Comments on the Report on the Free Movement of Workers in Latvia in 2007

Report on the Free Movement of Workers in Latvia in 2007	Comments
Introduction (page 5) *Text(s) in force* In December 2006 the unemployment rate was 6.2%, while in December 2007 it was only 5.2%[1] [1] State Employment Agency, Nodarbinātības valsts aģentūra, www.nvo.gov.lv	Comments of the State Employment Agency of Latvia: Registered unemployment rate (data collected in the State Employment Agency of Latvia) in Latvia in December 2006 was 6.5%. Registered unemployment rate (data collected in the State Employment Agency of Latvia) in Latvia in December 2007 was 4.9%. The official website of the State Employment Agency of Latvia is www.nva.gov.lv
Introduction (page 5) *Text(s) in force* In 2007, construction was the sector with the most migrant workers (1,865 work permits were issued).	Comments of the State Employment Agency of Latvia: Construction sector in Latvia was indeed the one where most work invitations were issued. The number 1,865 refers to work invitations (not work permits) issued in construction sector for labour force from the third countries.
Introduction (page 5) *Text(s) in force* However, one considerable obstacle that has emerged is that income tax in Latvia is 25%, while in Ireland it is just 20%. This means that Latvians who have official residence in Latvia but work in Ireland must pay the 5% difference in income tax on their return. […] This issue seems to be a considerable impediment for Latvians in Ireland to return to Latvia from both financial and loyalty perspectives	Comments of the Ministry of Finance: Irish tax laws provide for progressive personal income taxation, namely, income up to EUR 35,400 derived by single individuals is taxed at the rate of 20 percent whereas income exceeding EUR 35,400 is taxed at the rate of 41 percent. In addition to different tax rate structure, Irish and Latvian tax laws considerably differ in regard to untaxed minimum amount, other personal allowances and deductions. According to Latvian laws individuals - residents of Latvia working in Ireland are taxed in Latvia on world-wide basis and double taxation in Latvia is eliminated by providing ordinary tax credit for the tax paid in Ireland. Latvian method for elimination double taxation seeks tax neutrality between individuals deriving domestic source and foreign source income, i.e., residents of Latvia working abroad are subject to the same tax burden as residents of Latvia working in Latvia. Consequently, the statement of the report that residents of Latvia after returning to Latvia are liable to 5% tax refund is incomplete. Namely, individuals - residents of Latvia deriving income from Ireland are liable to pay in Latvia, if any, difference between Latvian tax on their worldwide income and Irish tax on the income derived in Ireland which is calculated by taking into account different tax base and tax rates in Latvia and Ireland.

	Finally, it should be mentioned that the rate of personal income tax has been reduced to 23% as from January 1, 2009. Furthermore, we would like to point out to the research carried out by the Strategic Committee of Analysis of the President of Latvia on emigration of Latvians to Ireland (referred to in 4th footnote of the report) which enumerates the most important factors that encourage emigration from Latvia to Ireland, such as unemployment, difference in wage and welfare level, discriminatory treatment of employees, perception of the Western countries in combination with other social and personal factors. Against this background, we would like to clarify that larger tax burden resulting from differences of Irish and Latvian personal income tax base and tax rate is only one of numerous factors that might discourage Latvians working in Ireland from returning to Latvia.
Chapter I Entry, Residence, Departure Permanent residence (page 8) *Text(s) in force* has resided in Latvia for more than two years and has stopped working as a result of permanent incapacity for work;	Comments of the Ministry of Welfare of the Republic of Latvia: To define more exactly, look below more precise definition. Has continuously resided in the Republic of Latvia for longer than two years and terminated employment in the Republic of Latvia due to irreversible incapacity to work. If such incapacity to work has resulted due to an accident occurring at work or occupational illness, for which a person has the right to receive a benefit in the Republic of Latvia, the conditions regarding the length of residence shall not be applicable.
Chapter I Entry, Residence, Departure Permanent residence (page 8)	Comments of Ministry of the Interior of the Republic of Latvia: Page 8 - there is a reference to Article 24 of the Immigration Law in compliance with which the author concludes that Union Citizen must pass an official language test to obtain a permanent residence permit in Latvia. However, this conclusion is incorrect. In accordance to Article 24 (5) of the above mentioned law Union Citizens and their family members are not mentioned among specified categories of foreigners who are obliged to pass the official language test to obtain a permanent residence permit. Moreover, Union Citizens or their family members do not justify their permanent residence permits with Article 24 of the Immigration Law.
Chapter I Entry, Residence, Departure Judicial practice	Comments of Ministry of the Interior of the Republic of Latvia: Page 12 – the author has mentioned the Administrative District Court case about children

(page 12-13)	passports. Reference to this case is indelicate for two reasons. First of all, the author is self-interested in this case because she is representative of the claimant in the court. Second, proceedings in this case are not concluded yet.
Chapter I Entry, Residence, Departure Draft legislation, circulars', etc. (page 12)	Comments of Ministry of the Interior of the Republic of Latvia: Page 12 – there is a reference to the draft law on the regulation of the entry and residence in the Republic of Latvia of Citizens of European Union and their family members; however such draft law is not drafted yet. That is the reason why it is incorrect to declare that in the draft law new approaches and attitudes in comparison with Republic of Latvia Cabinet Regulation No. 586 „Procedures for the Entry into and Residence in the Republic of Latvia of Citizens of European Union Member States, European Economic Area States and the Swiss Confederation, and their Family Members" (adopted July 18, 2006) are not included.
Chapter I Entry, Residence, Departure Retrogressive effect of implementation of directive 2004/38 (page 12)	Comments of Ministry of the Interior of the Republic of Latvia: Page 12 – there is a reference to the Republic of Latvia Cabinet Regulation No. 592 „Regulations regarding the Minimum Monthly Salary and the Minimum Hourly Wage Rate" where the minimum monthly salary is stated to be 160 LVL. However, this amount confirms with the minimum monthly salary in 2008. Yet the report concerns the year 2007, so it would be more precise to refer to the Republic of Latvia Cabinet Regulation No. 858 „Regulations regarding the Minimum Monthly Salary and the Minimum Hourly Wage Rate" where the minimum monthly salary is set to be 120 LVL in 2007.
Chapter II Access to employment Equal treatment in access to employment (page 14) According to Article 3 of the *Law on the Support to Unemployed and Jobseeker*, job – seekers and unemployed persons have rights to vocational training, retraining and enhancement of their professional qualifications, involvement in temporary work and in activities for special groups of persons, and for taking up entrepreneurship or self- employed activities	Comments of the State Employment Agency of Latvia: The *Support for Unemployed Persons and Persons Seeking Employment Law* determines the active employment measures and preventative measures for unemployment reduction intended for unemployed persons, persons seeking employment and persons subject to the risk of unemployment. There are several other measures (provided to the abovementioned groups of people) that are not mentioned in the report (please see the text in bold). In accordance with Article 3 of the Law, active employment measures provided are: 1) occupational training, retraining and raising of qualifications; 2) paid temporary works; 3) measures to increase competitiveness; 4) measures for specified groups of persons;

	5) measures to facilitate start-up of commercial activities and self-employment; 6) work practice in the workplace; 7) training with an employer; 8) complex support measures.
Chapter II Access to employment 3.Recognition of diplomas (including the academic diplomas), any initiatives to transpose the Directive 2005/36/EC (page15-17)	Comments of the Ministry of Education and Science of the Republic of Latvia: The title of Section 3 mentions recognition of both professional and academic diplomas, but only the procedures for recognising professional diplomas is described. Section 11.1 of the *Education Law* about the Recognition in Latvia of Education Document Certificates Issued by Foreign States states the following: (1) Expert-examination of education documents issued abroad, as well as certifying documents in regard to academic degrees conferred abroad, shall be carried out on the basis of an application by the holder of the education document or of the certifying documents in regard to the academic degrees, by the relevant educational institutions, State institutions, employers or professional organisations. The Academic Information Centre shall carry out expert-examination of education documents issued abroad, as well as of attesting documents in regard to academic degrees conferred abroad. (2) As a result of the expert-examination of the submitted documents, it shall be determined: 1) which education document issued in Latvia, or which academic degree conferred in Latvia, is equivalent to the education document issued abroad, or to the attesting document in regard to the academic degree conferred abroad, or which education document issued in Latvia, or which academic degree conferred in Latvia, may be considered as equivalent to such; or 2) what additional conditions must be fulfilled in order that the education document issued abroad, or the certifying document in regard to the academic degree conferred abroad, may be considered as equivalent to an education document issued in Latvia or an academic degree conferred in Latvia if the education document issued or the academic degree conferred abroad does not conform to the requirements of any education document issued in Latvia or to any academic degree conferred in Latvia. (3) As a result of the expert-examination of documents, the person submitting the application shall be given a notice in regard to which education document issued in Latvia, or which academic degree conferred in Latvia, is equivalent, or may be regarded as equivalent, to the education document issued abroad, or to the academic degree conferred abroad. (4) A decision regarding the recognition of an education document shall be taken, on the

	basis of a statement issued by the Academic Information Centre, by: 1) in respect of continuation of studies – the institution of higher education in which the holder of the education document wishes to continue the studies. The institution of higher education may carry out an additional expert-examination and set additional requirements; 2) in respect of hiring employees in professions in which the professional activity, or the education required for it, is not regulated by laws or in other regulatory enactments, - the employer; 3) in respect of practising professional activity in professions in which the professional activities, or the education required for it, is regulated by laws, as well as in other regulatory enactments - the institutions specified in such laws and other regulatory enactments; and 4) in respect of continuation of basic or secondary educational level – the Ministry of Education and Science. (5) The Academic Information Centre is an institution established by the Ministry of Education and Science, which carries out expert-examination of education documents issued abroad and documents attesting to academic degrees conferred abroad, and other functions related to recognition of education certificates and international information exchange.
Chapter II. Access to employment 3. Recognition of diplomas (including the academic diplomas), any initiatives to transpose the Directive 2005/36/EC (page15) *Text(s) in force* The Law provides a list of the regulated professions, and according to Article 6 of the Law the Cabinet of Ministers issues regulations listing sub-professions of the regulated professions.	<u>Comments of the Ministry of Education and Science of the Republic of Latvia</u>: The Law provides a list of the regulated professions and according to Article 6 of the Law the Cabinet of Ministers issues regulations listing specialities, sub-specialities and additional specialities of the regulated professions
Chapter II. Access to employment 3. Recognition of diplomas (including the academic diplomas), any initiatives to transpose the Directive 2005/36/EC (page15) *Text(s) in force* According to the Law, the Cabinet of Ministers is delegated	<u>Comments of the Ministry of Education and Science of the Republic of Latvia</u>: The Report mentions only the competence of the Cabinet of Ministers stated in the Section 6 of the *Law on Regulated Professions and Recognition of Professional Qualifications*, but Section 36 lists more competences: 1) additional requirements shall be stated for the recognition of the professional qualification in the regulated professions obtained in foreign countries, including the

legislative power to issue regulations providing recognition procedures and related matters.	nationals of the EU Member States, whose education and professional qualification partly comply with the requirements for the profession in question stated in the Republic of Latvia. 2) the duration and mode of professional experience in the professional qualification recognition obtained in foreign countries shall be stated on the basis of the applicant's professional experience in the regulated profession included in the fields of economic activities to which certain requirements as regards general or professional knowledge and skills are required; 3) appoint information institutions and institutions which issue certificates on recognition of professional qualifications; 4) certify samples of documents for recognition of professional qualifications and issuance of certificates for recognition on professional qualifications . 5) determines a list of documents certifying a doctor's, midwife's, dentist's, pharmacist's, veterinary surgeon's and an architect's education and professional qualification obtained in a foreign country that is recognized by applying a special professional qualification recognition system; 6) confirms a list of competent institutions in the EU Member States authorised to issue to the nationals of these countries the documents, certifying good reputation, no previous bankruptcy and the duration and mode of the applicant's professional experience in his state of origin required for the professional qualification recognition on the basis of the applicant's professional experience; 7) states a list of professional titles (qualifications) of advocates obtained in foreign countries that shall be recognized by applying a special recognition system; 8) states the procedure of examining the documents submitted by the applicant to informational institutions and institutions issuing professional qualification recognition certificates in the regulated professions; 9) states the contents to be included in the declaration for performing short term professional services in the Republic of Latvia in a regulated profession, the documents to be attached, the order of submitting the declaration and order of consideration and renewal and the regulated professions in the Republic of Latvia in which the performer of short term professional services is submitted to a qualification test and the order of performing such a test; 10) states the Professional Organizations of the Member States of the European Union and the European Free Trade Organization whose issued professional education and qualification documents are recognized in the Republic of Latvia.
Chapter II. Access to employment 3. Recognition of diplomas (including the academic diplomas),	Comments of the Ministry of Education and Science of the Republic of Latvia:

any initiatives to transpose the Directive 2005/36/EC (page16) *Text(s) in force* In addition, procedures on how recognition of diplomas should be carried out are envisaged by a number of other regulations of the Cabinet of Ministers	In year 2007 several (6) amendments were also made in the existing state regulations. Regulation No.219 "*On additional requirements for recognition of professional qualifications for foreigners, where education obtained abroad partially corresponds to the requirements of Latvia*" has lost validity since July 1, 2004. Additional requirements mentioned in this Regulation have been included in the Regulation No.397.
Chapter III Equality of Treatment on the Basis of Nationality Working conditions, social and tax advantages *Working conditions* (page18) *Text(s) in force* The Labour Law which provides for minimum standards of working condition for workers does not contain any express direct or indirect discriminatory provisions. Article 29 of the Labour Law provides for principle of non-discrimination, and it was introduced in order to implement non-discrimination directives ensuring equal treatment irrespective of sex, ethnic origin or race, age, disability, religion or belief and sexual orientation. Despite this, the list of discrimination grounds provided by that provision is not exhaustive and it does not explicitly name the prohibition of discrimination on the grounds of nationality. Although this is provided by Regulation No. 1612/68, which is directly applicable, taking into account the lack of knowledge about EU normative acts in Latvia, particular amendments to the Labour Law would make application of the principle of non-discrimination on the grounds of nationality more effective.	<u>Comments of the Ministry of Welfare of the Republic of Latvia:</u> Although the Labour Law does not contain any express direct or indirect discriminatory provisions nonetheless Paragraph 5 and 6 of Article 29 of the Labour law provides definition of direct and indirect discrimination. Direct discrimination exists if in comparable situations the treatment of a person in relation to his or her belonging to a specific gender is, was or may be less favourable than in respect of another person (Paragraph 5 of Article 29 of the Labour Law). Indirect discrimination exists if in comparable situations apparently neutral provisions, criterion or practice cause or may cause adverse consequences for persons belonging to one gender, except in cases where such provisions, criterion or practice is objectively substantiated with a legal purpose the achievement of which the selected means are appropriate (Paragraph 6 of Article 29 of the Labour law). As the Labour law provides definition of direct and indirect discrimination and taking into account that a Law can not cover all potential discrimination cases based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances, we consider that it is not necessary to limit these discrimination grounds, among them the provision of the prohibition of discrimination on the grounds of nationality. Therefore it is not necessary for particular amendments of the principle of non-discrimination on the grounds of nationality to the Labour law.
Chapter III Equality of Treatment on the Basis of Nationality Working conditions, social and tax advantages *Working conditions* (page18)	<u>Comments of the State labour Inspectorate of Latvia:</u> The provisions of The Labour Law (Section 29, Paragraph nine) state that differential treatment based on national origin, is prohibited. State Labour Inspection Authority has not received any complaints in 2007 relating to discrimination of workers - nationals of other

	Member States - on the basis of nationality. It does not suggest that migrant workers in Latvia experience particular difficulty in exercising their rights related to free movement. 3.A. Frontier workers Regardless of absence of residency clause in the Latvian Labour Law, workers who are employed in one Member State and residing in another (returning, at least, once a week), from the point of the current labour legislation in force do not face specific problems because of residence conditions. An EU national working in Latvia is treated in exactly the same way as his/her colleagues who are nationals of this state as regards working conditions (for example, pay, dismissal, access to training, etc.).
Chapter III Equality of Treatment on the Basis of Nationality Working conditions, social and tax advantages subsection *Social advantages*, paragraph 3 (page18)	<u>Comments of the Ministry of Welfare of the Republic of Latvia:</u> Referring to the information mentioned in the Chapter III, Section 1, subsection *Social advantages*, paragraph 3 We would like to clarify that in Latvia permanent residence; temporary residence permit or permanent residence permit is not a condition for those who are in scope of provisions of Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.
Chapter III Equality of Treatment on the Basis of Nationality Working conditions, social and tax advantages subsection *Social advantages*, paragraph 4 (page19)	<u>Comments of the Ministry of Health of the Republic of Latvia:</u> As described in Chapter III, Section 1, subsection *Social advantages*, paragraph 4, that pregnancy and maternity care is not provided to the family members of Unions Citizens on the same conditions to the spouses of Latvian citizens and non-citizens of Latvia who have residence permits, is not according to the Article 17 (1). Article 17 (1) of the Medical Treatment Law provides that the right to medical treatment paid by the state budget is enjoyed by every Union Citizen residing in Latvia for reasons of employment or self-employment and their family members. It means that pregnancy and maternity care is a part of medical treatment in Latvia.
Chapter III Equality of Treatment on the Basis of Nationality Working conditions, social and tax advantages subsection *Tax advantages* (page19)	<u>Comments of the Ministry of Finance of the Republic of Latvia:</u> In respect to the statement “However, the Law on Income Tax does not specify whether an employee is subject to income tax relief if his/her dependants are residing in another EU Member State.” we would like to clarify that:

	Article 12(2) and article 13(4) of the law "On Personal Income Tax" provide that the basic tax allowance (tax exempt minimum) and other tax reliefs (mentioned in article 13) are not applicable to non-residents with the exception to EU or EEA residents who earn more than 75% of their annual earnings in Latvia. All conditions that must be observed for applying tax relief of dependant persons are mentioned in article 13 and it does not matter where the dependant person's residence is.
Chapter III Equality of Treatment on the Basis of Nationality 3. Specific issues: Frontier workers (other than social security issues), Sportsmen / sportswomen, Maritime, Scientists, Artists *B. Sportsmen / sportswomen* (page 20)	<u>Comments of the Ministry of Education and Science of the Republic of Latvia</u>: The organization of governmental sports sector has met remarkable changes by end of 2008. The provision of effective sports institutional framework was one of priorities set by the Government of the Republic of Latvia in 2007. The sports organization system has been recognized as being in need of reform. In this context the Latvian Sports Administration, which was subordinating institution to the Ministry of Education and Science, was liquidated. Subsequent amendments to different legal acts were adopted in order to prescribe competences of sports organizations in the field of recognition of sports federations and awarding of monetary prizes for outstanding sports achievements. Sports Law states the leading role of the Ministry of Education and Science in the field of sports. In accordance with the *Sports Law* the Ministry of Education and Science shall implement State administrative functions in the sports sector by implementing a unified State policy and other functions and tasks specified in regulatory enactments. The Latvian National Sports Council is a public consultative institution which participates in the development of the State sports policy, facilitates sports development and co-operation in the field of sports, as well as the taking of decisions regarding matters related to sports. The reference of autonomy of sports federations has been included in the *Sports Law* stipulating that a sports federation has the right to manage and co-ordinate the work in the relevant type of sport or field of activities in the State, as well as to represent the State in the relevant international sports organisation if such organisation conforms to accordant criteria. *Footnote:* The recognition of Sports Federations is done in accordance with February 5, 2008, Regulations No.73 of the Cabinet of Ministers "*On the Criteria and Order of Recognition of Sport Federations*".
Chapter III Equality of Treatment on the Basis of Nationality	<u>Comments of the Ministry of Education and Science of the Republic of Latvia</u>:

3. Specific issues: Frontier workers (other than social security issues), Sportsmen / sportswomen, Maritime, Scientists, Artists *B. Sportsmen / sportswomen* *Ice hockey* (page 20)	Samsung Supreme League has been renamed to the Higher League of the Latvian Open Ice Hockey Championship in the season 2008/2009. Latvian Ice Hockey Federation (LIHF) has adopted new licensing regulations that have been concerted with the International Ice Hockey Federation. The new Regulation states that the following licensing fees apply: Licensing of a new player (LIHF) – 10 LVL Extending of a licence for the new season – 5 LVL Renewal of a lost license – 20 LVL Licensing of a foreign hockey player till the age of 15 – 150 LVL Licensing of a foreign hockey player age 16-18 – 250 LVL Licensing of a foreign hockey player from the age of 19 – 350 LVL Issue of an unlimited transition card for hockey players till age 11 – 5 LVL Issue of an unlimited transition card for hockey players age 12-16 – 20 LVL Issue of an unlimited transition card for hockey players age 17-18 – 50 LVL Issue of an unlimited transition card for hockey players from age 19 – 100 LVL Fee for LIHF club hockey players whose clubs have withdrawn from LIHF competitions – 25 LVL Issue of a limited transition card for hockey players amounts to 50 % of the fee for an unlimited transition card. The regulations for player transition are available at http://www.lhf.lv/lv/lhf/ - section "Documents".
Chapter III Equality of Treatment on the Basis of Nationality 3. Specific issues: Frontier workers (other than social security issues), Sportsmen / sportswomen, Maritime, Scientists, Artists *B. Sportsmen / sportswomen* *Football* (page 20)	Comments of the Ministry of Education and Science of the Republic of Latvia: For every foreign football player a club has to pay a fee of 300 LVL (till 5 foreign players), 500 LVL for the 6th, 800 LVL for the 7th and 1000 LVL if there are more than 7 foreign players.
Chapter III Equality of Treatment on the Basis of Nationality 3. Specific issues: Frontier workers (other than social security issues), Sportsmen / sportswomen, Maritime, Scientists, Artists *B. Sportsmen / sportswomen* *Basketball* (page 21)	Comments of the Ministry of Education and Science of the Republic of Latvia: The statement that nothing has changed in basketball regulations since 2006 is false. Since 2007 Estonian and Lithuanian citizens are treated as foreign players and all the restrictions concerning employment of foreign players also apply to them.

Text(s) in force Nothing has changed since 2006. (...)There are no limits for registering Estonian and Lithuanian citizens for the game.	
Chapter III Equality of Treatment on the Basis of Nationality Equality of Treatment on the Basis of Nationality 3. Specific issues: Frontier workers (other than social security issues), Sportsmen / sportswomen, Maritime, Scientists, Artists *B. Sportsmen / sportswomen* *Volleyball* (page 21)	Comments of the Ministry of Education and Science of the Republic of Latvia: To promote the development of volleyball, the interest of youth and a more stable volleyball club system since year 2007 Latvian Championship regulations also include a norm for the restrictions of the number of foreign players per team. This has improved results of the number of new and talented volleyball players participating in clubs and national team as well as the success of clubs and the national team in international tournaments. The International Volleyball Federation allows the national federations to regulate the number of foreign players taking into account the national team interests in the development of a countries' specific character of each sport. This season the International Volleyball Federation has developed new regulations for foreign player movement between clubs and now, upon receiving an official transfer from the International Volleyball Federation, an unlimited number of players can play in Latvian clubs.
Chapter V. Members of the Family Definition of a family member (page 27)	Comments of the Ministry of Health of the Republic of Latvia: As described in Chapter V, that pregnancy and maternity care is not provided to the family members of Unions Citizens on the same conditions to the spouses of Latvian citizens and non-citizens of Latvia who have residence permits, is not according to the Article 17 (1). Article 17 (1) of the Medical Treatment Law provides that the right to medical treatment paid by the state budget is enjoyed by every Union Citizen residing in Latvia for reasons of employment or self-employment and their family members. It means that pregnancy and maternity care is a part of medical treatment in Latvia.
Chapter V. Members of the Family Residence rights (page 28)	Comments of the Ministry of Interior of the Republic of Latvia: Page 28 – in the last paragraph there is mentioned point 32 of Regulation No. 586 „Procedures for the Entry into and Residence in the Republic of Latvia of Citizens of European Union Member States, European Economic Area States and the Swiss Confederation, and their Family Members". However, taking into account context of the last paragraph, there should be reference to the point 33, not point 32, which were described in the previous paragraph.

Chapter V. Members of the Family Children (page 29)	<u>Comments of the Ministry of Interior of the Republic of Latvia:</u> Page 29 – the author indicates that there are some problems with regard to the validity of the passports of children who are citizens of Latvia and less than five years old in compliance with Regulation No. 378 "Regulations on citizen identification cards, non-citizen identification cards, citizen passports, non-citizen passports and travel documents of stateless persons". However, the author does not mention that this Regulation is not valid since September 20, 2007.
Chapter V. Members of the Family Access to work (page 29) *Text(s) in force* On 21 June 2007 amendments were adopted to the *Law on the Support of Unemployed and Jobseekers*. Article 2 of the said law now provides that a family member of a Union citizen is entitled to all employment assistance and vocational training if he/she has a residence permit.	<u>Comments of the State Employment Agency of Latvia:</u> The *Support for Unemployed Persons and Persons Seeking Employment Law* determines that among the persons who have the right to receive the support specified in this Law are also family members of the citizens of the Member States of the European Union or a state of the European Economic Zone, or the Swiss Confederation. However, it is necessary to specify the permits necessary (please see the text in bold). The abovementioned persons have to have a European Union citizen family member residence permit or European Union citizen family member permanent residence permit in Latvia.
Chapter V. Members of the Family 2. Access to Education and study grants (page 30) *Text(s) in force* Article 83 of the Law on Institutions of Higher Education provides that persons without permanent residence permit may be admitted to institutions of higher education. Article 83(1)(5) provides that Union Citizens and their family members who are studying in Latvia enjoy the same rights with regard to education fees.	<u>Comments of the Ministry of Education and Science of the Republic of Latvia:</u> Article 45 of the Law on Institutions of Higher Education provides that each Latvian citizen and persons who have been issued a non-citizen passport of the Republic of Latvia, as well as persons who have been issued permanent residence permits, have the right to study in institutions of higher education and colleges. In order to study in institutions of higher education and colleges, a document attesting to secondary education shall be required. The rights of those aliens who have not been issued a permanent residence permit to study in Latvian institutions of higher education and colleges shall be regulated by Section 83 of this Law.
Chapter VI Relevance/Influence/Follow-up of Recent Court of Justice Judgements Section *C-212/05 Hartmann,* paragraph 1 (page 31)	<u>Comments of the Ministry of Welfare of the Republic of Latvia:</u> Referring to the information mentioned in the Chapter VI, Section *C-212/05 Hartmann,* paragraph 1: We would like to clarify that in Latvia permanent residence; temporary residence permit or

	permanent residence permit is not a condition for those who are in scope of provisions of Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.
Chapter VI Relevance/Influence/Follow-up of Recent Court of Justice Judgements *C-291/05 Eind* (page 32)	<u>Comments of the Ministry of Interior of the Republic of Latvia:</u> Page 32 – the author analyses the Court of Justice Judgment in *C-291/05 Eind* case and mentions that according to the wording of Article 23 of the Immigration Law adult children of a Latvian citizen or Latvian non-citizen do not have the right to residence permits. However, it should be indicated that in Article 23 (1) (12) of the Immigration Law it is stated that foreigners has the right to request a temporary residence permit in accordance with Articles 25, 26, 30 and 31 of the Immigration Law. Moreover, Article 31 of the Immigration Law determines foreigners, whose one of the parents is a citizen of Latvia, rights to receive a permanent residence permit.
Chapter IX Statistics (page 36)	<u>Comments of the Ministry of Interior of the Republic of Latvia:</u> In the Chapter IX "Statistics" data of EU citizens from other EU Member States working in Latvia is provided, however the source of this information is not mentioned, though there is a reference on the absence of data on the sectors and qualifications of these workers. In accordance with this Ministry of the Interior would like to inform that such information is generalized and available.