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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 116

Adopted 25 February 2014

Regulations Regarding the Registration of Construction Merchants

*Issued pursuant to
Section 5, Paragraph one, Clause 7
of the Construction Law*

I. General Provisions

1. This Regulation prescribes the procedures and conditions for registration and re-registration of merchants in the register of construction merchants (hereinafter – the Register), exclusion from the Register, as well as the content and procedures for the use of the Register data, the amount and payment procedures of the State fee to be paid for registration activities.
2. Registration, re-registration, exclusion of merchants from the Register and updating of the information included in the Register shall be performed by the Ministry of Economy (hereinafter - the Register institution).
3. A Register institution shall maintain the Register and ensure public availability thereof free of charge in electronic form, except data, access to which is restricted in accordance with the laws and regulations regarding commercial secret and data protection. The Register shall be a part of the construction information system.
4. A merchant may lodge a submission to the Register institution electronically by filling in an on-line form available in the construction information system website www.bis.gov.lv, if:
 - 4.1. the State Information System Integrator Authentication Module managed by the State Regional Development Agency is used for authentication;
 - 4.2. a construction specialist, upon making authentication pursuant to Sub-paragraph 4.1 of this Regulation shall certify in the special on-line form that he or she is employed by the particular merchant, if the merchant lodges a submission that contains information regarding establishment of the legal employment relations with the construction specialist;
 - 4.3. the submission drawn up in the special on-line form shall be signed with a secure electronic signature.

II. Conditions for Registration of a Merchant

5. A merchant may apply for registration in the Register if:

5.1. the merchant employs at least one person who has the right to independent practice in the field of architecture or construction (architect, performer of engineering research, designer, construction expert, construction work manager or building supervisor) (hereinafter - the construction specialist), or a member of the board of the merchant is a construction specialist;

5.2. the construction specialist employed by the merchant is not concurrently a construction specialist in employment legal relations with more than two other merchants registered in the Register (hereinafter – construction merchant).

6. Sub-paragraph 5.1 of this Regulation shall not apply to partnerships, at least one member of which is a construction merchant, and to individual merchants who are construction specialists.

7. In order to register in the Register, the merchant shall lodge a submission to the Register institution (Annex 1).

8. The Register institution shall, within 10 working days after receipt of the submission for registration in paper form, or within five working days if the submission has been received electronically and signed with a secure electronic signature, verify the information referred to in the submission and take one of the following decisions:

8.1. on registration of the merchant, if the merchant complies with the requirements referred to in this Regulation, and has paid the State fee;

8.2. on suspension of registration of the merchant if:

8.2.1. the State fee had been paid in the amount that is less than that laid down in Paragraph 27 of this Regulation;

8.2.2. there is no signature of a construction specialist in the submission for registration, or there is no attestation mark in the submission for registration submitted electronically in the on-line form in the construction information system;

8.2.3. the electronic document has not been prepared in compliance with the laws and regulations regarding the drawing up of electronic documents;

8.2.4. a document proving representation is not annexed to the submission;

8.3. on refusal to register a merchant in the Register, if the merchant fails to comply with the requirements referred to in this Regulation or the merchant has not paid the State fee.

9. If within 10 working days after taking of the decision abovementioned in Sub-paragraph 8.2 of this Regulation the merchant has not rectified the deficiencies indicated therein, the Register institution shall refuse to register the merchant in the Register.

III. Content of the Register Data and Updating Thereof

10. The following information shall be included in the Register:

10.1. the information indicated in the submission for registration;

10.2. the field or speciality and sphere of activity in which the merchant performs commercial activity;

10.3. information regarding activity of the construction merchant in the previous calendar year and the average number of persons employed in construction (hereinafter – annual information) in the previous year, which has been indicated in the annual information submission (Annex 2);

10.4. information regarding the decisions taken by the Register institution in respect of the construction merchant;

10.5. information regarding infringements of this Regulation and infringements found in construction committed by the construction merchant, which have been recorded in accordance with the procedures laid down in the laws and regulations and notified to the Register institution;

10.6. a remark regarding the exclusion from the State Revenue Service Register of Value Added Tax Taxable Persons due to infringements of the laws and regulations found by the State Revenue Service;

10.7. a remark regarding the renewal of registration at the State Revenue Service Register of Value Added Tax Taxable Persons.

11. A local government or court shall notify the information regarding administrative infringements and criminal offences in construction abovementioned in Sub-paragraph 10.5 of this Regulation, to the Register institution when the decision thereof has become non-contested or the relevant judgement of the court has come into effect.

12. The construction merchant shall, once a year by 30 April, submit to the Register institution an annual information submission (Annex 2).

13. The Register institution shall, within 20 working days after receipt of the submission abovementioned in Paragraph 12 of this Regulation in paper form or within 10 working days if the submission has been received electronically and signed with a secure electronic signature, include in the Register the information indicated in the submission.

14. The construction merchant shall within 10 working days after introducing the changes, inform the Register institution thereof, by filing in a submission regarding changes in data (Annex 3), if:

14.1. a commercial merchant has terminated or established employment legal relations with a construction specialist;

14.2. a member of the board of the merchant has started or terminated to perform the duties of a construction specialist;

14.3. other information regarding construction specialists indicated in the Register has changed;

14.4. contact information of the construction merchant has changed.

15. Sub-paragraph 5.2 of this Regulation shall apply to each specialist employed by the construction merchant.

16. The Register institution shall, within 10 working days after receipt of the submission referred to in Paragraph 14 of this Regulation in paper form or within five working days if the submission has been received electronically and signed with a secure electronic signature, include in the Register the information indicated in the submission or take a decision to refusal to include the information in the Register, should the construction specialist indicated by the commercial merchant fail to comply with the requirements abovementioned in Paragraph 5 of this Regulation.

17. The Register institution shall have the right to verify the compliance of the data indicated in the Register with the data indicated in other State information systems. If the Register institution determines a non-compliance of data, it shall make changes in the Register or exclude the construction merchant from the Register in compliance with Sub-paragraph 22.1 or 22.3 of this Regulation.

IV. Suspension of the Activity of a Construction Merchant and Exclusion Thereof from the Register

18. The Register institution shall suspend registration of a construction merchant for a period of time of up to six months, if the relevant submission has been received from the construction merchant. During this period of time the construction merchant is not entitled to perform commercial activity in the field of architecture or construction in which a construction specialist is required.

19. A construction merchant shall be entitled to the suspension of registration for not more than once during 12 months.

20. In order to restore registration of a construction merchant, the construction merchant shall, by the end of the term laid down in Paragraph 18 of this Regulation, lodge a submission to the Register institution regarding changes of data in the Construction Merchant Register (Annex 3).

21. If according to the decision made by the State Revenue Service economic activity of a construction merchant has been suspended, registration of the construction merchant in the Register shall be suspended until the Enterprise Register has made a record regarding renewal of economic activity.

22. The construction merchant shall be excluded from the Register, if:

22.1. the Register institution determines that the construction merchant does not comply with the requirements abovementioned in Paragraph 5 of this Regulation anymore;

22.2. the construction merchant has not submitted annual information by the date laid down in this Regulation;

22.3. the construction merchant during a period of six months repeatedly has failed to submit the information within the term laid down in Paragraph 14 of this Regulation regarding removal of a construction specialist or a board member indicated in the Register from the position of a construction specialist;

22.4. the construction merchant has provided false data to the Register institution;

22.5. a submission has been received from the construction merchant regarding exclusion from the Register;

22.6. a submission has been received from the construction merchant regarding termination of employment legal relations with the only construction specialist;

22.7. a submission has been received from the construction merchant regarding removal of the board member who is the only construction specialist, from the execution of these duties;

22.8. the construction merchant has been excluded from the Commercial Register.

23. The Register institution shall take a decision to exclude the construction merchant from the Register within a month from the day when the occurrence of the facts abovementioned in Sub-paragraphs 22.1, 22.2, 22.3, 22.4, 22.5, 22.6 or 22.7 of this Regulation has become known to the Register institution.

24. The construction merchant shall be excluded from the Register, by making an automatic mark, after receipt of the data abovementioned in Sub-paragraph 22.8 of this Regulation from the Enterprise Register in the construction information system.

25. Decisions of the Register institution may be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

26. A merchant who has been excluded from the Register may be re-registered. Re-registration of the merchant shall be performed in accordance with the procedures laid down in this Regulation.

V. State Fee for the Registration Activities in the Register

27. The amount of the State fee for registration activities in the Register shall be the following:

27.1. for registration of a merchant in the Register – 70 euro;

27.2. for re-registration of the merchant in the Register:

27.2.1. if the merchant has been excluded from the Register in accordance with Sub-paragraph 22.1, 22.2, 22.3 or 22.4 of this Regulation – 355 euro;

27.2.2. if the merchant has been excluded from the Register in accordance with Sub-paragraph 22.5, 22.6 or 22.7 of this Regulation – 70 euro.

28. The State fee shall be paid through a payment institution which has the right to provide payment services within the meaning of the Law On Payment Services and Electronic Money prior to performance of the activities abovementioned in Paragraph 27 of this Regulation, or through the State Information System Integrator Authentication Module managed by the State Regional Development Agency.

29. If the Register institution takes a decision to refuse to register a merchant, the State fee shall not be compensated.

30. The State fee shall be paid into the State basic budget.

31. The paid State fee shall be compensated in full amount, if the submitter is not a merchant and may not apply for registration in the Register, or the fee has been paid for the registration activities that are not the object of the State fee, or the merchant is already registered with the Construction Merchant Register, or the merchant has withdrawn its submission for registration. If the State fee paid is larger than it is provided for in Paragraph 27 of this Regulation, the part that exceeds the amount of the State fee shall be compensated to the submitter.

VI. Final Provisions

32. The construction merchant shall lodge the submission with annual information (Annex 2) abovementioned in Paragraph 12 of this Regulation for the year 2013 by the date indicated in the decision to register a merchant, and the volume of construction services shall be indicated in lats.

33. This Regulation shall come into force on 1 October 2014.

[29 April 2014]

Prime Minister

Laimdota Straujuma

Minister for Economics

Vjačeslavs Dombrovskis

Submission for Registration of a Merchant in the Construction Merchant Register

1. The type and name (firm name) of the merchant

2. Registration number assigned by the Enterprise Register of the Republic of Latvia

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3. Information regarding a foreign merchant

Country of domicile of the foreign merchant	Registration number in the country of domicile	The name of the foreign register	Date of foundation	Foreign legal address	Registration code for permanent representation of a non-resident granted by the Enterprise Register or the State Revenue Service of the Republic of Latvia

4. Contact information (the part to be published)

Actual address of the merchant (if different from the legal address)	Phone number	E-mail address	Website address

5. Contact information for correspondence with the Construction Merchant Register institution

Phone number	E-mail address

6. Construction specialists

Given name, surname	Certificate number	Employment contract ¹			Date of commencement of the performance of the duties of a construction specialist
		number	date	time period (if entered into temporarily)	

Note.

¹ Data of the employment contract need not to be completed if the individual merchant is a construction specialist or if a construction specialist is in the composition of the board.

7. Field of certification or speciality and sphere of activity where the construction specialist is employed²

Given name, surname	Field of certification (shall be indicated if the certificate of the construction specialist has been granted before 1 October 2014)	Speciality and sphere of activity (shall be indicated if the certificate of the construction specialist has been granted after 1 October 2014)	Signature of the construction specialist ³

Notes.

² If the construction merchant fails to specify the field of certification or sphere of activity in which it employs a construction specialist, then all fields of certification that have been included in the construction practice or architect practice certificate or spheres of activity included in the annex to the certificate of the construction specialist, shall be indicated in the Construction Merchant Register.

³ Shall not be completed, if the electronic document has been prepared in compliance with the laws and regulations regarding the drawing up of electronic documents.

8. State Fee

Payer's given name, surname or firm name	Revenue account number of the State basic budget	Date of payment	Amount of payment	Payment identification number

I confirm that the information provided is true, and I am aware that in case of provision of false information I will be excluded from the Construction Merchant Register in compliance with Sub-paragraph ____ of Cabinet Regulation No.116 of 25 February 2014, Regulations Regarding the Registration of Construction Merchants, and may be subject to liability laid down in the laws and regulations.

I agree to the processing of the submitted information, including personal data, and publication thereof in the Construction Merchant Register in compliance with Cabinet Regulation No. 116 of 25 February 2014, Regulations for the Registration of Construction Merchants.

Person who is entitled to represent the merchant

(position, given name, surname)

Signature³

Date

(day)

(month)

(year)

Minister for Economics

Vjačeslavs Dombrovskis

Submission for the Inclusion of Information in the Construction Merchant Register regarding the Operation of the Construction Merchant and the Average Number of Persons Employed in Construction for (year) 20_

1. Type and name (firm name) of the merchant _____

2. Registration number granted by the Enterprise Register of the Republic of Latvia or by the country of domicile

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3. Data characterising the commercial activity in construction for the previous calendar year (amount shall be specified excluding the value added tax)

3.1. total amount of the provided construction services, EUR _____

Design (including engineering research) EUR _____		Construction works (including construction supervision, construction expert-examination) EUR _____	
In the Republic of Latvia	Outside the Republic of Latvia	In the Republic of Latvia	Outside the Republic of Latvia
<i>euro</i>	<i>euro</i>	<i>euro</i>	<i>euro</i>

3.2. the amount of construction services provided by own workforces (without subcontractors), EUR _____

Design (including engineering research) EUR _____		Construction works (including construction supervision, construction expert-examination) EUR _____	
In the Republic of Latvia	Outside the Republic of Latvia	In the Republic of Latvia	Outside the Republic of Latvia
<i>euro</i>	<i>euro</i>	<i>euro</i>	<i>euro</i>

4. Average number of persons employed in construction _____

In design (including engineering research) _____		In construction works (including construction supervision, construction expert-examination) _____	
In the Republic of Latvia	Outside the Republic of Latvia	In the Republic of Latvia	Outside the Republic of Latvia

5. Changes in the contact information (the part to be published):

Actual address of the merchant (if different from the legal address)	Phone number	E-mail address	Website address

6. Changes to the contact information for correspondence with the Construction Merchant Registration institution:

Phone number	E-mail address

I confirm that the information provided is true, and I am aware that in case of provision of false information I will be excluded from the Construction Merchant Register in compliance with Sub-paragraph ____ of Cabinet Regulation No. 116 of 25 February 2014, Regulations Regarding the Registration of Construction Merchants, and may be subject to liability laid down in the laws and regulations.

I agree to the processing of the submitted information, including personal data, and publication thereof in the Construction Merchant Register in compliance with Cabinet Regulation No. 116 of 25 February 2014, Regulations Regarding the Registration of Construction Merchants.

Person who is entitled to represent the merchant

(position, given name, surname)

Signature¹

Date

(day)

(month)

(year)

Note.

¹Shall not be completed, if the electronic document has been prepared in compliance with the laws and regulations regarding the drawing up of electronic documents.

Minister for Economics

Vjačeslavs Dombrovskis

Submission Regarding Changes in Data in the Construction Merchant Register

1. Type and name (firm name) of the merchant

2. Registration number of the construction merchant

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3. Changes to the contact information (the part to be published)

Actual address of the merchant (if different from the legal address)	Phone number	E-mail address	Website address

4. Changes to the contact information for correspondence with the Construction Merchant Registration institution

Phone number	E-mail address

5. Information regarding construction specialists with whom employment legal relations have been established

5.1. construction specialists

Given name, surname	Certificate number	Employment contract ¹			Date of commencement of the performance of the duties of a construction specialist
		number	date	time period (if entered into temporarily)	

Note.

¹ Data of the employment contract need not to be completed if the individual merchant is a construction specialist or if a construction specialist is in the composition of the board.

5.2. field of certification or speciality and sphere of activity, where the construction specialist is employed²

Given name, surname	Field of certification (shall be indicated if the	Speciality and sphere of activity (shall be	Signature of the construction

	certificate of the construction specialist has been granted before 1 October 2014)	indicated if the certificate of the construction specialist has been granted after 1 October 2014)	specialist ³

Notes.

² If the construction merchant fails to specify the field of certification or sphere of activity in which it employs a construction specialist, then all fields of certification that have been included in the construction practice or architect practice certificate or spheres of activity included in the annex to the certificate of the construction specialist, shall be indicated in the Construction Merchant Register.

³ Shall not be completed, if the electronic document has been prepared in compliance with the laws and regulations regarding the drawing up of electronic documents.

6. Information regarding construction specialists who have terminated their employment legal relations or terminated execution of their duties of a construction specialist⁴

Given name, surname	Certificate number	Date of termination of employment legal relations	Date of termination of execution of the duties of a construction specialist

Note.

⁴ If the employment legal relations with the only construction specialist have been terminated or the construction specialist is removed from the execution of duties of the construction specialist, the construction merchant shall be excluded from the Construction Merchant Register, or registration of construction merchant shall be suspended if Paragraph 8 of the submission has been completed.

7. Changes to the field of certification or speciality and sphere of activity of the construction specialists indicated in the Construction Merchant Register

Given name, surname	Certificate number	Field of certification (shall be indicated if the certificate of the construction specialist has been granted before 1 October 2014)	Speciality and sphere of activity (shall be indicated if the certificate of the construction specialist has been granted after 1 October 2014)	The date of the commencement of the performance of the duties	The date of the completion of the performance of the duties	Signature of the construction specialist ³ (if a field or sphere is added)

8. Suspension or renewal of the registration of a construction merchant

SUSPEND⁵ registration till (day) (month) (year)

RESTORE registration

Note.

⁵A construction merchant is entitled to the suspension of the registration for not more than once during 12 months. During the period of time of suspension of the registration the construction merchant is not entitled to perform commercial activity in the field of architecture or construction in which a construction specialist is required.

I confirm that the information provided is true, and I am aware that in case of provision of false information I will be excluded from the Construction Merchant Register in compliance with Sub-paragraph ____ of Cabinet Regulation No.116 of 25 February 2014, Regulations Regarding the Registration of Construction Merchants, and may be subject to liability laid down in the laws and regulations.

I agree to the processing of the submitted information, including personal data, and publication thereof in the Construction Merchant Register in compliance with Cabinet Regulation No. 116 of 25 February 2014, Regulations Regarding the Registration of Construction Merchants.

Person who is entitled to represent the merchant

(position, given name, surname)

Signature³

Date

(day)

(month)

(year)

Minister for Economics

Vjačeslavs Dombrovskis