

LATVIAN COLLEGIUM OF SWORN ADVOCATES

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APPROVED BY
decision No. 194 of the Latvian Council of Sworn Advocates
of 7 November 2017
(Minutes No. 15)

with amendments approved
by decision No. 24 of the Latvian Council of Sworn Advocates
of 5 February 2019 (Minutes No. 2)
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decision No. 143 of 12 July 2022 (Minutes No.9)

Latvian Collegium of Sworn Advocates Supervision and Control Commission

REGULATION (as amended on 12.07.2022.)

1. General Provisions

1.1. The Supervision and Control Commission of the Latvian Collegium of Sworn Advocates (hereinafter referred to as the Commission) is established as a permanent commission with the obligations and rights of a training, supervisory, control, representative and decision-making body on the delegation of the Latvian Council of Sworn Advocates (hereinafter referred to as the Council) admitting attorneys at law thereto. The delegation refers to the obligations and rights of the Council as a supervisory and control body in accordance with the international law, the laws and regulations of the Republic of Latvia and internal regulations of the Latvian Collegium of Sworn Advocates *on the prevention of money laundering, terrorism and proliferation financing* and in accordance with the *Law On International Sanctions and National Sanctions of the Republic of Latvia* (hereinafter all laws and regulations referred to as the Law) and is granted by this Regulation (hereinafter referred to as the Regulation) or by the Council's decision. The Council has the right at any time to make any decision on the Commission's activities, the composition of the Commission and the Regulation.

1.2. The number of members and the personnel of the Commission shall be approved by the Council. One of the Commission members shall serve as the chair of the Commission and two other members – the deputy chairs of the Commission.

1.3. The Council by its decision approves the Regulation of the Commission and the Amendments to the Regulation, and appoints Commission members for 3 (three) years, including the chair of the Commission and deputy chairs of the Commission, in accordance with the special requirements and provisions of the internal regulations of the Latvian Collegium of Sworn Advocates.

1.4. If any Commission member, other than the chair of the Commission and deputy chairs of the Commission, leaves office before the term is over, the Commission continues operations with the reduced number of members until the next composition of the Commission is approved. The Council, either independently, or on the proposal of the chair of the Commission or a deputy chair (clause 2.1 of the Regulation), can make a decision on changes in the composition of the Commission.

1.5. If the chair of the Commission or a deputy chair of the Commission leaves office before the term is over, the Council appoints from among the Commission members a new chair of the Commission or a deputy chair of the Commission.

2. Organization of the Commission's activities

2.1. The chair of the Commission manages and organizes the Commission's activities by adopting oral and written decisions. In absence of the chair of the Commission, the chair of the Commission on a parity basis appoints a deputy who will have all obligations and rights of the chair of the Commission specified in the Regulation.

2.2. The Commission makes decisions at the Commission meetings in person or remotely, as well as by voting by notice.

2.3. The chair of the Commission, or a deputy chair (clause 2.1 of the Regulation), or a responsible person instructed by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation) notifies of the time, place and agenda of the Commission meeting by sending (for regular meetings – at least five business days before the meeting, for extraordinary meetings – at least one business day before the meeting) an email message to email addresses of all Commission members and the persons invited to attend the meeting.

2.4. The chair of the Commission or a deputy chair (clause 2.1 of the Regulation) presides at the Commission meetings, the minutes are taken by a minute-taker appointed by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation).

2.5. The Commission is competent, if no less than one-third of the total number of the Commission members participates in the Commission meeting, including the chair of the Commission or a deputy chair (clause 2.1 of the Regulations).

2.6. The Commission adopts decisions by show of hands by a simple majority of votes of the present voting Commission members. In case of equal division of votes, the chair of

the Commission has a casting vote, and in his absence, a casting vote shall be the vote of the deputy chair of the Commission (clause 2.1 of the Regulation).

2.7. Decisions adopted by the Commission come into force on the date following the adoption of a relevant decision, unless another procedure of taking effect is provided for in the decision.

2.8. The chair of the Commission or a deputy chair (clause 2.1 of the Regulation) notifies of adoption of the Commission's decisions by voting by notice via email, which is respectively specified in the minutes of the Commission. The chair of the Commission or a deputy chair (clause 2.1 of the Regulation), or a responsible person instructed by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation) sends draft decisions to the Commission members by email and specifies the deadline for replies and the email address. A decision shall be adopted if the majority of the presenting Commission members vote for it. In case of equal division of votes, the chair of the Commission has a casting vote, and in his absence, a casting vote shall be the vote of the deputy chair of the Commission (clause 2.1 of the Regulation). Information on the adopted decision shall be sent to email addresses of all Commission members.

3. Commission's documents

3.1. Minutes shall be kept on adoption of the Commission's decisions at the meetings and by voting by notice.

3.2. A minute-taker appointed by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation) prepares minutes with the Commission's decisions, which shall be signed by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation), and the minute-taker.

3.3. The Commission's documents are held by the Council. All Commission's documents, including all minutes and decisions of the Commission meetings, decisions of the chair of the Commission or a deputy chair (clause 2.1 of the Regulation), inspection file protocols, any correspondence, including emails and materials obtained during inspections are **RESTRICTED ACCESS INFORMATION** bearing the relevant note on the Commission's documents.

4. The Commission's Competence

4.1. The Commission carries out and provides training, supervision and control of attorneys at law and assistants to attorneys at law (hereinafter referred to as the Legal Entities) within the competence and delegation specified in the Regulation and the Council's decisions, including making decisions related to the Council as a supervisory and control body in accordance with the international law, the laws and regulations of the Republic of Latvia and internal regulations of the Latvian Collegium of Sworn Advocates *on the prevention of money laundering, terrorism and proliferation financing* and in accordance with the *Law On International Sanctions and National Sanctions of the*

Republic of Latvia, and, within this competence, provides representation of the Council in state and local government bodies, institutions and organizations, including international organizations (hereinafter referred to as the Commission's competence).

4.2. Within the Commission's competence with regard to the Subject of the Law, in the process of execution of the scope of competence, the Commission has the right:

- 4.2.1. to carry out and provide training;
- 4.2.2. to develop special modules for operation in electronic environment;
- 4.2.3. to supervise and control, as well as to adopt decisions with regard to the Subjects of the Law in the process of supervision and control;
- 4.2.4. to provide representation of the Council in state and local government bodies, institutions and organizations, including international organizations, as well as working groups, councils and others;
- 4.2.5. to attract specialists and experts, and make decisions on use of additional premises and technical facilities.

4.3. The Commission carries out and provides training in a systematic manner, coordinating the Commission's proposals with the Council, or on the basis of the Council's decision.

4.4. The Commission provides development and implementation of special modules for operation in electronic environment, coordinating the Commission's proposals with the Council.

4.5. The Commission is supervising and controlling the Subjects of the Law, on the basis of a decision of the Council, the Commission, the chair of the Commission or a deputy chair (clause 2.1 of the Regulation), setting up inspection teams from among the members of the Commission (hereinafter referred to as the Inspection Team) as follows:

- 4.5.1. The Inspection Team shall consist of not less than 3 (three) members of the Commission (hereinafter referred to as the Members of the Inspection Team) who shall draw up and sign an inspection protocol on the inspection carried out, as well as take a decision on the inspection file.
- 4.5.2. All the members of the Inspection Team and the chair of the Commission or one of the deputy chairs shall take part in the adoption of the Inspection Team's decision in the inspection file. The decision of the Inspection Team shall have the force of a decision of the Commission. Decisions of the Inspection Team shall be taken by simple majority, if the votes are divided equally, the vote of the chair of the Commission is decisive, and in his absence, the vote of the deputy chair of the Commission (clause 2.1 of the Regulations).
- 4.5.3. Inspection Team performs scheduled off-site and on-site inspections, as well as unscheduled off-site and on-site inspections informing the Council about the results of the inspection.
- 4.5.4. Upon inspection of the Subject of the Law, the Inspection Team makes one of the following decisions:
 - 4.5.4.1. finds that there are no inconsistencies with the Law and no violation of the Law in the records of the Subject of the Law;

4.5.4.2. finds that there are inconsistencies with the Law or violation of the Law in the records or activities of the Subject of the Law and adopts a decision setting the term for the Subject of the Law to eliminate the inconsistencies or the violation – 10 (ten) days after the decision has been sent. If the Subject of the Law does not agree with the above-mentioned decision of the Inspection Team, the Subject of the Law has the right to submit reasoned objections to the Council within the term for elimination of the inconsistencies or the violation.

4.5.4.3. finds that there are inconsistencies with the Law or violation of the Law in the records or activities of the Subject of the Law and makes a decision to propose that the Council initiate a disciplinary case against the Subject of the Law. The Subject of the Law is obliged to submit to the Council reasoned explanations regarding the above-mentioned decision of the Inspection Team within 10 (ten) days after the decision of the Inspection Team has been sent.

4.5.5. The chair of the Commission or a deputy chair (clause 2.1 of the Regulation) informs the Council about the results of the inspection of the Subject of the Law and, where necessary, about inconsistencies with the Law or violation of the Law before completion of the inspection. On the basis of the received information, irrespectively of the Inspection's Group decision, the Council may decide either to initiate a disciplinary case against the Subject of the Law, or to explain the incorrect nature of the actions to the Subject of the Law without initiating a disciplinary case, or to refer the issue for consideration to the Ethics Commission of the Latvian Council of Sworn Advocates.

4.6. The Commission provides representation of the Council in state and local government bodies, institutions and organizations, including international organizations, as well as working groups, councils and others in accordance with the procedure set by the chair of the Commission or a deputy chair (clause 2.1 of the Regulation) and approved by the Council.

4.7. The Commission independently makes decisions on attraction of specialists and experts, and on use of additional premises and technical facilities in the process of execution of the scope of the Commission's competence, but if such decisions are related to usage of budget funds allocated by the Council – with approval of the Council.

4.8. The Commission, the Commission members and the Inspection Team members have the right to request written explanations, information, documents, to invite advocates, other parties, and experts to the Commission or the Inspection Teams meetings to provide information, explanations and proposals necessary to the inspection process.

5. Other Provisions

5.1. The Regulation takes effect as of the date of approval by the Council.

5.2. The rights and obligations of the Commission members shall be effective as of the date of approval of the Commission members by the Council.

President of the Latvian Council of Sworn Advocates

Jānis Rozenbergs