shall inform the public on a regular basis regarding consumer rights, operation of the Centre and results thereof, using direct communications, Internet home page (www.ptac.gov.lv), informative materials or the mass media.

V. Closing Provisions

14. The following regulations are repealed:

14.1. Cabinet Regulation No. 889 of 26 October 2004, By-law of the Consumer Rights Protection Centre (*Latvijas Vēstnesis*, 2004, No. 171); 2005, No. 63; 2006, No. 90); and

14.2. Cabinet Regulation No. 174 of 8 March 2005, By-law of the State Metrological Inspection (*Latvijas Vēstnesis*, 2005, No. 43).

Prime Minister

A. Kalvītis

Minister for Economics

A.Štokenbergs